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Insights

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

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1. Executive Authority Lawsuits

Attorneys representing Governor Eric Holcomb and Attorney General Todd Rokita argued their respective positions last week in the first court hearing of the gubernatorial emergency powers lawsuit. Recall that Governor Holcomb retained outside legal counsel to challenge the legislature's veto of **HEA 1123**, which allows the General Assembly to call itself into an emergency session during any future statewide emergencies. Attorney General Rokita declined to challenge the measure on behalf of the Governor and also claims that the Governor can only hire outside counsel with the express consent of the Attorney General. Appearing before Judge Patrick Dietrick of Marion County Superior Court 12, Solicitor General Tom Fisher argued on behalf of the Office of the Attorney General that "the inherent authority of the governor does not extend into the courtroom," and that the Attorney General is the only official authorized to represent the state in litigation. He further argued that, even if the Governor's claim is allowed to proceed, the issue would need to be held until the legislature adjourns sine die later this fall once the redistricting process is complete. Counsel for the Governor argued that the Attorney General has an inherent conflict of interest due to the fact that the office must defend state laws, and that the Governor's office must be allowed to pursue recourse through the courts despite any objections from the Office of the Attorney General. Briefs on the issue are due June 30th, and an appeal to the Supreme Court is likely. Recognize that this is merely the precursor before the courts take up the emergency powers question.

2. Interim Study Committee Assignments

Last week, the Indiana General Assembly released committee assignments for this year's Interim Study Committees. Because it is an odd numbered year, members of the Senate will chair the committees and members of the House will serve as vice chairs. The House assignments can be found **here**, and the Senate assignments can be found **here**. Topics for the interim committees were assigned by the Legislative Council last month, and those topics can be found **here**.

3. Study of Health Care Costs

The Legislative Services Agency of the Indiana General Assembly has released two RFPs to study market concentration in health care sectors in Indiana. These studies were mandated by **HEA 1405**, and must be completed before December 31, 2022. The **Pharmacy Sector RFP** will focus on market concentration in the retail pharmaceutical industry, the pharmacy benefit manager (PBM) industry, the pharmacy services administrative organization industry and pharmaceutical manufacturers, while the **Other Health Sectors RFP**

will study market concentration in the insurance industry, the hospital industry and professions of licensed health care practitioners.

4. Political Update

While 2021 is a non-election year in Indiana- meaning you can enjoy your favorite shows this fall without being bombarded with political ads- candidates are already trying to get a jump on the field for 2022 and beyond. Statewide races next year include a U.S. Senate seat as well as the Secretary of State, State Auditor, and State Treasurer, along with the usual Congressional and legislative races that occur in even-numbered years.

U.S. Senator Todd Young is building a sizeable war chest for his re-election campaign, and while he will likely be challenged by a far-right candidate in the primary, he should coast to the general election. It's too early to say who the Democrats will select to challenge the incumbent, but Hammond Mayor Tom McDermott, Jr. has expressed interest in the race.

Candidates for Secretary of State, State Auditor, and State Treasurer will be selected at the Republican and Democrat conventions next year. Newly appointed Secretary of State Holli Sullivan will face challengers in her bid for a full term, while current Auditor Tera Klutz will run for a second term. Longtime political operative Pete Seat recently announced his candidacy for State Treasurer, as has Morgan County GOP Chairman Daniel Elliott and Suzie Jaworowski, who served as the state campaign director for the 2016 Trump Pence ticket.

And even though Governor Holcomb's term doesn't conclude until 2024, candidates are already starting to emerge in what will likely be a crowded field. Eric Doden, the former CEO of Greater Fort Wayne, Inc. and former President of the Indiana Economic Development Corporation, has formed a campaign committee and is raising money. And while she has made no official announcement, Lt. Governor Suzanne Crouch is flush with campaign cash and is almost certain to run. On the Democrat side, former U.S. Senator Joe Donnelly's name has surfaced as a possible candidate. You can expect other big-name candidates to express an interest in the coming months as well.

5. Federal Updates

Senator Todd Young's Endless Frontier Act was amended and passed by the Senate in the **United States Innovation and Competition Act** this month. The bill is an effort to compete with China on technology innovations and could create a technology innovation hub in Indiana. Senator Young was also part of a bipartisan group of Senators who recently signed on to support a $974 billion infrastructure bill. Negotiations on the infrastructure package are ongoing between President Joe Biden and Congressional leaders.

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