

Senate Agriculture
Monday, March 13, 2023
9:30 AM in Rm 130

HB 1557 INVENTORY OF LOST FARMLAND. (Culp K)

Rep. Culp

- Inventories amount of farmland lost in the last 12 years
- Compiled by State Department of Agriculture
- Department of Local Government Finance has this data
- Also identifies the use the farmland was lost to
- Will file a report by July 1, 2024
- Need the data to find out the intensity of this issue
- \$31 billion dollar industry in Indiana (Agriculture)
- Indiana is 8th nationally in exports for agriculture

Q: (Sen. Breaux) Is there a demand for farmland that we've lost?

A: (Rep. Culp) There's always a concern when we lose farmland, but there's no specific area we are looking for. With agriculture as important as it is to Indiana's economy and communities, making sure we have a sustainable amount is crucial.

Q: (Sen. Alexander) When you say lost, are we talking about crop production or something else?

A: (Rep. Culp) We're talking about losing the farmland that is then converted to something not related to agriculture.

Q: (Sen. Alexander) Are renewables considered lost?

A: (Rep. Culp) Yes, they will be.

(Sen. Leising) I had a similar bill of farmland lost due to solar panels, but this bill is broader and I support this bill.

Bruce Kettler (Agribusiness Council of Indiana)

- Supports bill
- Promotes agriculture
- Making data-based decisions is a positive attribute of this bill
- Finding out what the farmland was lost to is crucial for our future

Q: (Sen. Tones) What's the real objective of finding out how this farmland was lost?

A: (Kettler) This question would be better suited for Rep. Culp. We can make the determination if this is what we want to use the land for, or ask the question, is there a better way to use this land that provides more economic benefit?

Q: (Sen. Tones) It does bother me how much farmland we are losing. You say you would determine if it is worth it, but what happens if you don't approve?

A: (Kettler) That determination would be better for those local governments to decide if they would like to go forward knowing this information.

Jeff Cummins (Indiana Farm Bureau)

- Supports bill
- There is a companion bill to establish a task force that works with local communities on the topic of farmland lost
- This bill is better for collecting data, rather than enforcement

Q: (Sen. Tones) So there is another companion bill? Are we going to have some hard policies in place that won't just recognize that it's happening, but does something about it?

A: (Cummings) That would be better answered in Rep. Culp's closing statement, but yes, we would like the task force to work for the preservation of farmland, or find the best use for it if it is to be replaced.

Katie Nelson (Indiana State Department of Agriculture)

- Supports bill
- Estimates that 80% of land in Indiana is farmland and woodlands
- Indiana is the top exporter of numerous agricultural related fields like crops, wood products, and meat production

(Rep. Culp) As stated earlier, in my companion bill we would establish a task force that would work with these areas that are losing farmland. When we look at land issues in local units of government, we hope to establish what does and doesn't work for their land usage. No matter what, we lose farmland.

Establishing why these lands were lost will help us map out if food production would be a future issue.

DO PASS Yeas: 8; Nays: 0

Senate Family and Children Services
Monday, March 13, 2023
9:30 AM in Rm. 233

HB 1169 – SIBLING GROUPS IN FAMILY REUNIFICATION PLANS (Rep. Schaibley)

Rep. Schaibley

- It is easy for children in foster care to form bonds
- Research shows keeping siblings housed together is bound to result in better relationships and improve the healing process
- Courts should consider whether separating the child from their sibling is in their best interests
- Amendment #1 expands these considerations: in temporary out of home placements the department will decide what is best

Amendment #1 passes

Matthew Peiffer (A Voice for Kids)

- Supports bill
- Had a case of a child left in homeless shelter after her mother was on drugs and her siblings got separated, siblings still blame her to this day
- I entered care as a child and was abused through foster care for 13 years
- I lost my sister to suicide because she felt guilty about being separated from me and felt she should have done something different

Braylon Errington (Foster parent, Champions for Children)

- Supports bill
- In July 2019 a sibling set was placed with us after experiencing abuse and seeing drug violence
- Their only constant was each other as they clung to each other when they lived with us
- Four years into the case the biological father popped up and asked for custody from prison, knew his son was in foster care from the day he was born
- The court embarked on a tunnel vision quest to reunite this biological father and son
- The court's plan was to separate these siblings for the rest of their childhood
- The childhood trauma was never once considered by the court
- The therapist was never once called into court for her opinion to be heard
- Long time foster parents have no legal authority in CHINs cases, no witnesses or no evidence could be brought
- We paid a large sum of money to take this case out of juvenile court and my kids are now happy and thriving with each other
- This scenario is playing out regularly around the state
- SB 1 was written in 2019 with the intent of the children's best interests being priority
 - This is not being played out properly, as my kids did not experience this treatment and their best interests were not considered

DO PASS AMEND: Yeas: 7, Nays: 0

HB 1570 – FAMILY AND JUVENILE LAW MATTERS (Rep. Olthoff)

Rep. Olthoff

- Indiana needs more foster parents, in 2018 there were 6,300 foster homes, in 2022 4,900 foster homes; down 1,400 from the last 4 years
- 1,300 kids currently in foster care
- Gives foster parents immunity from civil and criminal liability when disclosing information relevant to protecting the children from abuse and neglect
- Will not have their child taken away just for speaking to a state official
- DCFS is required to give parents a packet that lays out important information for them
- Allows biological sibling visitation when both are in foster care
- Cannot be taken from a foster home without good reasoning
- If child is s subject of a CHINS petition, it is in their best interest to not have an in person visit with a parent guilty of trauma or abuse in any way
- We added a reason to dismiss the petition to terminate the parent child relationship if needed

Q: (Sen. Hunley) What has happened that we now need to put this into statute?

