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INDIANA LEGISLATIVE INSIGHT

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Will Indiana get well soon?

Healthy lift faces Governor's Public Health Commission in 2023

The Governor's Public Health Commission releases its final report, offering recommendations to help ensure every Hoosier can access essential public health services regardless of where they live or work . . . and, as we were first to tell you early this year, it's not an inexpensive proposition.

The 15-member Public Health Commission established by an executive order in 2021 to examine the strengths and weaknesses of Indiana's public health system serves up a final 128-page report following a 10-month evaluation focused on six key workstreams (with the three in italics at the heart of the challenge):

- *Governance, Infrastructure, and Services*
- *Funding*
- *Workforce*
- Data and Analytics
- Child and Adolescent Health
- Emergency Preparedness

Key recommendations include:

- Added support to local health departments for foundational public health services
- Providing stable, recurring, and accessible funding
- Enhancing workforce recruitment, training, and retention efforts
- Enhancing data analytics resources for local health departments
- Improving emergency preparedness and fillings gaps in EMS workforce
- Adding school nurses to improve access to school-based health services

Ultimately, the Commission urges lawmakers to invest \$242.6 million in Indiana's public health system – an additional \$36 per capita from the state budget – which would allow Indiana's current \$55 per capita spending to match the national average of \$91 per capita. You may recall that we had estimated some nine months ago that about \$240 million would be needed to meet this level, a figure reshaped to an extent by inflation and increases in other state allocations helped to boost this number.

We had also told you to expect the panel to offer assorted tranches of funding levels that would show just what resources additional levels of funding could offer the state, but commissioners opted instead to simply focus on the task of raising Indiana up to the national mean . . . a heavy lift in itself.

Earlier this summer your favorite newsletter explained how the commission was avoiding some of the pitfalls other "blue-ribbon" commissions had encountered by simply issuing a report in isolation.

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This panel hosted a series of seven public listening events throughout the state, engaging the public without embroiling panel members in debates with those who simply wanted the government to stay out of the health business in light of the polarizing pandemic polemics over testing, masking, vaccinations, shutdowns, the like. Public input was also solicited online.

Just as importantly, the panel largely privately met in some 30 sessions with key stakeholder groups in the process (from local officials to school administrators; chambers of commerce and business associations to rural and agricultural groups; health care entities and providers; and minority health and welfare groups to underrepresented constituencies) to gather information and data about needs and discern dissent before pushback could become problematic. Lawmakers and the Governor's Office were kept apprised of events and directions the research was heading, and this became one of the few efforts of such consequence in which no one could truly say they did not have an opportunity to provide significant input into the process, and – perhaps with the marginal exception of the most extreme viewpoints largely being excluded due to the nature of the task – those who spoke up were listened to during the process.

What you may not know is that the process did not end with the mere submission of the report and recommendations to the Governor's Office for incorporation into his 2023 legislative package, where the appropriations request is not only unlikely to be scaled back, but is expected to become the centerpiece of the gubernatorial agenda next year.

Panel members are still quietly briefing legislators about the findings and recommendations, and assorted industry groups are already gearing up to help push for the funding and policy changes, as are some groups of lawmakers. The legislative Rural Caucus, for example, hosted a public meeting at the State Fairgrounds on August 14 during the State Fair. Sen. Jean Leising (R), whom many forget is a nurse by training, chaired a session on rural health care with two key panel members: State Health Commissioner Kris Box and former Sen. Luke Kenley (R). Rural care and funding for services outside urban and suburban areas was one of the most critical aspects of the commission's work.

As the build-up continues to the budget session, solons are being reminded that while a priority has been placed for decades on strong funding for K-12 and higher education; improvements in infrastructure; and strong economic development programs and reduced state debt and lower taxes, the state has not placed a similar priority on the human capital issues that round out what makes Indiana a leading economic producer and good place to live and raise a family.

Indeed, Indiana's spending on public health ranks among the bottom states in this silo – virtually last, with at least one evaluation actually placing us dead last. Panel members seriously debated whether to include that factoid in the report and ultimately opted against doing so because they don't feel that negatively about the state, and because there's really no need to point fingers.

The panel observes that “costs to our state from our poor health are substantial, including unnecessary suffering, lost productivity, and weaker communities.”

There is no real blame to be assessed on any particular sector for why we find ourselves in such straits. As we noted early this year in quoting from historical tomes, this isn't a product of the past decade, generation, or even century. This is a phenomenon that dates back into the 1800s and relates back to engrained philosophies.

But there's more to it practically than just that generalization.

We've laid the responsibility for public health and preventative-related activities on county health departments, and funding for them is derived from county budgets . . . which are already largely pressed to the max by other pressing needs. Look beyond this and you'll also note that 64 of our counties – just short of 70% – are home to populations below 50,000 people (and many of these are shrinking), and 30 – almost one-third – of our 92 counties feature populations of less than 25,000. They typically have negligible tax bases and are already (understandably) hard-pressed to cope with all the statutory functions that have been mandated over the decades.

As a result of funding disparities and priorities, the level of service varies widely from county to county, with significant gaps in service in critical areas such as emergency medical services (EMS) and K-12 school nursing.

The Public Health Commission has determined that the local health departments should remain the local retail delivery mechanism for public health programs, but that their budgets should primarily be funded by the state. Understanding the local resource restrictions, the panel calls for the state funding qualified personnel through the Indiana Department of Health to work in the 10 IDOH health care regions across the state to train and assist counties implement their programs, with local governments being a partner with, and local officials having substantive input into the programs.

The added funding sought by the commission would, as noted, simply bump Indiana up to the middle of the pack . . . which some commission members privately telling lawmakers that they believe with “average” funding, other government and industry support, and effective performance, Hoosiers can implement what they refer to as a “top-tier” public health initiative.

As envisioned by the panel and presented to legislative appropriators, funding would be distributed to the counties much like we direct road funding today, with the state serving up 80% to 90% of the funds based on a local unit's ability to pay, and the county assuming responsibility for covering the remainder.

Before a county could receive state funding, it would have to vote to join the program for a minimum of five years, and it would have to be an all-or-nothing approval; there would be no à la carte options. Legislators are being told that this needs to be a full partnership arrangement to ensure an effective program.

The panel also calls for governance changes, with different local health board appointment policies in counties of populations of 200,000 (excluding Marion County), and counties with populations of less than 200,000 to better reflect the current public health workforce and key community representation.

Regional approaches to public health concerns would be encouraged, including sharing of resources or consolidation of local health districts if desired by local partners. State policy would ensure that the creation of a multi-county district does not result in lower overall funding for the combined entity. IDOH will provide technical assistance for requesting counties considering local health district resource sharing or consolidation, including legal consultation, model ordinance language, and a toolkit with other recommendations and guidance. The panel also wants any regional district to be required to maintain at least one physical office in each component county that, at a minimum, offers consumer-accessed services, such as vital records, immunizations, and certain environmental inspections and permitting.

The Commission acknowledges the critical role schools play in supporting public health and addresses two primary vehicles used to deliver health services in Indiana schools: school nurses and school-based health centers (SBHCs). The commission calls for support regarding the development of SBHCs, and prescribes a benchmark of one registered nurse for every 750 students in each school district. Our sister Hannah News Service newsletter **INDIANA EDUCATION INSIGHT** tackles those items in depth with a detailed lead story this week.

