

Insights

Take Five: 5 Things You Need to Know About Indiana Government - February 2022

February 3, 2022

By: Amy M. Levander and Amy E. Schwarz

1. General Assembly Reaches Halftime

The 2022 Session of the Indiana General Assembly reached the halfway point this week with a number of key issues still under consideration. The deadline for House bills to move out of the House of Representatives was Monday, January 31st, while the Senate faced a deadline of Tuesday, February 1st to take action on Senate bills. Of the 858 bills introduced this year, 265 are still alive at this point. Those measures surviving the first half of session must now be considered by the other Chamber to continue through the legislative process.

2. Fate of Key Issues Remains Uncertain

While the legislature is considering numerous issues across a broad array of industries, there has been a particular focus on tax and education proposals, revealing some disagreement between House and Senate leadership on those issues. Because of these differences, it's not clear whether **HB 1134** (Education matters) or **HB 1002** (Various tax matters) will ultimately pass this year.

HB 1134, authored by House Education Chairman Bob Behning (R- Indianapolis), is a far-reaching measure that requires teachers to provide more transparency to parents on materials and activities that are being taught in the classroom. The bill would also prohibit school corporations and teachers from promoting certain divisive concepts, including the idea that any sex, race, ethnicity, religion, color, national origin, or political affiliation is inherently superior or inferior to another. While the bill passed the House 60-37, a similar measure introduced in the Senate (SB 167) was pulled from consideration earlier this session.

The House also approved a significant tax cut proposal that is likely to receive a cool reception in the Senate during the 2nd half of session. HB 1002, authored by Ways and Means Chairman Tim Brown (R- Crawfordsville), is a \$1.3 billion tax cut package that reduces the individual income tax, repeals the utility and services receipt tax, and eliminates the 30% floor for the business personal property tax on business property purchased after January 1, 2022. However, Senate fiscal leaders have been leery of moving forward on tax cut proposals in a non-budget year, killing Senate bills that would have increased the business personal property tax exemption amount and that would have provided for a sales tax holiday for two weeks this summer.

3. Public Health Emergency Extended

On February 1st, 2022, Gov. Eric Holcomb issued **Executive Order 22-01**, which renews the state public health emergency (PHE) for an additional 30 day period. As a result, the PHE will continue until March 4th unless it is renewed again. The Governor also issued **Executive Order 22-02**, which continues a series of measures intended to aid the state's response to COVID-19. Notably, Executive Order 22-02 continues the temporary registry for out-of-state health care providers through March 4th, 2022.

Dueling bills on the topic of Indiana's PHE have passed each house of the Indiana General Assembly and will now cross over to the opposite chamber for consideration in the second half of the legislative session. Both bills, **HB 1001** and **SB 3**, include three measures Governor Holcomb has requested that will allow him to "responsibly end" Indiana's PHE. These items include provisions related to Medicaid and SNAP benefits and standing orders for vaccinations. Both bills also extend the aforementioned temporary registry for out-of-state health care providers—HB 1001 does so through March 31st, 2022, while SB 3 ties the existence of the registry through the end of the federal public health emergency.

The chief difference between the bills, however, is that HB 1001 includes language that limits and regulates employer COVID-19 vaccine mandates, while SB 3 is silent on the topic. This difference is indicative of where each chamber stands on the issue of employer COVID-19 vaccine mandates. The House has been eager to address the topic, holding two unprecedented meetings in November and December to hear testimony on the proposal. The Senate Republican caucus, however, has sent strong signals throughout the winter that they are hesitant to move legislation on the topic.

4. Governor's Public Health Commission

The Governor's Public Health Commission continues its work in preparation to make recommendations to the General Assembly for the 2023 budget session. During the January meeting, Dr. Lindsay Weaver, Chief Medical Officer for the Indiana Department of Health, made a presentation regarding the state of public health data and data integration. While the state has hired a Chief Data Officer and additional staff for data management within the Department of Health during the pandemic, further improvements to data collection and analysis will be required to provide the needed support for local health departments. Finding and preparing Hoosiers to work in this field to help solve these problems was also a key discussion topic for the Commission.

5. 2022 Election Update

The deadline to file for offices on the 2022 primary ballot is coming up on Friday, February 4th. In the US Senate race, Hammond Mayor Thomas McDermott (D) has filed to run against incumbent Senator Todd Young (R), who just reported a strong fundraising quarter and has over \$6 million cash on hand. All of Indiana's current Congressional delegation has filed for re-election except for Congressman Trey Hollingsworth (R) in the 9th district, setting up a competitive primary race on the Republican side. Candidates that have announced their intention to run in the 9th district Republican primary include former Congressman Mike Sodrel, State Senator Erin Houchin, who recently announced her retirement from the General Assembly to focus on the race, and Representative J. Michael Davisson, who was recently caucused into the General Assembly in the seat of his late father,



Representative Steve Davisson.

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.