A: (Rep. Olthoff) Just from going door to door, there is often a foster parent feeling that someone will take their child away or it will go bad if they act a certain way. They should feel free to come to us so we can help solve their issues, we already do that with state agencies anyway.

Q: (Sen. Hunley) For the section that says the department would have to allow a sibling request, is a seven-day timeline reasonable?

A: (Rep. Olthoff) As far as I know there are no issues with that section.

Q: (Sen. Hunley) There is a list of several infractions that a guilty parent could have committed to be placed on this list, what else was considered but not put in statute?

A: (Rep. Olthoff) This section with that list has pretty much stayed the same, did you want to add anything?

Q: (Sen. Hunley) Anything related to sexual assault?

A: (Rep. Olthoff) Thank you for bringing that up, it is my understanding that this is already in there even if not directly stated.

Braylon Errington (Foster parent, Champions for Children)

- Supports bill
- The provisions in this bill are badly needed
- One thing I hear over and over is the fear these people feel of retaliation, or they already experience it
- Many foster parents are afraid to pick up the phone and call you or even come and testify today
- Foster parents need to have an open line of communication with their elected representatives
- This negative environment I believe has led to many foster parents turning in their licenses
- As for adoption petitions, this is a legal option that has been upheld by public court

- DCFS made a legal error with us that almost led to a five-year case being started over and these cases are all over the state with no permanency
- Almost 1000 kids in the system have been in foster care for over four years
- My kids have a sibling who has been in foster care for seven years, with the same family since he was born
- Our attorneys spoke to us out of the gate about the risk of retaliation, this should not have to be an issue
- There seems to be a presumption that supervised visitation allows for safety in all cases
 - A child left alone in her biological father's care died due to blunt force trauma on a visit that was supposed to be supervised
 - One of our families had their child sexually assaulted by their mother on a visit that was supposed to be supervised
- Adopted parents requesting visitation allows these sibling relationships to be nurtured and protected

Michael Moore (Indiana Public Defender Council)

- Opposes bill
- We are seeing a trend of fewer children being removed in the state of Indiana, so already improving without legislation
- Many kids in the system were returned or placed into permanent housing
- I think we are moving in the right direction with permanency, so I am against making large changes
- The concerns we have are that this would allow foster parents to have one sided conversation with state legislators
- Many of these parents do not have all the facts when having these conversations, without knowing more it may be misleading
- As for the court hearing extra evidence, we do not think this is needed as the courts sort of already do this and it would probably not change how things are done in the field

Q: (Sen. Greg Walker) So a parent may not have all the info, if that is the case isn't that true for all of us, we only have the story from our own side?

A: (Moore) That is true, but they may not know where maybe the parents are on a scale of treatment, for example. There is important information from both sides to be considered.

Q: (Sen. Greg Walker) What is the concern about information that officials don't have when talking to a foster parent?

A: (Moore) The biological parents may make plans and discuss possible living arrangements, or some other way or effort to help that these parents may not know, also the specifics about drug use and treatment. The person receiving the issue needs to have all the information.

Q: (Sen. Hunley) As for this packet, can you explain how parents are notified of their rights now?

A: (Moore) When I last was made aware, they were provided with a binder of information, but they have placed a lot of that online now and that is how I assume they have their rights. Things can change on a whim.

Q: (Sen. Hunley) This lists the very specific documents that have to be provided, I was wondering if there was a way that we can make this simpler and broader, what are your thoughts on something like this?

A: (Moore) I think this is a good idea, this may be a better way to say here is your rights and also here is the link to them online.

(Sen. Hunley) Yes, so we can focus on governing here, and maybe not so much the manager side.

Sarah Sailors (Indiana Department of Child Services)

- Neutral on bill
- 17 years with the department
- DCS raised concerns in the House that section two would allow info to be disclosed without guardrails
- We want foster families to feel free to reach out to state legislators regarding child welfare
- We worry about the unintended negative consequences
- The individuals receiving this info need to have all sides, and this bill would affect confidential information foster parents have access to
- The current agreements help the biological parents to feel safe with the foster parents
- Information is disclosed such as medical history, health, medical treatment, job situations, etc.
- Many foster and biological parents have good relationships, but that is not always the case
- Confidentiality is sometimes the key to bringing families together
- We want to continue working with the committee as the bill moves forward

(Sen. Greg Walker) There are still amendments being drafted, but they are not ready for this meeting. So for that reason I would like to hold the bill. I wanted to meet today and get all the information in front of the committee. I look forward to seeing what this language will be and believe there have been valid concerns brought up about tightening the language.

