

Indiana General Assembly Report

2020 Legislative Session

Final Report

The second regular session of the 121st General Assembly ended shortly after midnight Wednesday, March 11th. This was not the constitutional *sine die* deadline of March 14—that day was reserved for the NCAA Basketball Tournament, which of course didn't occur, canceled due to the COVID-19 shutdown. But session came to an end without mention of the impending health crisis, instead focusing on the normal drama found in the last days of the Statehouse vacuum.

This session was a "short" session, meaning it was not a year the legislature discussed the budget. Instead of budget years' adjournment in April, session ended in March.

The conclusion of session was not without spectacle. As the action inched towards midnight, many do-or-die issues had already been discussed and decided, including the coal bailout bill which passed both houses around the 5 o'clock hour. Many advocates and lobbyists transferred their work from the hallways of the Statehouse to their homes where they could monitor the drama through colleagues, social media and livestreams.

Legislation

Back in January CAC identified more than 50 bills of interest to track. Of these, 14 were enacted. 903 separate pieces of legislation had been filed including 451 Senate bills and 452 House bills. Broken down that's:

House Bills Introduced: 452

House Bills that moved to the Senate: 114 (25%)

Senate Bills Introduced: 451

Senate Bills that moved to the House: 169 (37%)

House Bills eligible to become law: 89 (20% of introduced House Bills)

Senate Bills eligible to become law: 79 (17% of introduced Senate Bills)

Blended percentage of all introduced bills headed to the Governor: 19%

Bills vetoed by the Governor: 1

Redistricting

We were sure to put redistricting reform on center stage, again, this year since the Coalition, [All IN for Democracy](#), knew it would be a slim chance to see redistricting reform pass in a supermajority whose stronghold depends on gerrymandered districts. In 2019 the Indiana Senate took historic strides in passing reform but the House decided to kill the bill. This year we took a different approach with [Senate Bill](#)

[293](#), authored by [Sen. John Ruckelshaus \(R-Indianapolis\)](#) and [Sen. Mike Bohacek \(R-Michiana Shores\)](#). Many of our members called and emailed Senator Greg Walker (R-Columbus), Chair of the Senate Elections Committee, to encourage him hear the bill. He said that he'd hear it if Representative Tim Wesco, Chair of the House Elections Committee, would hear it once the bill crossed over. Despite hundreds of calls and emails into the Statehouse this week and the advocacy of the bill author, Sen. Ruckelshaus, we found ourselves at an impasse and a committee hearing was not announced and SB293 died.

Since session ended, the Census has informed Congress that due to COVID-19, there is a delay in implementing field operations causing them to run behind and therefore will unlikely be able to deliver final numbers used for redistricting until April 30, 2021. Because the long session of the General Assembly must end by April 29th, we will likely find ourselves in a special session due to the data delay.

CAC is part of the Indiana Coalition for Independent Redistricting which put together a campaign coalition called [All IN for Democracy](#). In addition to SB293, there were also the following redistricting bills introduced, though none of these bills received a hearing:

- [SB138: Redistricting Commission](#), authored by [Sen. Tim Lanane \(D-Anderson\)](#)
- [SB105: Redistricting Commission](#), authored by: [Sen. John Ruckelshaus \(R\)](#), [Sen. Mike Bohacek \(R\)](#)
- [SB87: Redistricting Standards](#), authored by: [Sen. Greg Taylor \(D-Indianapolis\)](#), [Sen. Mark Stoops \(D-Bloomington\)](#)
- [HB1024: Redistricting Commission](#), authored by: [Rep. Jerry Torr \(R\)](#)

Utility Legislation

This year utility legislation was dominated by the coal bailout bill, [House Bill 1414](#). In fact, HB1414 was one of the [most talked about bills of the session](#). Throughout the process, our Kerwin Olson testified on the bill and worked with our partners in building opposition to the bailout. The bill changed forms multiple times, each instance due to committee and chamber nuance. In the House we worked to influence Committee Chairman Ed Soliday (R-Valparaiso) and built our message outside the statehouse at the same time, driving calls and emails to state reps. We navigated a lengthy committee hearing and House floor amendments deliberately designed to improve political expediency. On the Senate side we worked the bill extensively, meeting with committee members well before the hearing, meeting with the Senate Utilities Chairman Jim Merritt (R-Indianapolis), and continuing our outreach to Senators by reaching our members via the phone and door canvass as the bill continued through the legislative process.

