KRIEG DEVAULT

Insights

Take Five: 5 Things You Need to Know About Indiana Government - March 2024

March 28, 2024

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2024 Session Wrap-up

The Indiana General Assembly adjourned sine die earlier this month on March 8th, with 172 bills being sent to Governor Holcomb for his signature or veto. Legislators passed bills addressing child care access and affordability in SEA 2 and HEA 1102 along with priority legislation to address low 3rd grade reading test scores in SEA 1. Governor Holcomb signed every bill except the General Assembly's antisemitism bill, House Bill 1002. After much debate and compromise between the two chambers, the conference committee report passed on the final night of session by a vote of 99-0 in the House and 45-1 in the Senate. However, in his veto message Governor Holcomb cited the failure to incorporate the International Holocaust Remembrance Alliance's (IHRA) definition and contemporary examples of antisemitism along with other "confusing language" as his reason for vetoing the bill and issued a proclamation condemning antisemitism with his veto message. Overall, the legislature largely stayed true to their stated desire to keep a low profile in the midst of what will be a busy election year.

FSSA and Indiana Medicaid Under the Microscope during the 2024 Session

In December, the Indiana Family and Social Services Administration (FSSA), the state's agency that administers Indiana's Medicaid program, informed the State Budget Committee that April Medicaid expenditure forecasts were off by nearly $1B. This shocking figured drew the ire of legislators and stakeholders alike, particularly heading into a non-budget short session during which the legislature's hands are traditionally tied from a fiscal perspective. The agency was quick to issue a laundry list of action items planned to curtail growing expenditures, including enhanced utilization review measures, the pause of a planned 2% rate indexing for certain services, and a plan to scale back Indiana's attendant care program for medically complex Hoosiers. Whether the legislature should weigh in on these topics at all during the 2024 session of the Indiana General Assembly was hotly debated. At the end of the day, the legislature passed two limited measures to provide additional oversight. First, in HEA 1120 the legislature required a series of reports to the legislature's Medicaid Oversight Committee in which the agency is required to present information including: (1) monitoring plans specific to managed care and waiver programs, (2) details regarding how FSSA will improve transparency around Medicaid expenditures, (3) an explanation of issues that led to the $1B forecasting error, and (4) information regarding the scaling back of Indiana's attendant care program. Second, the General Assembly broadened the scope of the Medicaid Oversight Committee in SEA 256 by expanding their jurisdiction to all things Medicaid (previously, they only had oversight over requests for new Medicaid services and changes in existing Medicaid services). In addition to the challenges FSSA faces as a result of the aforementioned forecasting error, the agency is also in the middle of rolling out a massive transition of long-term services and supports from a fee-for-service structure to a managed care model, which includes the

onboarding of three new managed care entities and the enrollment of thousands of elderly Hoosiers who receive nursing home care and/or home and community based services. When the 2025 session rolls around, expect FSSA and Indiana Medicaid to be in the legislative crossfire.

Republican Gubernatorial Primary

As Indiana's May 7th primary approaches, the race for the Republican nomination for Governor continues to escalate, with multiple well-funded candidates hitting the airwaves and debate stages to make their cases to voters. The most recent public polling released Thursday, March 7th shows US Senator Mike Braun leading the pack with 34% of the vote, followed by Lt. Governor Suzanne Crouch and businessman Eric Doden with 7% each, former Indiana Secretary of Commerce Brad Chambers with 5%, and 43% of voters undecided. Candidates have debated twice in the last week on TV, discussing issues including their plans for Indiana's economy, how to address illegal immigration, their position on Indiana's abortion laws, and even their thoughts on whether Indiana should change time zones and/or continue to observe daylight savings time. In addition to other debates sponsored by media outlets, the nonpartisan Indiana Debate Commission will be hosting a televised debate on April 23 at 7pm. The winner of the Republican primary will face Democratic candidate Jennifer McCormick and Libertarian candidate Donald Rainwater in November.

Congressional Primaries

Indiana's Congressional delegation could look very different in 2025: with two members retiring and one member running for the US Senate seat, there will be at least three new members out of the nine seats in Indiana. There are four key primaries happening on the Republican side of the aisle, and whichever candidates emerge victorious from these primaries will be the favorites to win their general election races as well.