Look for the continued sales job to focus on restoring the lifespan of Hoosiers which has reduced over the past five years (after peaking at 77.5 years in 2010). That's an easy metric to measure, one that everyone can relate to, one where we don't want to remain below the national average of 78.8 years, and which also subtly notes the impact of Covid (and the need for effective public health policies to effectively respond to such pandemics) on the numbers.

Similarly, EMS will be a big selling point, particularly among rural legislators and local officials . . . but school nursing will likely not be emphasized as much because of the

negative connotations we have seen attached to this in recent sessions related to student mental health and gender issues.

Certain groups will likely be targeted with messages oriented toward them, such as the need to improve infant mortality and maternal health being sold to pro-life forces (and lawmakers who voted for the wraparound services bill during the just-concluded special session), and issues with obesity and smoking a major selling point to employers.

The fiscal leaders are being courted in this effort, while also singled out for special attention are the members of the House Committee on Public Health and the Senate Committee on Health and Provider Services. As part of the transparency efforts, IDOH Director of Legislative and External Affairs Micha Burkert kept lawmakers apprised of developments at each meeting, and the Senate health committee chair, Sen., Ed Charbonneau (R), even attended one session outside his current legislative district to stay informed.

Will the Public Health Commission's extensive and expensive recommendations become part of the legislative campaign agenda in any districts? You should watch – particularly in districts which saw Liberty Defense candidates in the May primary, or an active Hoosiers for Medical Liberty presence (the latter sent out a “Public Health 911!!!” in July, telling supporters “The state is going to take over your county! But you can stop it!” and offering a lengthy video message outlining how to best oppose the panel's recommendations that would “eliminate local control and autonomy” in certain situations.

That dilemma may also become the biggest sticking point. Assuming priorities are agreed upon, funding should not be a problem given our current fiscal condition . . . though expect lots of discussion about meeting commitments going forward in times when the state is more pressed on the fiscal front. The panel calls for “stable, recurring, and flexible funding” for the local units.

Former U.S. Rep. Susan Brooks (R), a citizen member of the commission, was a key pre-pandemic congressional voice in building preparedness against pandemics and related potential public health crises. She sums up the conundrum thusly: “Citizens expect the Commission to assure Indiana is better prepared for the next pandemic or crisis. However, citizens also want the Commission to listen to their concerns regarding finding the balance between too much government intervention and individual responsibility.” She continues, “We, as a state, cannot become complacent and fail to address what went wrong during the pandemic,” suggesting that this was “due in large part to extreme underfunding of our public health system in the state of Indiana,” helping to further justify government involvement.

Will this attitude prevail legislatively? Stay tuned through the elections . . .

IN Politics

Federal Office Races . . .

- The “electioneering communications period” for the general election begins Friday, September 9, and runs through November 8. Any person who makes electioneering communications that aggregate more than \$10,000 for the calendar year during this time period must file a 24-hour notice with the Federal Election Commission.
- U.S. Sen. **Todd Young** (R) hits the television airwaves Labor Day weekend with his first flight of ads (did you know he’s a Marine?!). Last week, we mentioned that the growth in streaming could prove to be problematic for candidates who have traditionally relied upon broadcast and cable advertising, but Sen. Young’s campaign was on Hulu Labor Day with a brief bio spot that enjoyed multiple placements during an Investigation Discovery documentary on the 1978 Burger Chef murders in Speedway.
- U.S. Rep. **Frank Mrvan** (D) is on television in CD 01, starting with an attack ad that contrasts his support for abortion rights with those of his challenger. “**Jennifer-Ruth Green** said she would ban all abortions, with absolutely no exceptions,” the spot proclaims, using Green’s own voice

and words to confirm the stance. “Not even if a woman’s life is at risk . . . not even if a victim is a 10-year-old girl,” the female narrator intones, invoking the recent controversy over the Ohio girl forced to cross state lines to Indiana for an abortion after being raped. “Republican Jennifer-Ruth Green would take away every woman’s choice no matter the consequences” . . . Green follows up on the digital ad we told you about last week with its first tv ad of the general election, part of a six-figure cable buy airing districtwide. The spot is a bio ad of sorts in which she tells voters, “my parents taught me that in order to reach my dreams, I’d have to work twice as hard. It’s why I went to the Air Force Academy, served in combat, and started a non-profit to help at-risk kids.” However, the spot quickly shifts gears and she proclaims that “Lately, the American Dream has been only for the wealthy, and that’s why I’m running for Congress.” “Costs and crime are soaring. Jobs are leaving. Politicians are doing nothing. And I’ve had enough. Join me,” Green implores voters.

- Sure didn’t take long for CD 02 heir apparent **Rudy Yakym** (R) to get up to speed on the administrative end. After establishing his Rudy for Indiana campaign committee, he organizes a leadership political action committee, Republicans United to Defend You PAC (RUDY PAC), and then brings those two entities together with the National Republican Congressional Committee in a joint fundraising committee, the Rudy Victory Fund.



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State Office Races . . .

- Open seat secretary of state candidate **Diego Morales** (R) hauls in \$40,000 in the form of four \$10,000 contributions from Fort Wayne benefactors during the first week of September, one from Ambassador Enterprises, LLC, the family firm associated with 2024 gubernatorial hopeful **Eric Doden** (R).

- The Doden campaign also pockets \$20,000 from Carmel's **John D. Scott**.

IN Legislative Races . . .

- Sen. **Kyle Walker** (R) is up on cable television in SD 31 touting his record of fiscal conservatism and support for balanced budgets, tax cuts, efforts to improve public safety, and historic investments in our schools during his limited tenure in the Senate. “A small businessman, Walker is focused on helping every Hoosier hurting from **Joe Biden’s** inflation,” the spot tells voters in Hamilton County and Marion County. “Kyle Walker’s track record [is] one we can be proud of: a fiscal conservative, balanced budgets and tax cuts.” “Kyle Walker led the push to get illegal guns off our streets, and Walker supported historic investments in our public schools, helping students and teachers,” viewers are also told (and, yes, there is a brief clip of Sen. Walker and his wife, **Jan Hallowell**, walking hand-in-hand).

- Look closely, and you’ll also see a prominent role in the video for rising star **Tiffany Ditlevson** (R), one of the caucus candidates Walker defeated for the job almost two years ago, as well as some video of him with former Fishers deputy mayor **Leah McGrath** (R), who lost an open seat House primary two years ago to now-Rep. **Chris Jeter** (R).

IN Mayoral Races . . .

- If Indianapolis Mayor **Joe Hogsett** (D) seeks a third term in 2023 (and he’s been seen traveling around the state on behalf of Democrats late this summer, raising eyebrows about a potential statewide bid in 2024, 24 years after his first statewide election), “it looks like he’ll have at least one primary opponent,” hints IndyPolitics.org: Rep. **Robin Shackelford** (D). That could also raise the stakes in the forthcoming caucus election to fill the vacancy in the Marion County Democratic Party chair . . .

IN Other Political News . . .

- The questions that we believe will determine the direction of Indiana’s general election:

- ✓ How many women will register to vote simply because of the *Dobbs* decision?

- ✓ Will turnout better resemble that of a presidential race than a normal midterm election?

- ✓ Will MAGA-motivated voters be motivated to vote south of federal and statewide offices?

- ✓ Will lawmakers who voted for SB 1(SS) actively promote (vs. defend if attacked) their votes in seriously contested races?

- ✓ Will there be statewide advertising on either side of the abortion issue?

- ✓ Will inflation prove measurably worse than it is today?