Bill held.

HB 1493 – ELIMINATION OF COSTS AND FEES IN JUVENILE COURT (Rep. McNamara)

Rep. McNamara

- This bill has been around for about five years
- Reimbursement must be paid by the parent in current law
- \$2 million a year is collected in fees, and we collect less than 20% of that
 - We spend more time trying to get it back from juveniles and parents
- Juvenile court may not order parent to reimburse unless there is a finding made that the parent is able to repay
- Allows for alternative dispute resolution funds to be used for guardian ad litem services

Rep. Crider

- One issue raised was that parents can end up with fees on fees stacked upon them
- They must decide between paying these fees and paying for medicines or other important expenses

Joel Wieneke (Indiana Public Defender Council) and Kristin Casper (Stand for Children)

- Supports bill
- One hurdle we have is the secrecy of the juvenile system
- The information with good reason is not always available, but it is hard to pull data when needed
- We got five years of data from most counties, with some of the larger ones excluded
 - \$5 million had been charged to families by juvenile delinquencies
 - Less than half was paid after charged
- Some parents have ended up in jail for not being able to pay these fees
- The smaller counties are not able to spread these costs among a large population
- Number one county in the pool for most fees was the 75th most populous county
- I have seen personally with these families that if their kids are being formally prosecuted, more than likely you have the funds to pay these fees
- The state is picking up the tab to begin with which is why it is some of the smaller fees being addressed
- A step in the right direction, but not a huge step
- Attorney fees have been seen to be up to \$1000 to help their child

Elizabeth Tavitias (Indiana Court of Appeals) and Leslie Bauer (Indiana Supreme Court Department of Child Services)

- Supports bill
- \$20 collected for every data separation, collection, etc., and this has been in effect since 2003
- Allows those funds to be used for different purposes, alternative dispute, mediation, parental counseling, etc.
- Task force has issued a report to the Supreme Court
- One of our 19 recommendations is to increased funding for low-income Hoosiers and their guardian ad litem services
- Those who have enough fees can afford the guardian litem services
- No fiscal impact to anyone, just looking at a new way to use funds already being collected.
- \$1.9 million is sitting in different funds across the state
- Some counties do not have enough mediators needed; this gives us more chances to serve the children who need it most
- These services often help resolve a case
- Expands list of services that this money can be used for
- No risk of harm, easier access to funds

Q (Sen. Jon Ford) Who do these services represent?

A: (Tavitias) They represent the child's best interests.

Carolina Castoreno (American Indian Center of Indiana)

- Supports bill
- I had a son arrested at 16, taken into a juvenile facility
- He was blamed for the crime since the other boys were over 18
- If this happened while I was still in grad school, I would not have been able to pay for it
- He ended up going through teen court, and I had to pay the fees even for the dates he did not have to attend court
- Many people are not able to pay this or navigate this system like I did
- The system is meant to be rehab but making them pay makes the system punitive
- My son didn't have to face foster homes, but those who are less fortunate than I and have less resources risk this

Dante Dyson (Foster Child)

- Supports bill
- I was pulled out of class for unpaid fees in 7th grade
- Worst nightmare come true at this age
- My peers reminded me of this all the time even in high school
- My single mother was only able to help so much
- Eventually a court dropped the charges, but this took very long, and I still faced embarrassment at school
- The expenses and unaffordable fines do not teach a child that they have a future ahead of them
- Having experienced this as a child I know firsthand that this hurts kids

(Sen. Crider) I appreciate your story, and while we all make some wrong choices we regret, we all have the second choice of what we are going to do with it. You showing up here today shows your dedication to improvement.

Katie Blair (ACLU of Indiana)

- Supports bill
- These fees affect the minority families and impose long lasting financial harm
- Linked with higher recidivism rates

Valentina (Foster Child)

- Supports bill
- I learned early on the mistakes of the wrong ppl
- Blamed for a crime I did not commit
- I was in the foster care system, and they did not have the money to pay but did not want me to have this burden
- Beyond the financial burden, this does harm relationships
- I hesitated to bring anything up, felt like I was walking on eggshells
- I would give anything to have the relationship back that was burned due to these fees

DO PASS: Yeas: 6, Nays: 0

HB 1340 – DEPARTMENT OF CHILD SERVICES (Rep. DeVon)

Rep. DeVon

- Amendment #2 to add to list of prescribers, must be reviewing of medicines to decide if they should still be used, and the rec be gone to the child's care claim

Q: (Sen. Johnson) Why are physician assistants left off the list?

A: (Rep. DeVon) Someone else testifying that has more information can answer that better I believe.