Despite the bill being heavily improved by Chairman Merritt, HB1414 still sent a negative signal to Indiana's energy landscape which is heavily trending towards cheaper and cleaner forms of energy like wind and solar. Our work swung into overdrive when the bill was passed by the Senate and the author, Chairman Soliday

was expected to dissent from Senate changes to the bill. We knew the bill would come down to conference committee and we focused our outreach to generate as many phone calls and emails to legislators as possible to ensure a consumer-friendly outcome. Overall, our work generated 1,311 individuals taking action, sending a total of 6,020 emails to state legislators regarding HB1414. In the end, HB1414 saw the most damaging language removed, but the bill remains a poor choice for Indiana public policy, and on March 21st, we saw the bill become law thanks to well-connected coal barons having an “in” with Governor Eric Holcomb.

Another bad bill that thankfully didn’t receive a hearing was [House Bill 1327](#), also authored by [Rep. Ed Soliday \(R\)](#). HB1327 was in response to the final order of the Indiana Utility Regulatory Commission (IURC) in the most recent [NIPSCO rate case](#), which shifted a significant amount of costs from large industrial customers to everyone else. HB1327 unfortunately sought to protect the earnings and revenues of the monopolies at the expense of customers. The bill actually penalizes customers who invest their own money on co-generation or combined heat and power systems, in order to generate their own electricity on site. We should be encouraging and incentivizing customers who want to generate their own energy and become independent from the monopolies. This continues the shortsighted trend of the Indiana General Assembly looking backwards instead of forward by adopting and proposing policies designed to slow the clean energy transition, and which are crafted to inhibit and obstruct customers’ (big and small) ability to generate their own energy and become energy independent, while protecting above all else, the earnings and revenues of the monopoly utilities.

We were watching many good pieces of legislation that unfortunately didn’t receive hearings including: [HB1228: Net metering](#), authored by [Rep. Carey Hamilton \(D\)](#) and [Rep. Donna Schaibley \(R\)](#); and [HB1328: Elimination of net metering phase out](#), authored by [Rep. Ed Delaney \(D\)](#). HB1228 & HB1328 are both bills repealing Senate Enrolled Act 309 (SEA309), which became law in 2017. SEA309 is the bill that killed net metering, making it much more difficult for people who put solar on their houses to recover the costs of installing the solar panels. SEA309 steals the economic benefits of solar away from all customers and gives it to the utilities.

Environmental Legislation

We were exceptionally honored to be part of a coalition of partners supporting [House Bill 1265](#) authored by Rep. Carolyn Jackson (D-Hammond) and its mirror legislation, [Senate Bill 214](#), authored by Sen. Lonnie Randolph. HB1265 requires schools test for lead contamination on a biennial basis. Throughout the process, we echoed the lead testimony of Dr. Indra Frank with the Hoosier Environmental Council. HB1265 was the bill that moved and Sen. Lonnie Randolph remained a part of the process, testifying on Rep. Jackson’s bill. It was a picture of rare teamwork in spanning both chambers of the legislature. We recommended the bill include daycares, though legislators weren’t willing to bridge that far just yet. Lawmakers were overwhelmingly supportive of the initiative, much due in part to this front page [Indy Star coverage](#). The Governor signed House Bill 1265 on March 18th.

One of the worst bills of the session is [Senate Bill 229](#), authored by [Sen. Victoria Spartz](#) (R-Noblesville). SB229 stands to damage and destroy wetlands by exempting drain reconstruction from the wetland rule. Indiana has lost more than 85% of its original wetlands according to the EPA and we're deeply concerned this bill will make things worse. This bill moved through the process on party lines, and despite an [IndyStar investigation](#) into its author, Sen. Spartz, revealing that she and her family's business had been cited for bulldozing Indiana wetlands. Despite this outcry and many groups calling for his veto, Governor Eric Holcomb signed the bill on March 25th.

[House Bill 1257](#), authored by Rep. Pat Boy (D-Michigan City) sought to improve notification requirements when toxic chemical spills occur. These releases have been [in the news quite a bit in the last year](#). Rep. Boy's bill would have expanded penalties for failure to properly notify downstream interests and water users.



