



Legislative Update

122ND INDIANA GENERAL ASSEMBLY

THURSDAY, March 3rd, 2022

Week Nine Overview

This week marks the second to last week of session. Bills that did not advance this week have died. Now the General Assembly has moved to Conference Committees, which will continue throughout next week. As a reminder, Conference Committees occur when bill authors disagree with the changes that the opposite Chamber made before passing their bill on 3rd reading. The mission of these Conference Committees is to reconcile differences in legislation that has passed as different versions in both Chambers. Language from “dead” bills may also be “revived” in passed bills during Conference Committees. Once changes are proposed in a Conference Committee, the bill is returned to both Chambers for a new vote.

Education: One of the most publicly criticized bills, HB 1134 authored by Rep. Cook (R-Cicero), died this week when it failed to pass third reading in the Senate. Senators took two recesses on Monday to discuss some of the controversial bills, including HB 1134, and finally came to the conclusion that would not bring down the bill for a 3rd reading vote. HB 1134 was a controversial piece of legislation that would have "promoted certain concepts as part of a course of instruction or in a curriculum or direct or otherwise compel a school employee or student to adhere to certain tenets relating to the individual's sex, race, ethnicity, religion, color, national origin, or political affiliation," among other things. Whether or not HB 1134 language will be revived in a separate bill during Conference Committees remains to be seen.

Energy: After attempts to establish some statewide standards for renewable energy projects failed to make it through at the end of last year's legislative session, lawmakers are at it again, but this time with a new provision. Last year's bill, House Bill 1381, would have made the standards mandatory for all counties, which garnered a lot of pushback from farmers and local officials concerned with home rule. SB 411, Sen. Messmer (R-Jasper), would again establish some guidelines for siting renewable energy projects and allow Indiana counties to become a solar or wind-ready community. The key difference with this year's bill is that it is voluntary. The standards would include setbacks from neighboring properties or fencing around projects. The bill — which passed the Senate on Feb. 1 and the House on Feb. 28 — has widespread support from the electric utilities, environmental organizations, and

business groups. It even has the support of local government associations, which were among the key opponents last year. The Senate has concurred the House amendments for SB 411 (34-14). The bill now goes to the Governor's desk to sign into law.

Economic Development: Indiana lawmakers are moving forward with legislation that includes sanctions against Russia following its invasion of Ukraine. SB 388 from Sen. Messmer, which passed House third reading on Monday (96-0), included an amendment, which the House unanimously approved Thursday, that would ban any Russian-owned businesses from obtaining real estate in Indiana for one year, starting in July. "Hopefully as the first, we can be an inspiration to other states," said Rep. Dvorak (D-South Bend), who introduced the amendment. The amended bill now goes to Conference Committee.

House Ways and Means Chairman Tim Brown (R-Crawfordsville), said the reworked SB 361 from Sen. Mishler (R-Bremen) now does a lot more to ensure the involvement of local stakeholders in decisions made by the Indiana Economic Development Corporation (IEDC). "It puts into statute this negotiation and collaboration that the IEDC has to do" Brown said. "That's what the people were worried about that all the sudden [the IEDC is] going to come in and boom, we have this in our backyard and know nothing about it." Changes to the bill were made last week in the House Ways and Means Committee. They were made in response to concerns raised over how much control the state would have over local tax money generated through proposed innovation development districts that could be created anywhere in the state to lure large-scale economic development projects. As initially proposed in legislation endorsed by Gov. Holcomb, local and state taxes generated in each district would have been placed in a statewide fund for economic development. The revised bill now creates a separate fund for each district and stipulates that the revenue can only be used in the district where it was generated. SB 361 passed third reading in the House on Monday (69-27). It now goes to Conference Committee.

Healthcare: The gap between supply and demand for nurses has long been growing in Indiana, but the intensity and duration of the pandemic have exacerbated this problem. Indiana has about 4,300 job openings for nurses each year, and we are projected to need an additional 5,000 nurses by 2031 to meet the growing demands of an aging population. To hit these targets, it was stated that we will have to increase the number of nursing students graduating by more than 1,300 each year. HB 1003, authored by Rep. Manning (R-Logansport), aims to fix this problem. This legislation, labeled "Nursing Indiana Back to Health," would enable eligible pre-licensure nursing programs to significantly increase their enrollment and hire more nurse educators. The bill also intends to allow greater flexibility in training and reduce some barriers to licensure. HB 1003 was signed by the President Pro Tempore and the Speaker on Tuesday. It now goes to the Governor's desk to be signed into law.

