

Indiana General Assembly Report

2019 Session

Final Report

The first regular session of the 121st Indiana General Assembly ended a bit before midnight Wednesday, April 24th—five days ahead of the statutory deadline. Although sine die is statutorily April 29th, lawmakers scurried out of town due to the NRA convention converging on downtown Indianapolis, leaving hotel rooms a hot commodity. The final hours of this session saw a few major pieces of legislation passed, including the biennial budget.

In addition to lawmakers' passing a two-year budget, gambling initiatives, a much-debated bias crimes bill and Indianapolis Capital Improvement Board spending bills made a lot of headlines. But a flurry of other important topics was debated — including several tax bills, payday lending, gun control and alcohol regulation. [House Bill 1001](#) plans for a \$34.6 billion budget for 2020 and 2021 with an emphasis on K-12 spending — \$763 million in new money will be spent on education according to Republican majority leadership.

Legislation

Back in January [CAC identified approximately 70 introduced bills](#) of interest to track. Of these, 15 were enacted. Of the total 1,348 bills introduced this session, 293 made their way to the Governor for action. As a reminder, the House and Senate are both controlled by Republican supermajorities, which leaves Democrats with few options besides procedural attempts to heighten awareness of issues.

Right to Protest/Free Speech

Indiana hitched onto the nationwide effort to pass so-called “critical infrastructure” legislation. These bills have been designed by the fossil fuel industry and other special interest groups working to stifle free speech under the appearance of protecting infrastructure. CAC joined many organizations mobilized to fight [Senate Bill 471](#). We threw the community organizer textbook at this bill, including paid advertising driving emails to legislators, social media campaigns, phone canvassing and coordinating with other organizations concerned about due process, threats to the right of association, and chilling free speech. As we discussed during our testimony, existing law already prohibits trespass and malicious destruction of property, making SB 471 completely superfluous. While legislators made efforts to remove some of the problematic language in the bill, the goal remained the same. Despite more than 10,000 messages sent to legislators by our coalition of supporters and calls on the Governor to veto, SB 471 was signed into law on May 6, 2019.

Redistricting

Once again, the Indiana Senate took historic strides in passing reform this year while the House decided to kill the issue.

Redistricting is the process of re-drawing district maps after the census to equalize the populations of congressional and legislative districts. Since legislators draw the district maps, politicians gerrymander districts to choose voters they already know will vote for them and exclude those who will vote against them.

CAC is part of the Indiana Coalition for Independent Redistricting which put together a campaign coalition called [All IN for Democracy](#). Once again, the Indiana legislature, specifically the Indiana House (led by Elections Chairman Tim Wesco), fell short of passing any redistricting legislation despite the introduction of several bills. [Senate Bill 105](#) saw the most progress and would have established a set of legal standards that would guide legislators when drawing new districts. While this bill would have been a proactive step, it did not go far enough. Legislation should ultimately take maps out of the hands of self-interested politicians and give it to a bi-partisan committee that will be accountable to the public, or else gerrymandering will continue to chip away at our democracy.

Utility Legislation

This year's legislative session was an exceptionally trying session, with 112 days chock full of assaults on utility ratepayers. The session also began on the heels of NIPSCO's announcement that their existing coal plants would be closed by 2028, replacing the capacity with investments in wind, solar, storage, and demand-side resources, which the utility claims would save ratepayers \$4 billion.

Session began with [House Bill 1470](#), a follow-up bill to a controversial 2013 bill, [Senate Enrolled Act 560](#). HB 1470 was designed to further protect monopoly utility profits in state code, and acts as blank check for investor-owned utilities. It was the forefront issue of CAC's efforts in the Statehouse. The bill's passage was covered by the [Indy Star](#). Despite [outcry from many coalition groups](#), and a meeting with the Governor's staff encouraging a veto, Governor Eric Holcomb signed the bill on April 24th (*sine die*). Not one month later, the Power PAC made a \$15,000 campaign contribution to the Governor (according to Indiana Legislative Insight).

We worked quite extensively on [Senate Bill 442](#), which puts in place statutory framework to enable a carbon dioxide underground storage facility for the proposed [Wabash Valley Resources ammonia fertilizer project](#) in Terre Haute. We worked with coalition partners and the Senate author of the bill, State Senator Jon Ford (R-Terre Haute) throughout the session. Despite many changes in the House to the Senate version, the bill came out of conference committee as a pilot project for the Terre Haute location only.

SB 442 was the last bill signed by Governor Holcomb. The Terre Haute Tribune covered the bill [here](#), [here](#), and [here](#). The Statehouse File wrote about it [here](#). From the Statehouse File article:

When Holcomb approved SEA 442, he noted that, while other states have implemented carbon dioxide storage programs in coordination with private businesses, he will “direct the Department of Natural Resources, supported by the Indiana Department of Environmental Management, to complete all the diligence necessary and put a regulatory framework in place before naming an operator for the site.”