- ✓ Will Democratic statewide candidates be able to convince voters that they need to vote on the basis of issues broader than that which apply to each individual office up for election (and can they single out and pick off **Diego Morales** (R) from the GOP herd?

- ✓ Will Republican legislative candidates writ large be able to paint themselves as good people who are not the “extremists” Democrats seemingly allege all Republicans in the General Assembly to be?

- ✓ Will any questions about election protocols – from central voting locations and number of days for voting to device testing and ballot layout and the recruiting and placement of precinct officials – allow candidates to raise questions about election integrity, and how might that play out?

- ✓ Will the change in television voting habits (think: streaming) and postal service delays and social media crackdowns on election advertising impact any individual campaigns?

- ✓ Will school board races prove to be broadly divisive . . . and impact other races due to micro-turnout considerations, boosting turnout from the bottom of the ballot up, rather than vice versa?

- ✓ Will polling prove as problematic in Indiana this year as it seems to have been nationally over the past two years?

- The three bellwether races: Secretary of State (open), CD 01 (Mrvan (D)), and SD 31 (K. Walker (R)).

- A while back we told you that there was no plan in the works for coordinated school board candidate endorsements by Attorney General **Todd Rokita** (R) . . . but we’ve learned of one school board candidate in Avon whom he has formally endorsed and who is using that backing in her campaign materials. He praises the candidate’s “student-focused” approach to education, combined with “a commitment to be responsive to parents.”

IN the Outbreak

- Indiana University Northwest economist **Micah Pollak**, one of the state’s key analysts of Covid data, tweeted as the state headed into the Labor Day holiday that “all metrics continue to fall (or remain flat). As we (hopefully) exit this Omicron ‘BA2 into BA4/5’ wave, it is looking like it may be the least severe wave we’ve experienced so far, and by a wide margin.” He explains that “Due to reduced officially recorded testing, one of the best metrics available for measuring” the spread in Indiana “right now is wastewater viral concentration data. For the 13 counties we have data for, all but one has fallen significantly over the last two weeks” of August (though Chicago’s health commissioner is very concerned about wastewater data just across the border exhibiting high levels of the virus).

- IUN’s Pollak concludes: “The biggest takeaway from this ‘BA2 into BA4/5’ wave for me is how average daily deaths from [Covid locally] have barely risen. While it’s still premature for a complete comparison of deaths, this has certainly been the least deadly wave so far by a large margin,” and while he doesn’t say so, it’s likely due in no small part to strong ongoing booster shots for older Hoosier demographics.

- The Indiana Department of Health details the prevalence of monkeypox (MPV) cases in the state, broken down by age group, gender, ethnicity, race, and public health district. The new website shows that more than two-thirds (120) of the state’s monkeypox cases have been diagnosed in the district comprising the Central Indiana metro donut.

Age Group	% of Statewide Cases
13 - 17	0.6%
18 - 29	40.1%
30 - 39	33.7%
40 - 49	17.4%
50 - 59	7.0%
60 - 69	1.2%

- As of Tuesday, Indiana ranks 20th in the number of monkeypox cases among all states nationally, with our 178 cumulative cases up by only a single-digit percentage from the prior week, according to Centers for Disease Control and Prevention data. This is the slimmest seven-day percentage increase we’ve seen since CDC started to compile – and we began to analyze – the MPV data.

Date	# Cases	% > Over Week	Nat’l Rank
09/06	178	9.88%	20
08/30	162	20.90%	19
08/23	134	59.52%	21
08/16	84	9.90%	21
08/09	77	32.76%	16
08/02	58	75.76%	16
07/26	33	200.00%	18
07/19	11		20

- Indiana trails Illinois, still sixth in the nation, but now up to 1,128 monkeypox cases, as well as Ohio – 15th with 210 MPV cases – and Michigan at 200 cases, which ranks 17th, after being up just one notch from us one week earlier.

- As of Wednesday, Indiana was seeing an average of just 1,742 Covid cases per day reported to health officials in the last week, down over the week for the fourth time in 10 weeks (though the formal reports do not include cases self-diagnosed via home test kits). Importantly, at midweek, each of the metrics we monitor fell by a double-digit percentage over the prior two weeks – the first time ever we can recall seeing such a phenomenon either at the state or national level, much less both. This follows the first week in quite some time in which we can recall all four metrics being down both in Indiana and on a national basis in a given week. The numbers remain dynamic, however; between Monday and Tuesday, the number of cases in Indiana vs. 14 days earlier plummeted by almost threefold (from - 13%.to - 37%).

14-Day Rate of Growth: Indiana vs. National (as of 09/07)

	Cases	Hospitalizations	ICU	Deaths
Indiana	(37%)	(14%)	(15%)	(10%)
National	(21%)	(10%)	(10%)	(13%)

- The state surpasses the 1 million mark for confirmed Covid cases in mid-October 2021, and slipped past the 1.5 million threshold in mid-January 2022., and just passed 1.9 million cases on Labor Day weekend. Based upon 1,905,229 actual reported positive Covid-19 cases in Indiana as of September 6 and Indiana’s estimated 6,805,985 population, which means that about 27.99% of all Hoosiers have been *formally* diagnosed with Covid (assuming those are all first-time infections). The state finally tops the 25% threshold during the first week of May after the 15% level was surpassed in early November. Home-testing and asymptomatic cases, as you recall, are not being captured in the total, and some estimates suggest that substantially fewer than 10% of all Covid-positive cases now are even formally being reported.

- Here is your top 10 compilation of Covid cases and deaths by county as of midnight on September 6:

<u>County</u>	<u>Cases</u>	<u>County</u>	<u>Deaths</u>
01 Marion	252,195	01 Marion	2,980
02 Lake	123,233	02 Lake	1,806
03 Allen	115,336	03 Allen	1,184
04 Hamilton	91,534	04 St. Joseph	883
05 St. Joseph	79,006	05 Elkhart	718
06 Vanderburgh	65,568	06 Hamilton	650
07 Elkhart	58,239	07 Madison	635
08 Tippecanoe	57,315	08 Vanderburgh	629
09 Johnson	47,516	09 Johnson	604
10 Hendricks	44,947	10 Porter	554

□ Note that Marion County now counts more than 250,000 total Covid cases as of late August. Only one county reports fewer than 2,000 cases (about six months earlier, the number of counties under 2,000 had been five). The three counties with the lowest current number of cases border three different states. Just as the state’s largest county is home to the greatest number of Covid cases, the state’s smallest county, Ohio County, continues to report the fewest cases, at 1,633.

□ Three of the top five counties in total deaths are on our northern border with Michigan. One (also) borders Illinois, and just one each among the top 10 borders Kentucky or Ohio

(and are among the top four counties in population) . . . and this phenomenon has not changed for several months – nor through each surge.

□ More than two-thirds of all Hoosier counties have now been impacted with a minimum of 100 Covid-19 deaths. Only Ohio County (remaining at 19) continues to count fewer than 20 Covid deaths. Switzerland County holds steady at 20 deaths. The four counties home to the lowest current number of Covid-related deaths all are border counties (as are six of the lowest seven), and they border three different states.

- The official confirmed Covid death count is 23,470 as of Wednesday (24,506, adding in the 1,036 presumptive Covid-19 deaths). The official statewide death count topped 20,000 during the weekend of January 21-23. With a ballpark figure of about 1.043 million Covid-related deaths, Indiana continues to generally account for approximately 2.35% of all such deaths in the country, right about where we have been across recent weeks – and months.