Amendment #2 held

Sarah Sailors (Indiana Department of Child Services)

- Supports bill
- DCS brought the need for this amendment to our attention
- When children getting care, their prescriptions can only be written by physician or psychiatrist
- This would allow advanced RNs to write these prescriptions just like they can to kids in foster homes
- DCS may maintain these records in a digital format, currently law says paper only
 - This has proven to be impractical
 - Would bring us up to date with the medical community
 - Streamline record keeping practices and having dual copies
- Foster parents need access to the child's SSN, which is currently difficult to get
- DCS asks legislature to release this number if the foster parents can possibly adopt said child
- Our intention is not to change practice, only to provide clarity
- DCS will still release confidential information as directed by statute
- We work closely with governments of children from other countries on adoption, this bill allows us to release certain information to them to help our process
- Currently a person neglecting a child may not have to have their employer notified, this bill would allow DCS to inform their employer and make note of the neglect or mistreatment
- DCS believes Indiana Code is more appropriate for this language

Q: (Sen. Johnson) So why are physician assistants not included?

A: (Sailors) Having the nurses on there just allows for an easier process for the children.

Chris Daley (Indiana Association of Resources and Child Advocacy)

- Supports bill
- I believe the lack of PA's is an oversight, I briefly chatted with DCS and neither of us see a reason we would object to that

(Sen. Greg Walker) So, you would be open to that language, and maybe Sen. Johnson can help get that right.

Amendment #2 passes.

DO PASS AMEND Yeas: 7, Nays: 0

Natural Resources Committee
Monday, March 13, 2023
Room 130 Upon Adjournment of Agriculture

HB 1601 EXEMPTION FROM PERMITTING REQUIREMENTS (Baird, B)

Rep. Baird

- Amendment 6 came from the DNR, it further defines what forestry operation is

Amendment 6 adopted by consent

- This bill reduces the workload on our state industry
- This bill provides a permitting requirement for forestry operation
- It outlines that state certified operators are exempt from a permit requirement in operations with a watershed no greater than 10 square miles

Ray Moistner (Indiana Hardwood Lumbermen's Association)

- Supports bill

Perry Seitzinger (Indiana Association of Consulting Foresters)

- Supports bill

Q: (Sen. Perfect) How does this bill help you?

A: (Seitzinger) Right now, we are required to have a permit if working with a one square mile watershed, which is very limiting.

(Sen. Perfect) Thank you, I'm all for getting rid of restrictions where we need to.

DO PASS AMEND Yeas: 8; Nays: 0

HB 1639 WATERSHED DEVELOPMENT COMMISSIONS (Aylesworth, M)

Rep. Aylesworth

- This creates a framework for watershed management
- Currently, the watershed development commissions have been successful in handling issues in their areas
- Each watershed area is different and requires unique plans
- This bill allows counties to come together without special legislation
- This bill allows the three existing watershed commissions to switch to development commissions
- These three do not have consistent funding
- Once converted to a development commission, they can implement actions needed without money from the state
- This legislation is supported by many different groups

- During the past few years, I have included as many stakeholders as possible

Q: (Sen. Glick) Do you support Amendment 4?

A: (Rep. Aylesworth) Yes.

Amendment 4 adopted by consent

Q: (Sen. Glick) Can you explain Amendment 7?

A: (Rep. Aylesworth) The largest community in the watershed has a say in the development commission.

Amendment 7 adopted by consent

Q: (Sen. Breaux) What is a watershed?

A: (Rep. Aylesworth) This is where a body of water flows into another stream.

Q: (Sen. Breaux) The commission would be funded from a special assessment. How does that work?

A: (Rep. Aylesworth) It would be a dollar an acre for farmland, and the others I read earlier.

(Sen. Glick) In rural areas, adding a few dollars per acre is significant because it allows the water to be used, but the cost is spread out among everyone whose property might benefit.

Q: (Sen. Breaux) Is any of this flooding related to the changing temperature?

A: (Rep. Aylesworth) I'm not sure the rains have gone up significantly.

Indra Frank (Hoosier Environmental Council)

- Supports bill

Matt Meersman (St. Joseph River Basin Commission)

- Supports bill
- We don't have the funding to take the actions and do the studies that need to be done to improve water quality
- Every creek or river has its own watershed, this bill deals with the biggest ones
- This funding level is a maximum amount, so it doesn't mean all the funding listed in the bill will be charged
- This would be a voluntary taxing of one's own county
- It would be helpful to set some lower charges going in to make the introduction easier
- The criteria currently used in Indiana drain code should be used to determine how much people should pay based on how much benefit they would gain

Q: (Sen. Leising) Do you know how many watersheds there are in Indiana?

A: (Meersman) There are millions, but this bill only deals with the big ones, and there are about 50 of those.

Q: (Sen. Leising) Do you think this will lead to more watershed development?

A: (Meersman) I think this will be a hard sell, but it's becoming more necessary.

Q: (Sen. Breaux) When you said we should use the Indiana drain code, do you think they would apply just as well to this as it does to ditch assessments?

A: (Meersman) Yes, I think it would.

Q: (Sen. Breaux) Would you be amenable to that, Rep. Aylesworth?

A: (Rep. Aylesworth) Yes, we can talk about that.

