

Insights

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

July 29, 2021

By: Amy M. Levander and Amy E. Schwarz

1. COVID Update

On July 27, the CDC updated its public health guidance to recommend that all people, regardless of vaccination status, wear a mask in public indoor settings in areas of substantial or high transmission, which currently includes the majority of the state of Indiana. The changes also include a recommendation for all teachers, staff, students, and visitors to wear a mask in schools regardless of vaccination status. This change comes about as a result of new data showing that the Delta variant of COVID-19 causes infected people to carry a much higher viral load than previous strains. While most Indiana counties are included in the CDC's areas of substantial or high transmission, the state is making progress on vaccinations and recently passed a major milestone of vaccinating over 50% of eligible Hoosiers. For more information on Indiana's vaccination program and to schedule a vaccine appointment, visit www.ourshot.in.gov.

2. Executive Authority

One aspect of the executive power lawsuit is now in front of the Indiana Supreme Court. After the trial court ruled that Governor Eric Holcomb had the authority to hire outside legal counsel to challenge HEA 1123, which gives the Indiana General Assembly the ability to call itself into a special session during a state of emergency, Attorney General Todd Rokita has filed a petition asking the Supreme Court to stop the proceedings in the Marion County Superior Court. Attorney General Rokita asked Marion Superior Court Judge Patrick Dietrick to prohibit the appearance of outside counsel, arguing that the Attorney General has the sole authority to represent the Governor in such a suit, but the motion was denied. The Attorney General then asked the lower court to certify the case for interlocutory appeal and for a stay, but those motions were also denied. The argument now before the Supreme Court is whether the Indiana Constitution and state law require a continuance in this case because the legislature was only placed in recess, and is therefore still in session, pending the adoption of new district maps. The Supreme Court has asked for briefs on the issue from both parties. Once this issue is settled, the judiciary will still need to consider the underlying lawsuit related to the governor's executive authority and HEA 1123.

3. Redistricting

Lawmakers will soon return to the Statehouse to adopt new Congressional and legislative district maps, a once-a-decade requirement after U.S. Census data is collected and provided to each state. Legislative leadership has announced a series of public meetings across the state in mid-August to solicit feedback on the

redistricting process. Public meetings will be held in each of Indiana's nine Congressional districts. The schedule is as follows:

- August 6th: Lafayette, Valparaiso, Anderson and Columbus
- August 7th: Fort Wayne, Elkhart, Evansville, and Sellersburg
- August 11th: Indianapolis

The census data is expected to arrive on August 16th, and the full legislature is expected to reconvene in mid-to late-September to enact the new maps. The COVID-19 pandemic delayed the collection of the data by the federal government, which prevented the General Assembly from considering the issue during session earlier this year.

4. Upcoming Health Care Interim Study Committee Topics

Earlier this year, the Legislative Council of the Indiana General Assembly met to approve study committee topics for the 2021 interim (see the full list of approved topics [here](#)). Recently, the Interim Study Committee on Public Health, Behavioral Health, and Human Services announced that the committee will conduct its work on three dates in August: the 4th, 11th, and 25th. Each meeting will occur at 12pm in Room 431 of the Statehouse—Sen. Ed Charbonneau (R-Valparaiso) and Rep. Brad Barrett, MD (R-Richmond) will serve as Chair and Co-Chair of the committee, respectively. During the first meeting on August 4th, the committee will study Indiana's trauma care system, including: Indiana's current trauma system model vs. other state trauma models that include prehospital, hospital, and rehabilitation care; the American College of Surgeons recommendations for trauma systems; jurisdictional oversight with specific focus on rural communities; and funding mechanisms necessary for support of an optimal trauma system (as outlined in **HB 1259, 2021**). To view the agendas for the other upcoming meetings of the interim study committee, click [here](#).

On August 5th, the Interim Committee on Public Policy will also be studying a topic that could impact licensed health care providers. At 1pm in Room 431, this committee will hear testimony on "the advantages and disadvantages of adopting a law to establish uniform reciprocity requirements and procedures for individuals who are licensed or certified in another state to be granted a license or certificate for the same occupation under Title 25 of the Indiana Code." You can find more about the Interim Committee on Public Policy [here](#).

5. IU Vaccine Mandate Upheld in Federal Court

Earlier this month, a federal court held that Indiana University can require students, faculty and staff to be vaccinated in order to participate in on-campus classes and activities during the Fall 2021 semester. This case is the first instance of a court upholding a vaccine requirement for universities. The university's original announcement in May of the new vaccine policy drew the ire of some members of the Indiana General Assembly, and further litigation is likely.

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.