

STATE LEGISLATIVE UPDATE

January 14, 2022

2022 INDIANA GENERAL ASSEMBLY WEEK 2

GENERAL INFORMATION

- As Week 2 of the 2022 legislative session comes to completion, the only way to describe it so far is fast and furious. Committees are meeting, bills are moving on to the floor in both chambers, and deadlines are quickly approaching. The first half of the session will be completed by January 31st in the House and February 1st in the Senate.
- State Senator Frank E. Mrvan (D-Hammond), the longest-serving member of the Indiana General Assembly and father of Congressman Frank Mrvan (CD -1), resigned on Tuesday January 11th, effective immediately. Senator Mrvan served four terms from 1978-94, then returned in 1998 after a narrow and controversial re-election loss. Senator Mrvan has dealt with numerous health challenges over the last couple of years, and he has decided it is time to retire and spend time with his family. Interestingly, under the new legislative district maps, Senator Mrvan was paired with incumbent Senator Lonnie Randolph.
- Republican U.S. Congressman Trey Hollingsworth announced on Wednesday afternoon that he will not seek reelection to Indiana's 9th Congressional District in 2022. Later in the day on Wednesday, current State Senator Erin Houchin (R-Salem), who represents Senate District 47, announced her intention to seek the Republican nomination to replace Hollingsworth and run for the CD 9 seat. By late evening, she had filed paperwork with the federal election commission (FEC). She has received the endorsement of numerous high-profile Republicans.

SPECIFIC LEGISLATION OF INTEREST

- Gun Regulation - House Bill 1077 was approved by the House of Representatives on Tuesday by a vote of 64-29. This legislation will do away with licensing requirements for 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 now goes to the Senate for consideration.
- School Board Candidates - Under the provisions of House Bill 1182, candidates for school boards would be required to declare a political party. Specifically, HB 1182 would require school board candidates to identify with a political party and include that designation on the ballot. Candidates would be able to list themselves as "Independent" if they do not identify as either a Republican or Democrat. The bill does not limit the number of candidates from each party who could be included in those races. This is a controversial measure with much opposition from a wide array of organizations including school boards from across the state, education lobbying groups and other Hoosier citizens. No supportive testimony was given.
- Administrative Authority - 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

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reimbursements for the Supplemental Nutrition Assistance Program 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 in committee on Wednesday 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.

- **Tax Policy** - December tax collections for the State of Indiana exceeded revenue expectations again, bolstering the potential for significant tax cuts yet this legislative session for Hoosier taxpayers. The House and Senate still differ in their approach to this topic, with the House of Representatives taking a more aggressive approach to reducing tax burdens and the Senate taking a much more conservative approach, largely wanting to wait until next year's budget cycle to permanently reduce certain taxes. House Bill 1002 proposes approximately \$1 billion in tax cuts. Among the bills many provisions, and relevant to utilities that provide utility service to end use customers (including municipal electric utilities), HB 1002 repeals the 1.4% Utility Receipts Tax (URT).
- **Eminent Domain** - Senate Bill 29 was approved this week by the Senate Local Government Committee. SB 29, as amended in committee this week, would require that in cases of general takings of fee simple interests in property (a general taking) that an owner of property must be compensated at least 120% of the fair market value of the property. The bill as amended does not include easements. The full Senate will consider this bill next week.
- On the energy and utility front, the House Energy, Utilities and Telecommunications Committee met this week and heard a couple of bills, House Bills 1111 and 1221. HB 1111 pertains to the content of the IN Utility Regulatory Commission's annual report to the Governor and legislature, and it allows the IURC to adopt rules necessary to implement Federal Energy Regulatory Commission (FERC) Order 2222 dealing with Distributed Energy Resources. HB 1221 concerns electric vehicle charging pricing and allows an investor-owned utility to establish a public use EV pilot project that would allow them to install, own or operate charging infrastructure or make-ready infrastructure to support public use EVs. Public use EVs are defined as electric school buses, electric transit buses or and electric vehicles used by a public or private commercial enterprise to deliver goods/services to the public.
- The Senate Utilities Committee also met this week and considered three bills. SB 146 deals with pole attachments and appears to be legislation addressing specific concerns between several local REMCs and the cable industry. No vote was taken on this bill so that impacted parties can continue to work out their issues and perhaps resolve some of the concerns. Senate Bill 147 adds "underground pumped storage hydropower" to the list of sources and technologies that qualify as "clean energy resources" in Indiana. The committee approved this bill, and it will now be considered by the full Senate. Finally, Senate Bill 272 contains numerous provisions dealing with water and wastewater infrastructure and is result of recommendations made by the Water and Wastewater Task Force that met this past interim. See the tracking list for details on these provisions. The bill passed out of committee unanimously.