

# STATE LEGISLATIVE UPDATE

*February 4, 2022*

## 2022 INDIANA GENERAL ASSEMBLY WEEK 5 - HALF WAY POINT

### GENERAL INFORMATION

- We have reached the halfway point of the 2022 “short” legislative session. This past Monday and Tuesday were the deadlines for House and Senate bills to pass the first chamber and advance to the other side for consideration. The General Assembly has a brief recess before reconvening next week to begin what will be a swift second half of session. Pretty good timing given the weather the state has experienced this week! By statute, the 2022 session must end by March 14th. At this point, no dates have been floated but backroom chatter continues to indicate that it could be earlier than that.
- With 849 bills and 21 joint resolutions introduced this session, 266 bills are still alive - 104 House bills and 1 House Joint Resolution -- and 161 Senate bills. When their brief break concludes and the General Assembly resumes its business next week, legislators will have a little over 2 weeks to move bills through the committee process in the second chamber. As is usually the case during the second half of a session, the challenge will be to monitor all legislation that is still alive for amendments that could contain language of a bill that “died” during the first half of the session.
- Key dates for the second half of the 2022 Session:
  - February 7th - General Assembly reconvenes
  - February 22nd - Committee report deadline second chamber House
  - February 24th - Committee report deadline second chamber Senate
  - February 28th - 3rd reading deadline second chamber House
  - March 1st - 3rd reading deadline second chamber Senate
  - March 4th - March 14th = Conference Committees
  - Earlier adjournment anticipated but no known date
- The deadline to file for re-election for members of the IN General Assembly and members of Congress is Friday February 4th.
- Last week, it was noted that the 9th Congressional District got a little more crowded with former Congressman Mike Sodrel throwing his hat into the ring. Since then, an additional candidate entered the fray. State Representative J. Michael Davisson (R-Salem) filed his candidacy this week. Representative Davisson would have been paired with State Representative Jim Lucas in House District 69 had he decided to run for the IN General Assembly. In addition to Sodrel, Rep. Davisson joins current State Senator Erin Houchin and Stu Barnes-Israel in that race.

### SPECIFIC LEGISLATION OF INTEREST

- Administrative Authority - House Bill 1001 continues to be the priority bill for IN House Republicans. HB 1001 would require private businesses that have COVID-19 vaccine mandates to grant employees exemptions for medical or religious reasons. The House approved the bill on January 18th by a vote of 58-35. The bill awaits consideration in the Senate where Republicans have indicated they are reluctant to take away businesses’ ability to be flexible and set their own policies.
  - The bill also makes changes to state law requested by Governor Holcomb in order to enable him to end the public health emergency in Indiana, while still allowing for children to get the COVID-19 vaccine outside of a doctor’s office and enabling the state to qualify for certain federal funds.

