

## March Legislative Update considers context and fate of controversial bills in the General Assembly

Representative Matt Pierce was the sole legislator to participate in the March 11 Legislative Update. In opening remarks he noted that we have entered the second half of the session, with the House working on bills passed by the Senate and conversely. The last two weeks of April will constitute the conference session, when bills passed by both houses can be further changed through negotiations in a “lightning round.” Rep. Pierce is disturbed by the number and reach of bills such as SB480 (gender transition for minors), HB1407 (parental rights), and HB1608 (human sexuality instruction) addressing transgender and gender dysphoria issues.

The first question for Rep. Pierce was from a school and public librarian about SB12, which makes it a level 6 felony to provide material and presentations harmful to minors in school libraries. Rep. Pierce noted that proponents of the bill have cherry-picked examples from young adult literature, although the U.S. Supreme Court has ruled that a work must be considered as a whole. It is not clear that local prosecutors would be inclined to bring charges under this law, although the hearing on the bill had overtones of discouraging access to information.

When asked about SB4, which would increase funding for public health, Rep. Pierce suggested that it would probably be approved, but with less money than the Governor requested. “Watch the budget,” he said. He also commented on the “sewage wars,” battles by homeowners who have septic systems but are required to connect (at considerable expense) to sewage lines when they are installed. Because the rules are enforced by public health officials, many people perceive them in a negative light.

SB1 deals with community behavioral health clinic services and HB1006 would provide such services for people who have been arrested; they appear to have support, but the question is how much funding will be appropriated in the budget. Rep. Pierce noted that the Democrats generally want to use the budget surplus to support families, for example with childcare, rather than pay down debt that is already under control.

Rep. Pierce is concerned about bills aimed at increasing “ballot integrity,” such as HB1334 on absentee voting. He noted that the state has very few reports of problems and that such bills would disenfranchise voters. HB1116 is another example; it would prohibit anyone convicted of voter fraud felony from voting for 10 years (rather than after serving the sentence). He worries that this will lead to additional erosion of the right to vote for felons who have served their time.

Rep. Sweet filed an amendment to the budget to cut funding for IU’s Kinsey Institute. Rep. Pierce said that in previous sessions such an amendment would likely have died in committee. However, senior Republicans have been replaced by representatives with more extreme views and the more established members are concerned about being ousted in a primary election. As a result, there is not much opposition to such proposals on the floor; it is possible that the defunding effort may die during the conference session.

Local autonomy continues to be a matter of concern among legislators. For example, SB134 would restrict municipal governments from limiting retail sale of dogs (puppy mills); similar concerns arose when local governments attempted to restrict CAFOs (concentrated animal feeding operations). Rep. Pierce noted that cities and towns are not defined in the state constitution, thus the General Assembly can place limits on what they are permitted to do under home rule.

Rep. Pierce has signed on to support a Senate Concurrent Resolution affirming that Indiana's approval of the U.S. Equal Rights Amendment remains in force. This supports the U.S. Senate resolution, which would remove the deadline for the ratification of the ERA.

In response to a question about what is happening with property taxes, Rep. Pierce said that property values are rising, which increases the amount of tax a property owner pays. Although there have been proposals to lower the property tax cap and to increase income tax reductions, things are still unsettled and it is not clear what will finally emerge.

Rep. Pierce discussed education funding, saying that legislators no longer pretend that they are not diverting money from public education to charter and private schools. He pointed to the proposal to provide vouchers to families with incomes up to \$240,000, as well as references to public schools as "government schools" and the school funding formula as the "student funding formula." Public schools, he noted, are required to accept all students, including those with learning or other difficulties.

In a previous Legislative Update Rep. Pierce mentioned that contacts with legislators are much more effective when they come from residents of the legislator's district. He repeated that advice and said that committee chairs and party leaders also interact with regulatory agencies, industry groups, and some groups that represent taxpayer interests; he mentioned Citizens Action Coalition, which advocates on consumer and environmental issues. As a member of the minority party, Rep. Pierce said sometimes he is able to have an impact on legislation by reducing the "rough edges" of proposed legislation. It is harder to get critical mass attention to problematic legislation now that the power of the media is diffused.

Rep. Pierce is the ranking minority member of the Utilities, Energy and Telecommunications Committee. He continues to have major concerns about the ways utilities are able to bring in revenue up front for construction work in progress, before a power plant is operational. This denies ratepayers the opportunity to challenge the increased costs and shifts cost burden from the company and stockholders to ratepayers. Small modular nuclear reactors, which can be used in Indiana, are another concern; utilities are trying to increase with size limit for these reactors, even though it is not clear that they will actually build them. Rep. Pierce observed that when the Supreme Court rules that a utility has violated a law, the legislature often rewrites the laws so that the utility is not liable.

Moderator Sonia Leerkamp thanked Rep. Pierce for his consistent participation in the Legislative Updates. He thanked the people who attend the sessions and ask good questions.

This Legislative Update was not recorded.

Find up-to-date information on these and other bills at <https://iga.in.gov/>.

Legislative Updates are co-sponsored by the Leagues of Women Voters of Bloomington-Monroe County and Brown County and the Chambers of Commerce of Bloomington and Brown County. The next update will be Saturday April 15. You can register at <https://lwv-bmc.org/legis-update>.

Notes from Ralf Shaw, LWV-BMC Voter Service Co-chair, who apologizes for errors and omissions.