The Senate has endorsed HB 1001 by Rep. Lehman (R-Berne), allowing administrative steps sought by Gov. Holcomb that could result in the nearly two-year-old statewide COVID-19 public health emergency declaration ending later this week. Senators voted 32-18 on Tuesday in favor of the proposal after significant amendments to the House version of the bill. The current version requires businesses mandating COVID-19 vaccinations to provide three forms of exemptions: religious objection, medical exemption, and immunity from previous infection up to three months (shortened from the original six months). As drafted, all three of these types of exemptions were required to be accepted “without further inquiry,” but the religious exemption has now been removed from that provision. If an employee receives an exemption, the employer may require that they submit to testing up to twice a week (which was previously up to once a week). Employers are also no longer required to pay for employee COVID-19 testing. After a motion to dissent was initially filed, the House instead moved to concur in Senate amendments on Thursday (79-9).

Firearm Permits: Republicans have revived language to eliminate Indiana’s license requirement to carry a handgun in public. Last week, the Senate during committee took eight hours of testimony on so-called “permit-less carry” legislation, HB 1077 by Rep. Smaltz (R-Auburn). At the end of it, the committee voted to overhaul the bill, keeping the permit system in place. House and Senate Republicans are ignoring that outcome and moving ahead with the original language that eliminates Indiana’s license requirement to carry a handgun in public. To do so, they have proposed completely stripping the much less controversial Drug Scheduling bill by Sen. Young (R-Indianapolis), SB 209. As passed by both chambers, SB 209 added a few minor chemical alterations of controlled substances to the drug scheduling list and commissioned a study on Delta-8 THC. However, while there are tentative plans to amend this language into another bill, it now hangs in legislative limbo as all the original language has been stripped out of SB 209. The Conference Committee Report brought on Wednesday instead suggests that the bill allow anyone age 18 or older to carry a handgun in public with some exceptions, such as having a felony conviction, facing a restraining order from a court, or having a dangerous mental illness. Supporters argue the permit requirement undermines Second Amendment protections by forcing law-abiding citizens to undergo police background checks that can take weeks. Democratic Rep. Matt Pierce, D-Bloomington, criticized the move by Republicans who dominate the Legislature as a “jam job” to give new life to a proposal that missed the Senate’s deadline for passage and prevent any further public testimony. Sen. Eric Koch (R-Bedford) insisted that this is normal: “It’s not unusual for language that passes one house to appear second half elsewhere or appear during conference, in a conference committee report” stated Koch. Indiana currently requires people to obtain a license to carry a loaded handgun outside their own homes, businesses and cars, although people can generally carry rifles and shotguns without a permit. Twenty-one other states currently allow residents to carry handguns without permits.

Executive Order: Gov. Eric Holcomb has signed an executive order placing sanctions on Russian-owned and Russian-affiliated companies. Under the Executive Order, the Indiana

Department of Administration will review all state contracts that involve Russian-owned or Russian-affiliated companies. Additionally, the Order provides that:

- The Indiana Public Retirement System will evaluate investments into the state retirement accounts that may involve the Russian ruble, Russian-owned, and Russian-affiliated companies and immediately report its findings to the governor's office.
- The Indiana Office of Technology will continue to strengthen our critical state infrastructure to protect the system from Russian cyber-attacks and the Governor encourages private businesses to do the same.
- The Commission for Higher Education will request that public colleges and universities report all Russian funding received for programs, research, and grants and report its findings to the governor's office.
- The Governor encourages Hoosier businesses and companies in Indiana to evaluate their future business relationship with Russia.
- The state of Indiana will standby to assist Ukrainian refugees should a federal policy, program, or initiative be implemented requiring access to appropriate locations across the country.



Looking Ahead

Conference Committees and Session meetings will continue next week, Monday through Friday. March 14th is the last day to adjourn sine die, however, it is possible that the General Assembly will elect to adjourn at the end of next week as many legislators begin preparation for this year's elections. As a reminder, when both Chambers have concurred in all amendments to a bill, the bill is sent to the Governor's desk for signing. If the Governor vetoes a bill, the legislature has an opportunity to override the veto by majority vote. On Thursday, we saw this process with SEA 303 from 2021, which provided that gas stations selling gas that contains between 10% and 15% ethanol must display an identifying sticker on their fuel dispensers. The Senate voted to not override the Governor's veto, killing the potential act. This next and final week we will see bills begin to enter these final stages before becoming law.

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

Brian Burdick

Office: (317) 231-7393

Email: brian.burdick@btlaw.com

Joe Loftus

Office: (317) 231-7213

Email: joseph.loftus@btlaw.com

Heather Harris

Office: (317) 231-6448

Email: heather.harris@btlaw.com

Brandt Hershman

Office: (202) 371-6374

Email: brandt.hershman@btlaw.com

Jake German

Office: (317) 231-7538

Email: jacob.german@btlaw.com

Lauren Box

Office: (317) 231-7289

Email: lauren.box@btlaw.com

Veronica Schilb

Office: (317) 229-3178

Email: veronica.schilb@btlaw.com

Mike Moga

Office: (317) 231-6452

Email: mike.moga@btlaw.com

Joshua Lewis

Office: (317) 231-6457

Email: Joshua.Lewis@btlaw.com

John Oosterhoff

Office: (317) 229-3139

Email: John.Oosterhoff@btlaw.com