William Blomquist (White River Alliance)

- Supports bill
- This bill has the potential to launch us into an important era of water planning
- The time for regional water planning is now
- This is something we should invest in
- This allows for regional cooperation

Jarrold Hahn (Indiana County Surveyor's Association)

- Supports bill
- We have some concerns, there needs to be county surveyor participation on these boards
- Under the current proposal, they may appoint the county surveyor and if they do they get another representative
- I think it should be the county surveyor by default
- By having that representation, you have two different perspectives
- The county surveyors would be responsible for determining where the watershed boundaries are, so they should be involved in the commission itself
- These commissions need to be multi county if they're going to be successful
- If you are going to lower the maximum, there needs to be a way to weigh the assessment
- Under the proposed legislation, 10% of whatever is collected in the assessment the county gets to keep
- There should be specific language about what that 10% can be used for

Q: (Sen. Glick) How many counties have full-time surveyors?

A: (Hahn) All of them are full-time by law, but they're only paid on a part-time basis, so some only work part-time.

Q: (Sen. Glick) I do not want to pass legislation that puts burdens on counties that only have a part-time surveyor.

A: (Hahn) Maybe that's where the 10% should be directed, there are also other county offices that would be affected.

Q: (Sen. Alexander) Is it possible that you would be paying into multiple watersheds?

A: (Hahn) That is very possible.

Q: (Sen. Alexander) Would you then pay the full amount into all the watersheds?

A: (Hahn) That's where we would have to determine where that break actually is.

Rodney Renkenberger (Maumee River Basin Commission)

- Opposes bill
- This bill specifically identifies the Maumee River Basin as one of the three
- In contrast to the original authors, we have not heard from Rep. Aylesworth
- Every watershed is very unique, our original authors recognized this
- The needs and capabilities of each watershed are different
- This bill sets up a provision where county executives can choose a non-elected individual
- This is a concern because taxpayer money is being used
- The bill establishes a 75 foot right of way along the river without talking to us
- How to deal with remonstrances is missing from this legislation
- There is no guarantee that the funding would be used for implementation of water quality improvement or other safety measures
- There is no requirement to leverage the funds, that is currently in our legislation
- I request that this bill be referred to the summer study committee
- Should this legislation be pushed forward, we request that all mention of the Maumee River Basin Commission be stripped from the bill

Q: (Sen. Glick) My understanding is that the Maumee River Basin won't be replaced by this bill, it can opt in, but it remains independent. You're statutory, right?

A: (Renkenberger) Yes.

Jeff Cummins (Indiana Farm Bureau)

- Supports bill

John Ketzenberger (The Nature Conservancy)

- Supports bill
- This bill gives us a way to effectively manage our water, for all Hoosiers who accept

Liz Solberg (League of Women Voters)

- Supports bill
- It is important for Indiana to overcome the government constraints to water quality

Chress Hizer (Indiana Association of Soil and Water Conservation Districts)

- Supports bill

Q: (Sen. Tomes) You mentioned wetlands, but that has nothing to do with this bill.

A: (Heiser) No, I just mentioned it because it is interconnected.

Sen. Glick

- There is a motion to pass the bill and recommit it to tax and fiscal

DO PASS AMEND Yeas: 8; Nays: 0

HB 1304 WATERCRAFT REGISTRATION RENEWAL FEE (Abbott, D)

Sen. Glick

- This discusses watercraft registration renewal fees
- These fees have not been changed in 20 years
- The money collected goes to the Department of Natural Resources, and to the Lake and River Enhancement Group
- It will update the Bureau of Motor Vehicles (BMV) requirements to be more up to date with watercraft values
- There is an initial fee collected on all boats in certain classes, then it goes to the value of the boats when they were new

Indra Frank (Hoosier Environmental Council)

- Supports bill

William Blomquist (White River Alliance)

- Supports bill
- There are significant threats facing our streams
- There is a lot of need for conservation projects that deal with these threats
- The Lake and River Enhancement Program provides specific funding to help with these issues
- This program also helps get projects on the ground the same year they are funded
- This is a well-liked, effective program, so we support the extra funding for this program that comes from this bill

Q: (Sen. Leising) What is the match?

A: (Blomquist) About 80/20.

Q: (Sen. Leising) Under the current statute, would a canal be eligible for cleaning under this?

A: (Blomquist) I'm not sure.

Jeff Cummins (Indiana Farm Bureau)

- Supports bill

Liz Solberg (League of Women Voters)

- Supports bill
- This is a wise investment in Indiana's natural and economic future
- Quality of life is a crucial factor in retaining the best in our state

Chress Hizer (Indiana Association of Soil and Water Conservation Districts)

- Supports bill

Caitlin Smith (Department of Natural Resources)

- Supports bill

Q: (Sen. Leising) Would a canal be included in this?

A: (Smith) If it is connected to a river, it would.

Q: (Sen. Perfect) The bill refers to the bureau, is that you or the BMV?

A: (Smith) The administrator is the BMV, but the grant program is in reference to the DNR.

Q: (Sen. Perfect) We are more than doubling the fee for most boat owners. I tried to look into whether it was possible to create a three-year permit for your boat, do you know if we can do that?

A: (Smith) I don't have an answer but can work with the BMV to figure that out.