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- Senate Bill 3 would put in place administrative actions that could allow Governor Holcomb to end the state's public health emergency. SB 3 would create administrative tools to ensure Indiana can continue receiving the same federal reimbursements for the Supplemental Nutrition Assistance Program (SNAP) and Medicaid and maintain the state's ability to hold voluntary community vaccination clinics. SB 3 does not go as far as House Bill 1001, which adds language that would keep Indiana employers from setting their own policies regarding employee COVID vaccinations and testing. SB 3 was amended to allow for temporary medical licensing to retired or inactive emergency medical services personnel, retired or inactive health care professionals, out-of-state health care professionals, or recent graduate students in the medical field. SB 3 was approved 34-11.
- Tax Policy - House Bill 1002 is ready for consideration by the IN Senate after passing out of the House, 68-25. House Bill 1002 reduces the business personal property tax, cuts individual income taxes from 3.23% in 2022 to 3% by 2026, repeals the Utility Receipts Tax, and makes it easier to trigger Indiana's automatic tax rebate law. Senate leadership has continually asserted that they are less inclined to reduce taxes before they look at the entire state budget during the next budget cycle in 2023.
- Elections and Absentee Voting - House Bill 1116 makes several changes to Indiana's electronic voting machines laws, as well as absentee voting. One provision of the bill would require Indiana voters who request mail-in ballots to swear under possible penalty of perjury that they will not be able to vote in person at any time on election day, or at any time during the 28 days of early voting before election day. Currently someone can vote absentee only if they will not be available on Election Day. HB 1116 passed the House 66-28.
- Gun Permitting - the House approved House Bill 1077 by a 64-29 vote on January 11th. This legislation will do away with licensing requirements for the lawful carry of a firearm, also called constitutional carry. There are 21 states that allow this. The bill repeals the state's existing licensing requirement to carry a handgun in public, allows Hoosiers wanting a license for out-of-state reciprocity purposes to continue to get one at no cost, and makes firearm theft a Level 5 felony punishable by up to six years in prison, instead of a Level 6 felony. HB 1077 is ready to be taken up by the Senate.
- Eminent Domain - When local governments or utilities want to build a new highway, a road, or have a utility project, they often must acquire property owned by private land owners through the process of eminent domain. Currently, property owners must be compensated at least the appraised market value of the property, although that can be — and often is — contested by the property owner through legal settlement or litigation. Senate Bill 29 would raise the base compensation owed to those property owners for the taking of their property to 120% of the appraised market value. It passed out of the Senate by a vote of 40-7 and moves to the House for consideration. Another measure dealing with eminent domain for public utilities, Senate Bill 288, is moving through the process. The bill provides that in an eminent domain action filed by a public utility (including municipal utilities) or a pipeline company after June 30, 2022, if a defendant property owner files written exceptions to the court appointed appraisal, the defendant may file a request for mediation. If a request for mediation is filed, the court must appoint a mediator within 10 days of the filed request. The plaintiff utility shall negotiate in good faith and the mediation must conclude within 90 days of the appointment of the mediator. The plaintiff shall pay the costs of the mediator. SB 288 provides that if the parties are unable to reach an agreement as to the assessment of the damages in a mediation, the case then goes to trial. The bill also allows a court appointed appraiser to testify at trial, but cannot be identified as a court appointed appraiser nor specifically identify the appraisal report. The bill also changes the statute to include that a defendant's court costs, including reasonable attorney's fees, can be compensated in an amount not to exceed the lesser of \$50,000 or 1/3 of the fair market value of the property or easement. SB 288 passed 43-6.

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- **Insurance Pooling** - Senate Bill 393 would allow political subdivisions to act jointly and pool resources to purchase insurance coverage. If enacted, the bill could reduce expenditures for political subdivisions that pool resources for liability insurance, property and casualty insurance, worker's compensation insurance, or any other property or casualty insurance. The political subdivisions would be required to create a trust for the assets, which would be subject to regulation by the IN Department of Insurance. The liability of each political subdivision is joint and several. The bill defines political subdivision as a county, township, city, town, separate municipal corporation, special taxing district, city or county hospital (or a board or commission of one of those entities); drug enforcement task force; community correctional service program; or solid waste management district. The Senate approved the bill 48-1.
- On the energy and utility front, there are several pieces of legislation moving through the process that are of interest to IMPA and/or our member municipal electric communities. We will continue to monitor legislation and offer input when needed.
- Most of the attention on the House side of things during the first half of the session has been on bills concerning electric vehicle charging and pricing, IURC reporting and rulemaking, water and sewer connection fees, underground pumped storage hydro power, and wastewater infrastructure have all been considered. Additional legislation that continues to move through the process includes the following bills:
  - Senate Bill 176 - Agricultural Land Use for Wind and Solar
  - Senate Bill 271 - Framework for Siting Small Modular Nuclear Reactors up to 350 MWs
  - Senate Bill 411 - Commercial Wind and Solar Siting
  - House Bill 1111 - Contents of IURC Annual Reports, rulemaking to implement FERC Order 2222
  - House Bill 1221 - Electric Vehicle Charging Pricing, Public Use Electric Vehicle Pilot Program
- Please see this week's updated Tracking List for additional information on these and other pieces of legislation that are still alive at the half-way point of this session.