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*Legislative Update*

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**122ND INDIANA GENERAL ASSEMBLY**

**THURSDAY, FEBRUARY 17TH, 2022**

 **Week Five Overview**

 This week marks the one-month point from session ending (statutory deadline is March 14<sup>th</sup>). Next week committee reports are due.

**Education:** Indiana senators approved an amendment that tempers some provisions of a controversial curriculum control bill on Wednesday. In public testimony, dozens of speakers told the Senate Committee on Education and Career Development that no changes could rehabilitate House Bill 1134 authored by Rep. Cook (R-Frankfort), which still bans three “divisive concepts” from the classroom. As amended, House Bill 1134 would give districts the option to create curriculum review committees of parents, rather than mandating the outside committees as originally written. The amended also erased the requirement for schools to post a year’s worth of curriculum material online, requiring instead only that they make materials available upon request. The amended bill lists three — down from an original eight — topics that teachers couldn’t promote in the classroom. Legislators have refused to remove the list, which has drawn sharp criticism.

**Healthcare:** HB 1003 (Rep. Lehman, R-Berne), which eases the requirements of two year nursing programs, passed unanimously in the Senate on third reading. Still in the works, HB 1001 (Rep. Lehman, R-Berne) sets the parameters for workplace COVID-19 vaccination requirements and has been one of the most contentious bills this session. On Wednesday, it was amended with some significant changes. As could be expected, the bill now exempts Medicare and Medicaid service providers since the Supreme Court upheld the federal vaccine mandate for CMS in *Biden v. Missouri* last month. The bill also now excludes sports and entertainment venues with the intention that they may unconditionally require vaccinations for staff that will be working closely with traveling teams and performers. Most organizations however must still allow for religious, natural immunity, or testing exemptions, but natural immunity is now limited to three months (formerly six) and testing now can be required twice a week (instead of once). However, the bill no longer requires employer to pay for testing since free tests are now available in every county. The amended bill has now lost the support of many testifiers who supported the original bill’s greater protections for the unvaccinated. The Immunization Coalition and Indiana Manufacturer’s association shared their support for the amended version’s greater flexibility for employers. The bill passed 8-2 out of committee after hours of mostly opposing testimony.

**Economic Development:** Since the start of the session, Senate GOP leaders have expressed hesitancy about cutting taxes out of concerns over the possible impact on local revenues and a desire to see how the state fares when paying off debts following an influx of federal pandemic relief dollars. On Tuesday, Republicans in the Indiana Senate gutted House Republicans' plan for \$1 billion in tax cuts within minutes of the bill's first hearing in the Tax and Fiscal Policy Committee. Committee Chairman Sen. Travis Holdman (R-Markle), authored the amendment to remove all the tax-cut language from HB 1002. Sen. Ryan Mishler (R-Bremen) commented on Tuesday, "I think if we really want to be fiscally responsible, we really want to focus on paying down our debts first. Giving money away is great, but I think that's first." Removing the language solidifies the Senate's opposition to cutting taxes this session. Holdman told Indianapolis Business Journal that was generally the plan all along for when the bill made it to the Senate. HB 1002, as it came out of the House, would have cut four taxes—individual income, business personal property, sales, and the utility receipts taxes. It would have reduced the individual income tax rate from 3.23% to 3% by 2026. And it would have eliminated the minimum property tax that businesses pay on new equipment purchased after Jan. 1, 2022. That tax is referred to as the 30% depreciation floor. The business personal property tax component would have shifted the tax burden onto other property taxpayers, leaving an impact on local revenues. That was a primary concern for Holdman and Senate leaders when considering tax cuts.

HB 1221 authored by Rep. Soliday (R-Valparaiso), would allow businesses like gas stations to sell electric vehicle charging without being subject to state utility rules. The bill partly aims to level the playing field between gas stations and electric utilities. Utilities would only be able to recover those costs for public charging stations, however. They would also have to give lower-income communities and racially or ethnically diverse communities equal access to chargers installed as part of a pilot program. While some solar advocates support the bill overall, an amendment is giving them pause. The amendment requires businesses that sell electric vehicle charging to get their energy from their local utility. Hannah Jaramillo works for Morton Solar — which sells a brand of EV chargers and has one at its office in Evansville. She said it's mostly for publicity — customers barely cover the cost Morton pays for the EV software and cloud technology. Having to buy that energy from the utility could make their charger uncompetitive. But the bill's author, Rep. Ed Soliday (R-Valparaiso), said its private companies like Tesla that have the advantage. HB 1221 was amended and ordered engrossed on second reading.

**Voting:** HB 1116 (Rep. Wesco, R-Osceola) is intended to increase voting security in Indiana. As drafted, the bill would have required all counties to have Voter Verifiable Paper Audit Trail (VVPAT) electronic voting systems by 2029 and would have cut back significantly on ways voters could vote by mail. Earlier in the session the bill was amended to move that deadline up to July 1, 2024, and more significant amendments were adopted in the Elections committee on Monday. The bill now maintains the status quo of listable reasons for voting by mail and extends the vote by mail period to the entire voting period but forbids people who request a mail in ballot from voting in person. Additionally, the bill now specifies that the VVPAT machines will receive federal and state funding, and if funding falls through counties may use their current voting systems until 2029. A representative from the ACLU waived testimony, saying

the amendments had resolved their concerns. Chicago Lawyers for Civil rights still had some issues however, such as the bill's requirement that a voter provide the last four digits of their SSN or their Driver's License Number to vote by mail. A number of County Clerks also raised concerns that if government funding falls through, implementing the VVPAT systems will be impracticable. The bill has been referred to the Appropriations committee and may see further amendments.



### Looking Ahead

On February 22<sup>nd</sup>, committee reports are due for the House; then, the House 2<sup>nd</sup> reading deadline is on February 24<sup>th</sup>. For the Senate, committee reports are due on February 24<sup>th</sup>.

Please feel free to contact a member of our legislative team should you have questions regarding the happenings in the Indiana General Assembly!

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