- Third District: With current Congressman Banks running for US Senate, a total of 8 candidates have stepped up to run in the open seat. Candidates with the most traction include Judge Wendy Davis, businessman and nonprofit executive Tim Smith, State Senator Andy Zay, and former Congressman Marlin Stutzman, who represented the district from 2010-2017 (leaving the seat to run in the 2016 US Senate primary for the seat currently held by Senator Todd Young).- Fifth District: In early 2023, current Congresswoman Victoria Spartz announced that she would not be running for another term in Congress, which prompted many candidates to throw their hat into the ring. However, before this year's filing deadline she reversed her decision and decided to run for re-election. In a field of 9 candidates, current State Representative Chuck Goodrich is thought to lead the field of challengers to Spartz based on fundraising and endorsements. However, incumbent candidates have a good track record of winning re-election, so this will be a race to watch.- Sixth District: The announcement from current Congressman Greg Pence that he would not run again prompted 7 candidates to file in this district, which covers the southern portion of Marion County and extends over eastern Indiana. State Representative Mike Speedy and State Senator Jeff Raatz both have advantages in name recognition as current elected officials in the district, but entrepreneur Jamison Carrier and former Indianapolis mayoral candidate Jefferson Shreve are both well-funded and will make this contest a close race.- Eighth District: Eight candidates are running for Indiana's Eighth Congressional District, which is an open seat after current Congressman Larry Bucshon announced his retirement earlier this year. Former Congressman John Hostettler and current State Senator Mark Messmer lead the pack in this race, but with so many candidates there could be a surprise in store on primary election night.

Legislative Primaries

With this year's legislative session wrapped up, legislators and legislative candidates are turning their full attention to their political races. This year, 22 House members and 7 Senate members are facing challenges during the primary. The political caucuses will be working hard to protect their incumbent members, which include some in high-profile leadership roles such as Senate President Pro Tempore Rod Bray (R-Martinsville), House Deputy Speaker Pro Tempore Sharon Negele (R-Attica), House Majority Caucus Chair Greg

Steuerwald (R-Avon), and House Committee Chairs Martin Carbaugh (R-Fort Wayne), Alan Morrison (R-Terre Haute), Jim Pressel (R-Rolling Prairie), and Jeff Thompson (R-Lizton). The full list of incumbents facing primary challenges is below.

House

Rep. John Bartlett (D-Indianapolis)

Rep. Bruce Borders (R-Jasonville)

Rep. Martin Carbaugh (R-Fort Wayne)

Rep. Karen Engleman (R-Georgetown)

Rep. Mark Genda (R-Frankfort)

Rep. Ragen Hatcher (D-Gary)

Rep. Matt Hostettler (R-Patoka)

Rep. Joanna King (R-Middlebury)

Rep. Jim Lucas (R-Seymour)

Rep. Jennifer Meltzer (R-Shelbyville)

Rep. Justin Moed (D-Indianapolis)

Rep. Alan Morrison (R-Terre Haute)

Rep. Sharon Negele (R-Attica)

Rep. Zach Payne (R-Charlestown)

Rep. J.D. Prescott (R-Union City)

Rep. Jim Pressel (R-Rolling Prairie)

Rep. Ben Smaltz (R-Auburn)

Rep. Greg Steuerwald (R-Avon)

Rep. Lorissa Sweet (R-Wabash)

Rep. Jake Teshka (R-North Liberty)

Rep. Jeff Thompson (R-Lizton)

Rep. Alex Zimmerman (R-North Vernon)

Senate

Sen. Mike Bohacek (R-Michiana Shores)

Sen. Rod Bray (R-Martinsville)

Sen. Brian Buchanan (R-Lebanon)

Sen. Justin Busch (R-Fort Wayne)

Sen. David Niezgodski (D-South Bend)

Sen. David Vinzant (D-Hobart)

Sen. Mike Young (R-Indianapolis)

Krieg DeVault sends condolences to the family of State Senator Jean Breaux (D-Indianapolis), who passed away on March 20, 2024.???????

Disclaimer: The contents of this article should not be construed as legal advice or a legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only, and you are urged to consult with counsel concerning your situation and specific legal questions you may have.