- Through Tuesday, September 6, the Indiana Department of Health identifies 110,552 statewide reinfection cases since September 1, 2021, reaching the six-figures for the first time in mid-August. Reinfections are being reported at a rate of about 20.9% of all cases, a figure in decline.



- As of September 1, 14 states report more cumulative child Covid-19 cases than Indiana (vs. 15 states in the prior two week, 16 in the two weeks before, and 17 states six weeks earlier), according to data collected by the American Academy of Pediatrics and the Children’s Hospital Association. Indiana records 357,761 such cases (ages 0-19) across the length of the pandemic (up by 2,629, a much smaller jump than we saw in the prior week, and much more in keeping with what we had seen recently in the preceding two months of growth), after topping 200,000 for the first time with the numbers as of December 2, jumping over 250,000 in fewer than another six weeks, first exceeding 300,000 in the final week of January, and above 325,000 in the final week of February before settling down at a much less frenetic pace since then.

- Children comprise 18.9% of all Indiana Covid cases (up over the prior two weeks, and down from 19.4% in early May), but the number continues to hover above the national 18.4% average (holding steady for four straight weeks after a slight drop), with 20,384.4 cases per 100,000 children, clearing the 20K hurdle for the first time in August.

- The Indiana Department of Health reports that as of September 6, 3,822,417 Hoosiers (56.16%) have been “fully vaccinated” under the original two-shot definition. As of March 23, the state finally attained a 20% full vaccination rate among those ages 5-11. IDOH now considers 4,171,482 Hoosiers to be partially vaccinated.

- Here are overall vaccination demographic percentages for those Hoosiers fully vaccinated, with new Indiana Department of Health collapsed age demographic categories replacing the more detailed data that we had been providing you through April:

<u>Ages</u>	<u>% of Age Demo.</u>
80+	79.9%
70 - 79	86.4%
60 - 69	79.5%
50 - 59	67.4%
40 - 49	60.7%
30 - 39	54.6%
20 - 29	47.7%
18 - 19	51.9%
12 - 17	44.7%
5 - 11	22.4%
0 - 5	0.9%

- The Indiana Department of Health counts initial booster uptake in Indiana at 1,966,901 doses as of close of business Tuesday . . . with these injections now again outpacing other doses on a daily basis (perhaps due to the recent guidelines on a second booster shot) after the popularity had significantly tapered off by March. IDOH reports that another 396,416 Hoosiers have received their second booster rounds.

- Indiana’s vaccination rate for long-term care facility current residents is 86.17% (vs. 87.20% nationally) as of September 7 with data through August 21, a percentage which both declines over the week and also falls from 35th to 37th nationally. However, even as we finally passed the two-thirds mark headed into Thanksgiving week 2021, only 81.47% of current long-term care facility staff currently choose to be completely vaccinated (remaining above 80%, but well short of the steady 86.90% national average), up marginally over prior-week levels, but dropping us to 42nd from 41st place among all states nationally.

- From January 18, 2021, through September 6, 2022, there have been 453,928 Covid cases in Indiana classified as “breakthrough” infections. The state has suffered 2,991 breakthrough deaths, with 86.0% of those occurring among Hoosiers 65 or older, and the average age of breakthrough deaths remaining at 78 years old (the mode is found in the 50-59 age demographic, but there is not much difference in the numbers from this group and the age cohorts ranging between 30 - 39 and 40 - 49 years old). Almost four in every five (77%) of deaths were among the unvaccinated. Breakthrough hospitalizations hit 6,153. Among those hospitalized for breakthrough infections, 93% were unvaccinated.

IN Brief

IN Federal Circles . . .

- The U.S. Senate on Thursday unanimously passes legislation to rename the Department of Veterans Affairs (VA) Clinic in Mishawaka, Indiana the “Jackie Walorski VA Clinic.” The bill, supported by the entire Indiana House delegation, passed the House of Representatives in August, and now heads to the President’s desk to be signed into law.

- Common Cause releases its 2022 Democracy Scorecard, rating each member of the 117th Congress on a range of democracy-related legislation. “This Congress was more active considering more pro-democracy legislation than previous years, as we are scoring 23 combined votes (14 in the House, nine in the Senate) compared to 12 in the last session, along with a number of bills to cosponsor,” the organization notes. The ratings:

U.S. Rep. Jim Baird (R)	01/18
U.S. Rep. Jim Banks (R)	01/18
U.S. Rep. Larry Bucshon (R)	01/18
U.S. Rep. André Carson (D)	16/18
U.S. Rep. Trey Hollingsworth (R)	02/18
U.S. Rep. Frank Mrvan (D)	16/18
U.S. Rep. Greg Pence (R)	01/18
U.S. Rep. Victoria Spartz (R)	01/18
U.S. Rep. Jackie Walorski (R)	Not Rated

U.S. Sen. **Mike Braun** (R) 00/15
 U.S. Sen. **Todd Young** (R) 00/15

- U.S. Rep. **Jim Banks** (R) tweets after the President’s speech about democracy, “We’ve never had a president so full of hate towards half the country.”

IN State Circles . . .

- The Indiana Department of Revenue clarifies this week that Indiana law requires taxation of forgiven loans as discharged debt, and thus unless there are other individual circumstances that would allow a taxpayer to forego paying taxes, Hoosiers will be required to pay both state and county taxes on the amount of student loans forgiven by the federal government.

□ That could result in a tax liability of as much as \$323 for \$10,000 in forgiven loans, and an additional amount in county taxes where applicable (county rates may add as much as another \$295 on the tax tab). While paying \$600 to be freed from \$10,000 of liability (as well as ongoing interest) may seem to be a bargain, because this is a debt being forgiven rather than income, some may have to reach deep to find the cash to meet their state tax obligation.

□ The Education Data Initiative (EDI) reports that some 906,500 student borrowers reside in Indiana, with a combined \$29.8 billion in debt – tabbed at around \$32,874 per borrower. An estimated 294,000 of those borrowers should see their debt completely wiped out by the August presidential executive order, according to EDI, which could mean a Fiscal Year 2023 tax windfall to the state alone of almost \$95 million – which, in turn, could fund a lot of higher education programs . . . or even scholarships.

□ Writing in the *Times of Northwest Indiana*, **Dan Carden** explains that “The obligation to pay state and county income tax on earnings not subject to federal tax is relatively unusual since Indiana generally conforms its tax statutes to match federal law for simplicity, among other reasons. In this case, a paragraph tucked into page 118 of the 234-page, two-year state budget, signed into law April 29, 2021, by Republican Gov. **Eric Holcomb**, decoupled Indiana from the tax exemption for forgiven federal student loan debt included in the American Rescue Plan Act (ARPA) enacted by Biden March 11, 2021.” WTHR-TV’s veteran investigative reporter **Bob Segall** tweets that the state did not choose to pursue those individual and entities receiving PPP loan forgiveness.

□ As you might expect, the House Democratic fiscal leader, Rep. **Greg Porter** (D), has already deplored state taxation of this debt, labeling it “punitive” and promising to seek a change to the law. House Speaker **Todd Huston** (R) simply says he expects “conversations to continue” on the subject

looking to the 2023 session. Recall that when the President announced his loan forgiveness plan, several members of the Indiana Republican congressional delegation denounced the initiative, and in the one competitive congressional district held by a Democrat, the Republican challenger has taunted the Democratic incumbent over staying silent on the plan. Depending upon whether this turns into an election issue of consequence and how the election turns out, there’s a good chance that the status quo remains intact . . . unless a convincing case can be made that the state doesn’t need the money and the quick turnaround from the August presidential edict to taxes owed in January would not be equitable.