Q: (Sen. Breaux) The expansion of the classes from five to 14, does that bring in more revenue?

A: (Sen. Leising) Yes, and the expense of these boats is so much more than it used to be. People who own these boats do understand that there is an initial cost.

(Sen. Perfect) I would say that the addition of more categories actually benefits the people on the low end and keeps the fees lower for them.

Sen. Glick

- This bill has to be referred to the appropriations committee.

DO PASS Yeas: 8; Nays: 0

House Agriculture and Rural Development
Monday, March 13, 2023
10:30 AM in Rm. 156-C

SB 171 STATE FAIR ADVISORY COMMITTEE (Leising J)

Sen. Leising

- LSA informed us we were not getting proper reporting done
- The State Fair Commission is appointed by the Governor
- Under them is the State Fair Board which is elected by various districts
- Then we have the State Fair Advisory Committee
 - Legislators are on this committee
 - Supposed to be watchdogs of what is happening with State Fair
 - The bill provides information to this committee
- LSA supports this as they staff the meetings
- There was no opposition in the committee

(Rep. Cherry) The Commission is elected but there is a political balance there to clarify.

(Sen. Leising) Thanks for the clarification. We are invited to attend board meetings and are supposed to be watching out.

Q: (Rep. Baird) Are there term limits on the advisory committee?

A: (Sen. Leising) No, I do not think there is for the state fair.

Katie Nelson (Director, Legislative Affairs at Indiana State Department of Agriculture)

- Supports bill
- Thinks it will be better with LSA staff

DO PASS Yeas 8; Nays 0

SB 423 ANIMAL IMPOUNDMENT (Leising J)

Sen. Leising

- The Gaming Commission came to me about an issue that needs to be handled
 - They were talking about animal fighting
- According to testimony, this is happening more than we think in the state
- Animals are brutalized from the fighting
- In the case of dogs, they have a hard time being restored to health

Dennis Mullen (General Counsel, Indiana Gaming Commission)

- Supports bill
- In conjunction with the Indiana Board of Animal Health
- Bill creates more efficiencies in how investigations of these cases are done
- There have been 50 cases discovered in the past seven years
- First thing this bill creates reasonable expenses when it comes to creating a bond for an animal in relation to these cases
 - The amount bonds are normal set at do not normally meet what the real costs of animals are
- This impacts us as our partners have to foot the cost of care for these animals

- This has made it difficult for us to find partners to care for these animals
- Another part of this bill allows us to have a more holistic view when it comes to considering depopulation
 - For game foul, there is a high chance of spreading disease to each other and humans
- Animals are bred to be very aggressive and can be a threat to other animals as well
- In most cases these foul need to be depopulated as soon as possible to remove the animals suffering and protect other animals
 - These decisions will be made in the best interest of the animal
- Animal fighting is still a very big problem to this day

Q: (Rep. Klinker) How do you find out where this is and who is doing this? Is it happening in Indiana?

A: (Mullen) Yes, It is happening in Indiana. We get information from anonymous tips and local enforcement. We have built up expertise over the years developing the capacity to investigate these cases.

Q: (Rep. Klinker) Where is this happening?

A: (Mullen) All over the place including Southern Indiana and even South Indianapolis.

Q: (Rep. Klinker) How many would you say we have every year in Indiana?

A: (Mullen) Approximately seven a year if we have had 50 over the course of seven years. We have started working across the country as well as we work in other states. These other places have been involved with Indiana cases.

Q: (Rep. Baird) What is reasonable in your realm as written in the language?

A: (Mullen) Write some sort of written notice.

Q: (Rep. Baird) Do they usually know who the owner is?

A: (Mullen) Yes.

Q: (Rep. Baird) How many are requested back to owners?

A: (Mullen) I'm not sure. I would think it is low especially for animals like game fowls.

Q: (Rep. Bauer) Is the intent to reunite the animal with the owner?

A: (Mullen) No that is not the intent because of the crime being investigated. If there are findings and the owner paid the bond then there is a provision for them to be reunited.

Q: (Rep. Bauer) When it comes to an animal being considered a serious threat would that include a bite history?

A: (Mullen) When it comes to animals yes but this bill specifically talks about animal fighting.

Q: (Rep. Bauer) When it comes to immunity is that narrowly targeted to this act related to fighting activity?

A: (Mullen) It would just be related to subsections under this chapter.

DO PASS Yeas 10; Nays 0

House Committee on Veterans Affairs and Public Safety
March 13, 2023
10:30 AM in Room 156-B

SB 316 COMPUTER AIDED EMERGENCY DISPATCH SYSTEMS (Walker, K)

Rep. Kyle Walker

- Presented a bill last year that was similar
- Required necessary agencies to provide feedback to the state to increase the interoperability of the Emergency Response System
- In October of 2022, the collection of agencies provided that feedback
- The best course of action is to integrate the common coding language into individual department's CAD systems

Rep. Frye

- It is frustrating to have to communicate with a closer agency in another county. It is also slow to do this.
- My department could not communicate with Carmel, even when we would often work together on various calls.
- Many of these different kinds of software are built by different companies, so the real hill to climb here is how to link all of those different kinds of software that all have different permissions and languages.
- The Courts at one time in Indiana did not communicate, and we resolved that issue, this is very similar.