LINDSAY HAAKE
TESTIFYING ON
HOUSE BILL 1337

Though no action was taken on HB1257, [House Bill 1337](#) was heard and passed out of the House unanimously. Authored by Ryan Hatfield (D-Evansville), HB 1337 would have improved reporting protocols to downstream water users of toxic chemical spills. This bill was specifically designed to warn the public of polluted water supplies and we are disappointed the bill was not heard in the Senate. In fact, our concerns back in February were completely founded that HB1337 was going to fall victim to big industry worries of "burdensome" regulation designed to warn the public of polluted water supplies. Yet, we remain hopeful that the matter might be addressed in another forum or in a future session of the legislature.

We also supported [Senate Bill 254](#) which was designed to extend the authority to replace customer-owned lead service lines to municipal and non-profit utilities. The bill will also provide the water and wastewater utilities a new tracker, or a rider on your monthly bill, to more quickly recover the costs related to health and safety concerns, primarily water contaminants like PFAS. We supported this initiative to improve water quality for all Hoosiers. Governor Holcomb signed the bill on March 21st.



Kerwin testifies on SB254

We also followed [Senate Bill 411, the leasing of broadband capacity infrastructure](#), authored by: [Sen. Eric Koch \(R\)](#), [Sen. James Merritt \(R\)](#). This bill died in the House Rules Committee, typically a committee where bills go to die. In its original form, CAC opposed SB411 because it gave the electric utilities yet another tracker to build out broadband infrastructure and to sell extra bandwidth to internet providers. In doing so, they would have been allowed to charge customers for building out the infrastructure. Customers should not have to pay for something that does not relate to providing electricity. However, the Senate Utilities Committee amended SB411 to remove the tracker and to change it to a study committee, directing the Indiana General Assembly to study and explore creative and new ways in which broadband

services can be provided to currently unserved communities, especially rural communities. Access to broadband is now an essential human service, and CAC's mission is to work to ensure that all Hoosiers have access to affordable, essential human services, so CAC supports SB411 in its current form. Unfortunately, though, broadband expansion was not an interim study committee topic, despite the COVID-19 crisis.

We joined a broad coalition of opposition against [Senate Bill 46](#), authored by Sen. Aaron Freeman (R-Indianapolis). SB46 would exempt religiously affiliated entities from paying storm water fees. This bill would have degraded the ability of local units of government from managing their stormwater in addition to implementing a significant cost shift to residential ratepayers. After testimony from the City of Indianapolis, The Chamber of Commerce, The Association of Indiana Municipalities, Hoosier Environmental Council, CAC and others, the bill was held. Thankfully, the bill wasn't heard again and it died in committee.



Quality of Life

Late in the legislative session we saw Sen. Aaron Freeman (R-Indianapolis) amend [anti-transit language](#) *without a public hearing* into [House Bill 1279](#) – language that would impede *IndyGo's* transit system expansion, which includes [the Red Line](#) and two additional planned bus rapid transit (BRT) routes by allowing the state to take 10% of IndyGo's income tax revenue unless it can pay for at least 10% of annual expenses with privately raised funds. While this amendment passed in February, the initiative fell apart in the very last minutes of the legislative session, with a surprise move from Speaker of the House Todd Huston (R-Fishers), who was widely rumored to have pulled the bill from the House Rules Committee agenda the moment the Senate adjourned without passing unrelated language to the transit bill.

Looking Forward

On May 13th, the Legislative Council met remotely and announced their summer study topics. Throughout session, we'd been working to assist Rep. Jerry Torr (R-Carmel) and Sen. John Ruckelshaus (R-Indianapolis) document [concerns about 5G technology](#) in order to request a summer study. Despite considerable concern, [especially in Hamilton County](#), the Legislative Council did not include 5G technology in its [list of study committees](#). The Legislative Council also canceled technical corrections day, previously scheduled for that same day.

Statehouse Elections occur this year: all state representatives will be up for election and half of the Indiana Senate will be up for election. Many legislators have retired and the 122nd Indiana General Assembly will be filled with new faces. We face uncertainty with the legislature's schedule, as both chambers would typically meet the third week of November for Organization Day, to swear in all newly elected

members. COVID-19 has upended Statehouse schedules and no one is sure what schedule we'll face, or how meetings will be conducted. Rest assured, no matter how the State of Indiana conducts business for its first session of the General Assembly, we will be there.

Respectfully Submitted,
Lindsay Shipps Haake & Kerwin Olson