- The American Civil Liberties Union of Indiana on Thursday files a class action lawsuit with Judge **Heather Welch** in Marion County Superior Court 1 claiming that the abortion ban in SEA 1(SS)-2022 violates Indiana’s Religious Freedom Restoration Act (RFRA). *Hoosier Jews for Choice v. Medical Licensing Bd.*, No. 49D01-2209-PL-031056.

□ The lawsuit is filed on behalf of Hoosier Jews for Choice, and five anonymous women (from three different counties) who represent a wide variety of faiths including, Judaism, Islam, and independent spiritual belief systems. They claim that under their sincere religious beliefs that they must be able to obtain an abortion under circumstances prohibited by SEA 1(ss). RFRA, enacted in 2015, prohibits government action that interferes with a person’s religious exercise, unless the government can prove it has a compelling reason for doing so that is the least restrictive alternative available. According to the complaint, although some religions believe that human life begins at conception, this is not an opinion shared by all religions or all religious people – something brought out in testimony on the measure and debated at length in the August General Assembly dialogue on the measure.

□ The ACLU of Indiana has filed a request for injunctive relief on behalf of this class. Defendants include individual members of the Medical Licensing Board of Indiana and five county prosecutors who “are obligated to enforce Indiana law in their respective counties.” ACLU of Indiana Legal Director **Ken Falk** contends that “The ban on abortion will substantially burden the exercise of religion by many Hoosiers who, under the new law, would be prevented from obtaining abortions, in conflict with their sincere religious beliefs.”

□ This action follows a separate state complaint filed on behalf of health care providers and a pregnancy resource center, which claims the abortion ban violates both the Indiana Constitution’s right to privacy and equal privileges protections.

- On Thursday, the U.S. Department of Health and Human Services, through the Centers for Medicare & Medicaid Services (CMS), approves the extension of Medicaid and

Children’s Health Insurance Program (CHIP) coverage for 12 months after pregnancy in Indiana. As a result, up to an additional 12,000 people annually will now be eligible for Medicaid or CHIP for a full year after pregnancy. Indiana has been providing this extended coverage since April; this federal announcement will allow it to continue at a critical time, as evinced by the legislative special session debate. CMS approval authorizes the extended coverage for Medicaid-eligible individuals for a five-year period, through March 31, 2027.

□ The postpartum coverage period is available to any Hoosier woman who meets one of the following criteria: (1) Becomes pregnant while already enrolled in traditional Medicaid, HIP or Hoosier Healthwise; (2) Applies and is eligible for Medicaid while pregnant; or (3) Applies for Medicaid after the child is born and was both pregnant and eligible in the month of application or one of the three months prior to the application month.

• Attorney General **Todd Rokita** (R) joins a 17-state coalition of Republican attorneys general suing the Biden Administration in U.S. District Court for the District of North Dakota over proposed rules that they contend would violate the Second Amendment. *Morehouse Enterprises, LLC v. Bureau of Alcohol, Tobacco, Firearms and Explosives*, No. 3:22-cv-00116-PDW-ARS. The attorneys general filed a complaint

today against the Bureau of Alcohol, Tobacco, Firearms and Explosives, (ATF), the U.S. Department of Justice, joining Morehouse Enterprises, LLC d/b/a Bridge City Ordnance, a company that holds an active federal firearms license; Gun Owners of America; and Gun Owners Foundation to fight an ATF rulemaking that would regulate firearm parts manufacturers. “Indiana sues to vindicate its sovereign, quasi-sovereign, and proprietary interests, including its interests in protecting its citizens, businesses, and tax revenue,” according to the complaint.

□ The ATF rulemaking, which the GOP AGs allege is unconstitutional, seeks to, among other things, regulate unfinished, non-functional parts as if they were complete firearms. The plaintiffs tell the court that this threatens the American tradition of private firearms manufacturing that predates the Revolution. In addition, the complaint alleges that ATF’s rulemaking takes steps toward the illegal creation of a national firearms registry. The ATF action would require firearms retailers to keep all sales records beyond their current 20-year retention requirement and eventually turn them over to the government instead of responsibly destroying them. This, they contend, threatens the privacy of every gun owner in the country. They label some of ATF’s actions as “Incomprehensible Gobbledygook,” and say the Bureau is attempting to create an entirely new federal crime.”

A new report found Indiana’s medical costs are in line with neighboring states.

However, insurance companies increased their profits and raised premiums for Hoosiers.

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- Some electric industry news of note: the Indiana Office of Utility Consumer Counselor files testimony on Duke Energy's quarterly fuel adjustment, recommending a longer cost recovery period that would reduce the impact on monthly bills . . . the Indiana Utility Regulatory Commission's hearing on the CenterPoint Energy request to securitize costs for the A.B. Brown Generating Station was slated to get underway late this week . . . OUCS testimony on the controversial plan proposed by the Northern Indiana Public Service Company (NIPSCO) to remove coal ash at its Michigan City Generating Station was due Wednesday . . . NIPSCO has notified IURC officials of plans to file a new electric rate case or after September 15.

- The Indiana Supreme Court will hold oral argument Thursday, September 15 in the net metering case. *Indiana Off. of Util. Consumer Couns. v. So. Indiana Gas & Elec. Co.*, No. 22S-EX-00166. In this matter, the Indiana Utility Regulatory Commission approved a tariff rate rider incorporating Southern Indiana Gas & Electric Company's "instantaneous netting" method for calculating credit owed to its customers for the excess distributed electricity they generate. The Court of Appeals reversed, concluding that the method is contrary to statute. *Indiana Off. of Util. Consumer Couns. v. So. Indiana Gas & Elec. Co.*, 183 N.E.3d 1089 (Ind. Ct. App. 2022), *vacated*. The Supreme Court granted transfer and assumed jurisdiction over the appeal.

- The Court's newest member, Justice **Derek Molter**, has recused himself from this case.

- The Office of the Attorney General Monday files an appeal with the U.S. Court of Appeals for the Seventh Circuit, seeking to rescind the preliminary injunction issued by Judge **Jane Magnus-Stinson** of the U.S. District Court for the Southern District of Indiana against enforcing the new state law requiring participants in girls' sports to be biological girls. A 10-year-old biological male whose birth certificate gender was changed by a court (she has been identifying as a female since age four and undergoing treatment at the Gender Health Clinic at Riley Children's Hospital) challenged SEA 1041-2022 on Title IX and the Equal Protection Clause grounds, seeking to play on a girls' softball team in the Indianapolis Public Schools district. *A.M. v. Indianapolis Pub. Sch.*, No. 22-2332.

- "Forcing female student-athletes to compete against males in women's sports is an absolute assault on girls' equality of opportunity and even their physical safety," Attorney General **Todd Rokita** (R) reiterates Thursday. "Males possess certain physiological advantages that make them faster and stronger, and it's unconscionable to ignore these scientific realities. The Left must stop sacrificing women's well-being on the altar of transgender woke-ism." The appellee is represented by the American Civil Liberties Union of Indiana.