Rep. Barrett

- I was ready to pull the trigger on this last year, but my coauthors advocated a more tempered approach

Q: (Rep. Frye) What would this cost, and where would the funds come from?

A: (Rep. Barrett) When we determine the appropriate mechanism for instituting this, there will be a fiscal report that will answer that.

Mr. West (Father of Accident Victim)

- Thank you for your continued support of this legislation
- Testified before this committee last year
- My son passed away because the closest responders were not called, only minutes away, because they were across the county boundaries
- Life will continue to be lost if the system continues to be operated this way
- It is within the trust of our communities that the right solutions will come to them when their lives are concerned

BILL DO PASS: Yeas: 12; Nays: 0

SB 477 THREATS TO CRITICAL INFRASTRUCTURE (Busch, J)

Rep. Manning

- There are countries in the world who want to do harm the United States of America
- Indiana must respond as well as the rest of the country
- This bill is a follow up that broadens the scope of previous legislation
- This bill adds a number of definitions of installations which may not be allowed within the state
- Bill prohibits entities that pose a threat to the infrastructure from entering into agreements with companies within Indiana
- Makes it unlawful for a person from the countries listed in the bill from purchasing property adjacent to the types of entities which are included in the definition of critical infrastructure
- The Attorney General may start an investigation if he receives a complaint, and has the capability to make all other shareholders, lien holders, and otherwise, whole

Q: (Rep. Frye) Who does the actual investigation?

A: (Rep. Manning) The Attorney General will conduct the actual investigation once the complaint is received.

Q: (Rep. Andrade) Have we looked into the entities in just our state who are posing a critical threat to our infrastructure?

A: (Rep. Manning) The federal government has done that for us, so that might be unnecessary.

Q: (Rep. Frye) So we are not addressing a current issue, we are making it harder for issues like this to arise, correct?

A: (Rep. Manning) That is correct.

Q: (Rep. Pack) Who is allowed to make complaints to the Attorney General?

A: (Rep. Manning) Anyone.

Q: (Rep. Pack) Who constitutes a 'prohibited person' as defined in the bill?

A: (Rep. Manning) On Page 3, line 17, a prohibited person is a citizen of a country that is defined as a threat to critical infrastructure by the governor or is listed in the bill.

Q: (Rep. Bartels) Is the burden on the purchaser in terms of disclosure?

A: (Rep. Manning) We didn't touch disclosures, this is just a prohibition based on nationality.

Q: (Rep. Judy) Are Indiana National Guard Armories included in the amendment?

A: (Rep. Manning) No, but we can talk about including that.

Elizabeth Berg (Probate, Trust, and Real Property, State Bar Association)

- Opposed to bill as it stands
- As it is written, if we have a prohibition, the transaction is void
- This creates a huge ripple affect on lien holders, sellers, and loan holders
- We are recommending a divestment process to enter into receivership, this process is already in the code, and it passes due process
- We have asked for **Amendment #2** so that we resolve all of the issues listed before

- In the amendment, we also have provisions regarding who is actually at fault for this situation
- The bad actors never raise their hands, so we want to make sure that the liability is actually on the bad actor
- The language in the amendment would state that the transaction is still good, but the divestment process would take over rather than a void transaction

Q: (Rep. Bartels) When you say ‘bad actors’, if a Chinese company offers me three times what it’s worth, am I the bad actor?

A: (Berg) As written, there is no liability on the seller in that situation, and it would stay that way in the amendment.

Q: (Rep. Bartels) I can get the money for the sale, but owner would be dissolved of that position.

Amendment #2 Taken by Consent

Maggie McShane (Senior Vice President of Government Affairs, Indiana Association of Realtors)

- Supports bill
- As a seller, one might not know that the buyer is prohibited from buying, and under federal law, we are prohibited from asking the race of the person
- Trying to put this prohibition in place with the federal laws surrounding race and nationality in place while only allowing a void transaction to take place instead of a divestment process would not allow many transactions from happening smoothly
- This change would put teeth in the law, rather than passively allowing a void process to take place
- Putting the burden on the seller would put the seller at a huge disadvantage, they do not have the investigatory capabilities of the Attorney General
- The bill did not have any teeth at all without the divestment remedy, because it gave no answer for what happens after the sale is declared as void
- There are a number of bills like this in other states, and this change would make it more affective like other states laws

Q: (Rep. Judy) If the seller was to ask the buyer if they were a citizen of these countries, it would violate a federal law? If we put the onus on the buyer, we would get around this right?

A: (McShane) That is correct.

Q: (Rep. Frye) Would you believe that this amendment improves this bill?

A: (McShane) Absolutely, if there is a prohibition, there must be a remedy to it. Hopefully these situations won’t occur at all, but now if there is, we have laid out an exact process for what happens if it does.

Q: (Rep. Frye) If I make the purchase and I am from one of these countries, how does that work for me?