During the latter part of session, House Utilities Chairman Ed Soliday (R-Valparaiso) instituted language into [Senate Bill 471](#), a water and sewer bill, that would place a 20-month moratorium on the Indiana Utility Regulatory Commission from taking action on any filing requesting 250 megawatts+ of generating capacity. This initiative earned the ire of utilities and ratepayer advocates alike. Indeed, it seemed everyone in the Statehouse was against Chairman Soliday’s actions save for one very high profile, newly registered lobbyist: former EPA Administrator [Scott Pruitt for RailPoint coal](#) (as covered by the Indianapolis Star on April 18th). In a surprise move, a Democratic amendment offered by Rep. Matt Pierce (D-Bloomington) to remove the moratorium passed the Republican-controlled House on a bipartisan vote of 53-38.

What happened instead during those final days of session? An energy task force was established in [House Bill 1278](#). Charged with reviewing and reporting on the changing energy landscape in Indiana, the majority of the task force will be comprised of legislators and industry, with no specific appointee representing ratepayer interests and/or outcomes. Here are the details:

Establishes the 15 member 21st Century Energy Policy Development Task Force, which is required to:

- Examine and evaluate specified aspects of the state's policies concerning electric generation portfolios
- Develop recommendations for the general assembly and the governor concerning any identified challenges with respect to Indiana's electric generation portfolios
- Issue a report setting forth the task force's recommendations not later than December 1, 2020.

The Task Force will be comprised of 15 members:

- 4 members of the senate
- 4 members of the house of representatives
- 3 members who have broad experience in electric utility policy and are appointed by the governor, and at least one of whom represents utility ratepayers
- 1 member who has expertise with respect to the generation, transmission, and distribution of electricity, appointed by the governor
- 1 member who has expertise in advanced energy research and development, appointed by the governor
- 1 member who has expertise in renewable energy technology and deployment, appointed by the governor
- 1 member who has broad experience in both economic development and energy policy, appointed by the governor

Requires the IURC to conduct a comprehensive study and present it to the governor, the legislative council and the Energy Task Force by July 1, 2020 on the statewide impacts of:

- Transitions in the fuel sources and other resources used to generate electricity by electric utilities
- New and emerging technologies for the generation of electricity; on electric generation capacity, system reliability, system resilience, and the cost of electric utility service.

For the third year in a row, a bill to prevent homeowners' associations from thwarting homeowners' efforts to install solar panels on their homes failed to reach the Governor's desk, though we moved much closer than the last two years of efforts. [House Bill 1331](#) was introduced by Representative Mike Speedy (R-Indianapolis) and Sen. Aaron Freeman (R-Indianapolis) carried the bill as he has in years past in the Senate.

[Senate Bill 4](#), authored by Sen. Ed Charbonneau (R-Valparaiso) was one of the first bills signed by Governor Eric Holcomb. SB4 addresses Indiana's significant needs related to our water and wastewater infrastructure and we were pleased to be part of many entities supporting the legislation as it moved unanimously throughout the legislative process. We also supported House Utilities Chairman Ed Soliday's water infrastructure initiative, [House Bill 1406](#) which proceeded through the legislative process unanimously and was signed by the Governor on April 18th.

Environmental Legislation

[House Bill 1266](#) prevents local stormwater authorities (called MS4s) from having requirements for construction sites more protective than the state's rule. As usual, CAC will always advocate for local authority and local stormwater authorities are in the best position to determine whether construction site runoff controls are adequate. The state's rule sets general objectives, whereas, local ordinances can be individualized for the local soil types, land contours, and waterways. While the legislation moved out of each chamber, members of both parties voted against HB 1266 in the House and in the Senate. While the coalition against this bill did not stop its progress, Hoosier Environmental Council (HEC) notes that the right of local government to control runoff from construction sites under 1 acre, was preserved. Learn more from HEC about [construction run-off legislation here](#).

Factory Farming

Reform for Confined Animal Feeding (CAFOs) is critically needed in Indiana which is home to more CAFOs than any of our neighboring states. [House Bill 1378](#) was a bipartisan piece of legislation that had the support of a broad coalition including the Hoosier Environmental Council, CAC and others. [The Muncie Free Press covers the issue here](#). While the bill did not receive a vote from the Environmental Affairs Committee (Chair Dave Wolkins, R-Winona Lake), we were incredibly impressed by the coalition building that led to the bill's hearing and increased media coverage detailing the need for critical oversight at the state level.

Quality of Life

For the fourth year in a row, lawmakers listened to consumer advocates, faith leaders, veterans, and concerned citizens and stopped a proposal to expand high-cost payday lending. Instead of instituting a consumer-friendly policy of capping APR at 36% on payday loans, Senate Bill 613 would have authorized multiple new loan products that would drown Hoosiers in unaffordable debt. It would have drained more resources from families and neighborhoods all across our state, landing many more borrowers in financial distress. SB613 passed the Senate but was eventually pulled from the House calendar on the Monday before *sine die*.

Looking Forward

The Legislative Council has had its meeting to determine the course of action for interim study committees. The Council decided to combine a few committees due to cost concerns. Many committees including the Environmental Affairs Study Committee which did not have any topics assigned, will likely not meet during the interim this year. The Legislative Council also declined to assign carbon storage as a study topic, despite the passage of SEA442, which called for further study on the issue. The list of assigned topics is found [here](#).