- The OAG brief specifically contends that A.M., the student challenging the law, does not have a substantial likelihood of success under Title IX, because Title IX does not protect "gender identity." Rather, it instead prohibits both discrimination and denial of equal opportunities "on the basis of sex," a biological characteristic determined by reproductive function. "Self-identifying as a girl ... does not negate the advantages that come from being born male," the brief states. "That means transgender athletes born male will outperform athletes born female who have equivalent levels of dedication, training, and skill, displacing those female athletes from rosters and podiums. It would turn Title IX on its head to construe the statute to privilege gender identity, an unprotected characteristic, at the expense of sex, the protected characteristic." To preserve equal opportunities for the male and female sexes, Title IX permits the male sex to be barred from girls' sports, the State contends.

- OAG also tells the court A.M. does not have a substantial likelihood of success on the Equal Protection claim, arguing that sex-based classifications in sports are lawful, any classification affecting transgender individuals is subject only to rational-basis review, and multiple "exceedingly persuasive rationales" justify sex-separated sports.

- Finally, OAG suggests that Judge Magnus-Stinson erred in analyzing the remaining considerations, overlooking evidence of no irreparable harm and evidence of harms to others, and the judge also "misapprehended the public interest." OAG contends that the lower court ruling overlooks that the public suffers "irreparable injury" where laws enacted by its representatives are enjoined, "and that its injunction disadvantages the female sex." "Upholding the decision below would throw open girls' sports to members of the male sex with all the advantages being born male confers, depriving women of equal opportunities to compete fairly and safely in sports," writes Solicitor General **Tom Fisher** for the State.

- Attorney General **Todd Rokita** (R) joins a 38-state coalition of attorneys general signing a letter under the auspices of the National Association of Attorneys General (NAAG) to congressional leaders, urging them "to take meaningful action and pass legislation that would authorize state attorneys general to enforce our state and federal consumer protection laws governing the airline industry."

- The bipartisan NAAG letter also encourages Congress to consider shifting the authority for federal investigations of airline patron complaints from the U.S. Department of Transportation to an agency more primarily focused on consumer protection, such as the U.S. Department of Justice or the Federal Trade Commission. The AGs explain, "we remain deeply concerned and frustrated that the [U.S. Department of Transportation] is unable or unwilling to vindicate the rights of consumers and to hold airline companies accountable for irresponsible actions."

- A Reuters analysis of federal data shows that “the nation’s ethanol plants produce more than double the climate-damaging pollution, per gallon of fuel production capacity,” thanks to “a history of industry-friendly federal regulation that has allowed almost all processors to sidestep the key environmental requirement of the 2007 law, the Renewable Fuel Standard (RFS), according to academics who have studied ethanol pollution and regulatory documents examined by Reuters. The rule requires individual ethanol processors to demonstrate that their fuels result in lower carbon emissions than gasoline.” Reuters writes that the U.S. Environmental Protection Agency has exempted more than 95% of U.S. ethanol plants from an EPA requirement that the ethanol plants employ certain emissions-control processes EPA assumes will result in lower-than-gasoline emissions.

- The third-biggest polluter in 2020, per gallon of fuel capacity, according to Reuters: Central Indiana Ethanol in Marion. “Plants operated by major energy companies POET LLC and Valero Energy Corp were among the top 15.”

- Indiana also plays into the overall debate over pollution standards, Reuters explains: “The EPA methodology relies in part on the work of a researcher from Purdue University in Indiana, whose model the agency selected at the ethanol industry’s suggestion, regulatory documents show. When Congress passed the RFS, it required the EPA to model ethanol’s emissions profile to verify it could meet the emissions-reduction standard. The EPA’s first pass at the calculation in 2009, however, found that ethanol would result in a 5% increase in greenhouse gas emissions over gasoline, which would have barred the fuel from the blending mandates.” According to Reuters, industry groups including the Renewable Fuels Association, “bristled at the calculation and urged the agency to change the formula.” “The industry recommendations included adopting a model maintained by the Global Trade Analysis Project (GTAP) at Purdue University to estimate the pollution generated by planting corn for ethanol, EPA records of the debate show,” the news service continues. “The EPA redid its modeling and used GTAP to test its results, according to a 2010 Congressional Research Service report. It concluded ethanol’s emissions were 21% lower than gasoline – putting the biofuel just barely over the 20% threshold for RFS compliance.”

- However, the Reuters analysis notes, “The Purdue model’s approach to estimating agricultural emissions has been disputed by academics Two biofuel experts told Reuters that the team working on the Purdue model has steadily reduced its estimate of how much carbon is released from tilled land over the years, making ethanol appear more climate-friendly. For instance, the model has been adjusted over the past decade to overstate increases in corn yields,

resulting in an underestimate of emissions from planting The Purdue model is led by Dr. **Farzad Taheripour**, a researcher and professor of agricultural economics. Taheripour said the model was modified over time to reflect real-world observations of how biofuels production has affected land use. For instance, early scholarship on ethanol regulation suggested the RFS would lead to deforestation, which did not occur, he said. Taheripour has received research funding from several biofuels industry trade groups since 2012, including the Renewable Fuels Association, National Corn Growers Association, Indiana Corn Soybean Alliance, and National Biodiesel Board, according to a Reuters review of his research funding disclosures. Reuters was not able to determine the total amount of industry grants Taheripour has collected or the amount he may have received from other sources. Taheripour said his funding sources do not affect his research methods or outcomes.”

- BlackRock, the world’s largest money manager pushes back against 19 Republican state attorneys general, including Attorney General **Todd Rokita** (R), who authored a recent letter we told you about accusing BlackRock of “woke” investing – “putting its ‘climate agenda’ ahead of clients, collaborating with climate activists and boycotting energy companies,” as the *New York Times*’ DealBook newsletter summarizes it. In a public letter of its own, the multi-national investment company seeks to correct “misconceptions” and “inaccurate statements.” “BlackRock says that the firm has never dictated specific emission targets to any company, and that it doesn’t coordinate its investment decisions or shareholder votes with others on climate issues, as the attorneys general claimed. Far from boycotting, BlackRock says it has invested ‘hundreds of billions of dollars’ in energy companies. The firm is following a broad trend of policymakers and research when it comes to climate issues, BlackRock says. ‘Your letter makes several inaccurate statements about BlackRock’s motive for participating in various ESG-related initiatives,’ BlackRock writes,” explaining that “its shareholder votes and investment decisions reflect that, generally, its investment professionals believe that climate change poses real risks and opportunities for investors. The firm’s belief is ‘by no means unique,’ BlackRock writes.”

- DealBook observes that “BlackRock’s tussle with state officials comes at a time when corporate social policies are becoming a campaign issue,” “Yet fund managers in many red states appear to be backing E.S.G. measures anyway,” it finds. “A recent study from the fund research firm Morningstar found that pension funds in those states had an average support rate of 80 percent for shareholders’ proposals that encourage companies to consider environmental, social and governance issues as well as their bottom lines.”

IN the Economy

- According to our sister Hannah News Service newsletter **INDIANA GAMING INSIGHT**, new research conservatively suggests that legalization of internet gaming (iGaming) in Indiana could result in annual revenue of \$723.8 million . . . and the state could benefit to the tune of \$144.8 million per year based upon a 20% tax rate. Our gaming newsletter this past weeks fills in all the details you need to know, including the policy and politics of iGaming.

- Purdue University’s Department of Agricultural Economics *Purdue Farmland Value and Cash Rents Survey* finds that Indiana farmland prices grew at a record pace between June 2021 and June 2022, exceeding previous highs set in 2021. Statewide, top-quality farmland averaged \$12,808 per acre, up by 30.9% from the same time last year. The average per acre price of average-quality farmland similarly increased by 30.1% to \$10,598. Poor quality farmland prices, however, exhibited the largest increase of 34.0% to \$8,631.

- Multiple factors are influencing the increase in farmland prices, according to **Todd Kuethe**, the Schrader Endowed Chair in Farmland Economics and survey author. These include positive net farm incomes, relatively strong commodity prices, inflation, and high farmer liquidity.

However, he adds, “rising interest rates are associated with increased costs of borrowing, which put downward pressure on purchases financed through mortgages.”

- Statewide cash rental rates also increased across all land quality classes in 2022. Average cash rents increased by 11.5% for top-quality land, 10.8% for average-quality land, and 13.2% for poor-quality land. These increases in cash rents were the highest observed in a decade – since the 2011–2012 period. Across the three quality grades, cash rents also reached a record high in 2022 at \$300 per acre for high-quality farmland, \$252 for average-quality, and \$207 for poor-quality land.

- Price appreciation rates for farmland transitioning out of agricultural production (or sold for recreational purposes) surpass the previous record growth rates observed in 2011. Statewide, the average price of transitional land was up by 36.5% from June 2021, with an average price per acre of \$24,240. Recreational land prices grow by 21.8% to an average per acre price of \$9,121. For the remainder of 2022, survey respondents expect transitional land to increase modestly (by 2.3%), while the value of recreational land is expected to hold relatively stable.



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- New applications for unemployment insurance for the week ending September 3 decrease by 6,000 (to 222,000) from the prior week’s downward revised level, helping to stem the weekly figure that had been largely trending up since sinking to a 50-year low in March. The past four weeks interrupt a consecutive-week national increase, but we have still seen increases in five of the past 10 weeks. Claims nationally continue to remain relatively steady near the highest level of the year (hit in mid-July), hovering well north of the 2019 pre-pandemic weekly average (218,000), and suggesting that the tight labor market continues to work to limit layoffs even as the broader economy has seemed to throttle back amidst inflationary concerns . . . but we may be seeing early signs of an easing.

- While initial jobless fall nationally for a fourth successive week, Indiana trends in the opposite direction. The Hoosier State records 4,008 initial UI claims – a proxy for layoffs – for the week ending September 3, up by 680 claims (20.43%) from the final prior-week figure of 3,328, which itself was revised down by 55 claims (-1.63%), almost spot-on the downward revision from the week ending August 20 to August 27. Indiana’s long-running streak of downward adjustments versus the preliminary estimate extends now to 38 weeks in a row – 9½ months – a phenomenon that Department of Workforce Development officials suggest is a function of the timing of the input of claims for Indiana compared to how our neighboring states process their respective claims. Among our neighboring states, only Kentucky sees prior-week initial claims numbers ratcheted down from preliminary estimates, after Indiana was alone in this distinction for three consecutive weeks.

- August had been a see-saw month for Indiana. The final numbers for the week ending August 6 showed Indiana ranked fifth nationally and first in the Midwest in the largest increases in number of initial claims (582), and then during the week ending August 13, Indiana posts the nation’s third-largest hike in initial claims (691). However, for the week ending August 20, Indiana saw the nation’s third-largest decrease in initial claims (- 1,263), while Michigan placed fifth (- 714), and Illinois experienced the nation’s second-largest increase in initial claims (428). During the week ending August 27, Michigan (1,199) posts the nation’s second-largest increase in initial claims.

- Within our cohort, only Michigan (- 2,088) experiences an over-the-week decrease in initial UI claims – and Michigan appears to register the nation’s second-largest such decrease. Kentucky, however, still maintains the lowest number of initial claims among our bloc for a 15th consecutive week – 3¾ months – after Indiana held those the honors during the middle two weeks of May (that distinction had followed the Bluegrass State ranking lowest among our adjacent states for seven consecutive weeks).

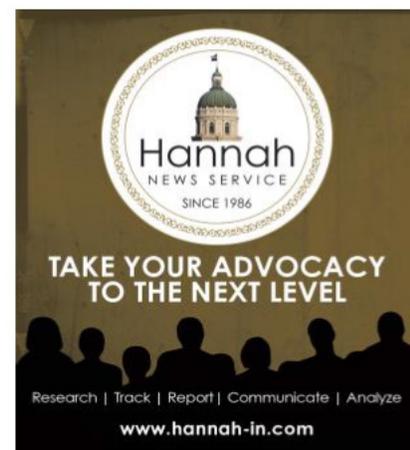
- Indiana remains second-lowest among our bloc after trailing Illinois and ranking third during the week ending July 9, which had been the lowest rank that we could recall for the Hoosier State in recent months.

Initial UI Claims (by week ending)

State	09/03	08/27	08/20	08/13	08/06	07/30	07/23
Indiana	4,008	3,323	4,046	5,309	4,618	4,036	4,013
Illinois	6,702	6,395	6,884	6,456	6,938	6,364	7,397
Kentucky	2,289	1,475	1,479	1,625	1,785	1,574	3,775
Michigan	4,428	6,516	5,317	6,031	5,713	6,788	8,213
Ohio	6,589	6,025	6,316	6,246	7,907	7,621	9,261

- During the week ending April 23, for the first time since February, none of our neighbors registered initial claims in the five-figures. The next time that phenomenon occurred was during the week ending May 21, and it continued during the next two weeks. From the week ending June 11 through the week ending July 16, at least one adjacent state topped 10,000 in initial UI claims, but none has done so since then, making this the seventh consecutive week in which Indiana and its neighbor register fewer than 10,000 initial claims (and the third straight week with all south of 7,000).

- Initial claims for unemployment in Indiana for the week ending July 9 jumped above comparable prior-year initial claims for the first time in well more than a year (since the week ending March 13, 2021, the final week in a lengthy streak of over-the-year increases in claims, a run effectively precipitated by the pandemic comparison). This broke a streak of 67 consecutive weeks – more than 16 months – featuring an over-the-year decline in Indiana’s initial UI claims . . . but beginning with the week ending July 16, we saw a return to an over-the-year decline in initial claims. During the week ended July 30, we also saw the largest percentage decline from prior-year figures since mid-April, down by almost 60% (- 58.30%).



□ Now that we’re one year out from the end of the first year of post-pandemic employment issues (and at the end of a state fiscal year), we’ve transitioned the following table into more of a quarterly-ish review (and we are considering truncating it further going forward).

<u>Week Ending</u>	<u>No. of UI Claims</u>	<u>% Change vs. Prior Year</u>
09/03/2022	4,008	(31.9%)
09/04/2020	5,889	(47.7%)
09/05/2020	11,255	466.7%
08/27/2022	3,323	(42.5%)
08/28/2021	5,774	(47.7%)
08/29/2020	10,783	444.9%
08/20/2022	4,046	(35.3%)
08/21/2021	6,254	(41.0%)
08/22/2020	10,597	432.8%
08/13/2022	5,309	(18.7%)
08/14/2021	6,531	(43.6%)
08/15/2020	11,569	466.3%
08/06/2022	4,618	(35.0%)
08/07/2021	7,101	(33.2%)
08/08/2020	10,624	321.9%
07/30/2022	4,036	(58.3%)
07/31/2021	9,678	(22.9%)
08/01/2020	12,551	489.5%
07/23/2022	4,173	(34.3%)
07/24/2021	6,106	(69.7%)
07/25/2020	20,129	881.4%
07/16/2022	5,283	(17.1%)
07/17/2021	6,370	(64.4%)
07/18/2020	17,911	684.5%
07/09/2022	7,148	8.2%
07/10/2021	6,608	(76.7%)
07/11/2020	28,360	704.1%
06/25/2022	3,839	(39.7%)
06/26/2021	6,371	(85.8%)
06/27/2020	44,827	1,914.7%
06/18/2022	4,314	(14.2%)
06/19/2021	5,030	(84.2%)
06/20/2020	31,885	1,396.5%
06/11/2022	3,626	(21.1%)
06/12/2021	4,594	(80.9%)
06/13/2020	24,017	1,032.9%
06/04/2022	3,315	(35.1%)
06/05/2021	5,106	(77.7%)
06/06/2020	22,931	712.9%

- B&J Medical, a contract medical device manufacturer in Kendallville, plans to invest \$7.6 million in yet another expansion, and receives a 10-year business personal property tax abatement on new equipment from the Noble County Council for the project, which could bring some 10 new jobs . . . Kendallville-based Kammerer Dynamics, a metal fabricator, plans to invest spending \$1.5 million on a 22,000-square-foot expansion and another \$1.04 million in new equipment, and receives a pair of property tax abatements from the Noble County Council . . .

IN Transition

- Could former U.S. Rep **Tim Roemer** (D) end up with a top new ambassadorial gig for the Biden Administration? The former U.S. ambassador to Indiana is president of the Center for National Policy, a Washington, D.C.-based national security think tank, and earned a Ph.D. from the University of Notre Dame. While in the House, he served on the intelligence committee and was a member of the 9/11 Commission.

- **Molly Craft** leaves her role as communications director for the Office of the Attorney General (after her second stint), and attorney **Katlyn Milligan**, a former House Republican press secretary who joined OAG as deputy comms director in April, transitions into the top role.

IN the Lobby

- **Matt Oyster** joins Ice Miller LLP’s Public Affairs Practice Group in an of counsel capacity, based in Columbus, Ohio, where he will specialize in gaming, liquor and cannabis legal matters throughout the country. He joins the firm after most recently serving as vice president of compliance at PointsBet USA.

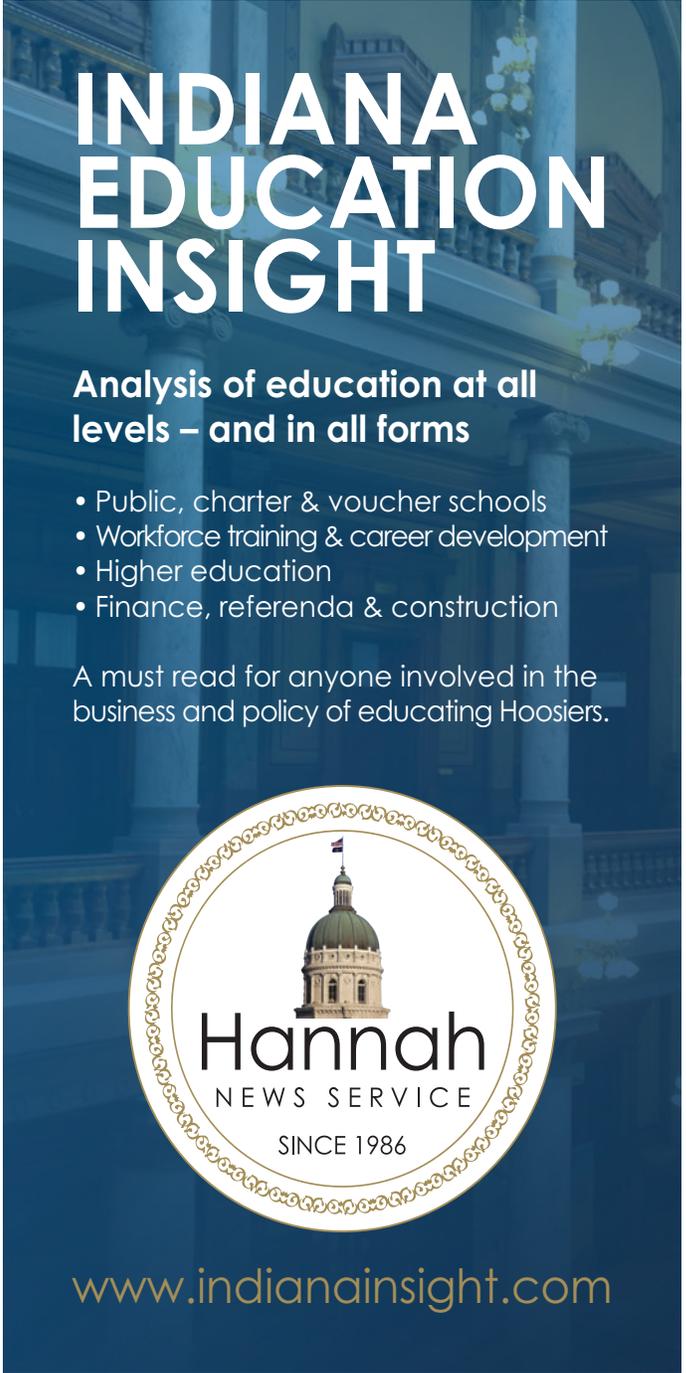
□ Previously, Oyster was general counsel for the Ohio Casino Control Commission, serving as well as the agency’s legislative liaison. He began his legal career as an assistant attorney general in the Charitable Law Section of the Ohio Attorney General’s Office.

- The Vogel Group poaches **Cory Harris** from the office of U.S. Rep. **Jim Baird** (R), to head its agriculture practice leading into the 2023 Farm Bill reauthorization. Harris has been Rep. Baird’s legislative director for the past two years as the congressman has been the top Republican on the House Committee on Agriculture Subcommittee on Biotechnology, Horticulture and Research Subcommittee. Before joining the Baird staff, Purdue University alum Harris led federal government affairs for the American Feed Industry Association, and federal government affairs efforts for the Indiana Soybean Alliance and the Indiana Corn Growers Association.

IN Court

- The bipartisan Conference of Chief Justices, the professional association representing the top judges in all 50 states, files an *amicus* brief with the Supreme Court of the United States in the high-profile North Carolina congressional redistricting case. *Moore v. Harper*, No. 21-1271. The state high court judges assert that “The Elections Clause does not bar state court review of state laws governing federal elections under state constitutional provisions.” The Conference, whose president is Indiana Chief Justice **Loretta Rush** (who also chairs its board of directors), effectively challenges the controversial “independent state legislature doctrine,” a legal theory that holds the U.S. Constitution affords state legislatures, not state courts or other entities, authority over election laws – including the drawing of legislative districts – which would mean the power to determine how federal elections are conducted without limits from state constitutions or state courts.

□ “[W]hile the text of the Elections Clause requires that state legislatures prescribe the laws governing federal elections, it does not otherwise displace the States’ established authority to determine the final content of their election laws, including through normal judicial review for constitutionality,” the state top justices argue. The 36-page CCJ brief concludes: “The Conference respectfully submits that this Court should clarify that the Elections Clause does not oust state courts from their traditional role in reviewing election laws under state constitutions. And if the Election Clause imposes any independent constraint on state-court review of state election laws governing federal elections—one that overrides the foundational rule that state courts authoritatively determine the meaning of state law – that review should apply a clear standard and be highly deferential to state court decisions.”



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