A: (McShane) If you are that person, you will find a way to do this. Part of it is having good neighbors, and the reporting allows this remedy to take place very quickly.

Q: (Rep. Haggard) If a broker representing this transaction gets caught doing this, this could result in licensure, correct?

A: (McShane) That is correct, but that would be the least of their worries.

Ross Teare (Indiana Bankers Association)

- Supports bill
- Happy that sellers will get a fair shake if they end up in this situation

Q: (Rep. Frye) We could do a chairman's amendment to include armories, would you like to do that.

A: (Rep. Manning) A chairman's amendment is fine with me. If you look at the amendment, it makes it very clear where the responsibility lies.

(Rep. Bartels) The definition of an armory might be included in the 'State Military Installations', so we should examine that closer.

(Rep. Lauer) The State Military Code uses the same term, 'facility' includes armories and readiness centers. My recommendation would be to add 'military facility' under the amendment to cover armories, as well as 'military installations'.

(Rep. Frye) If we do the decision to put in the chairman's amendment, you would have a couple days before we do second reading if you wanted to take it out.

(Rep. Manning) If we add a (c) to the definition when it references the code, we should be fine.

(Rep. Frye) We will add the chairman's amendment as soon as we get the language put together.

(LSA) On page 2, line 39, adding the term 'military facility' to the bill as a definition and to this line would be the correct language.

Q: (Rep. Andrade) Should we just hold the bill until next week so we make the right decision with this language?

A: (Rep. Frye) We could, but we have four bills next week so we will be busy. If we just nail down on the language right quick, and we are all confident in the language, it would be better to pass it now.

(LSA) The fix would be adding the definition of 'military facility' inserted between section 4 and section 5 on page 3, between lines 5 and 6, referencing the relevant U.S. Code site. This might be too much for a chairman's amendment.

Q: (Rep. Judy) The Indiana Code already defines 'armory' under section 10, could we not just use that definition? This would cover a state owned facility.

A: (Rep. Frye) That would make sense, we will implement that.

(LSA) We will make the change beginning on page 3, line 6.

Amendment Taken by Consent

(Rep. Frye) On page 2, line 29 of **Amendment #2** 'forfeited' would be changed to 'forfeit'.

DO PASS AMEND: Yeas: 12; Nays 0

Senate Appropriations
Monday, March 13, 2023
2:00 PM Rm. 431

Indiana Finance Authority (State Debt Overview)

Dan Huge (Indiana Finance Authority)

- We manage special project debt like the Convention center
- Has dealt with CARES Act money over the last few years
- Also involved with the State Fair Commission
- Have a strong budgetary reserve
- We are in a place with strong fiscal flexibility
- Our scores are continuing to rise across the board
- We are 46th in debt per capita
- Our other Midwest neighbors have a higher debt per capita
- We are paying \$89M in transportation debt every year
- Every bond issue to public universities comes through us
- We have the East End Crossing Bridge that has a small subsidized loan from the federal government
- Payment on the bonds is coming through gas tax and state highway funds
- We expect to pay off our transportation in June of 2029
- A lot of risk has been reduced with outstanding debt for the Convention Center project
- We have a fully funded reserve account
- We are at a good place with these bonds for our Convention Center
- We only have one bond issue with the Office Building Commission for the Neuro Diagnostic Institute
- We have paid off DNR debt and the State Coliseum over the last few years
- The bond bank has never had Moral Obligation claim in its history
- We have a major public private partnership project for the East End Crossing
- As long as roads and bridges are open as they are supposed to be, we make an availability payment each month
- The rate agencies look at these availability payments as state debt
- The pandemic has put us back a few years
- Over the next two years, we hope to see total revenues be larger than the availability payments
- We have around \$4.3B in non-appropriation backed debt
- We have some legislation that would require Indian market for secondary education loans to come through the IFA
- We received about \$2.5M the last budget from the Excess Liability Trust Fund
- We want to increase that number to \$4M to clean additional properties

Q: (Sen. Mishler) Does reducing the pension improve our bond rating at the same way paying down a debt would?

A: (Huge) I would say it would.

Q: (Sen. Brown) We do not have anything else like the Lucas Oil project outstanding?

A: (Huge) No.

Q: (Sen. Brown) Is there any other fixed rate bond that you'd want to look at?

A: (Huge) The ones we have out there now, the economics make sense for it right now.

Q: (Sen. Brown) You're requesting a \$4M increase each year, this is just a transfer? Have you been able to fund all the request you have received so far? Will \$4M do it?

A: (Huge) That is just a transfer. We never come close to meeting all of the needs.

Q: (Sen. Raatz) You had 76M for Secondary Market for Educational Loans?

A: (Huge) These loans are primarily issued before 2003. Federal law changed in 2012 so they are no longer able to do those. They are just paying them off over time.

Indiana Public Retirement System

Steve Russo (Indiana Public Retirement System)

- As of the end of last year, we had \$42.4B in assets
- We had 517,000 members with 1,300 employers
- We have an impact on one out of every five households
- Pension plans remain low funded
- Funds that are prefunded, those have increased to 89.6% funded
- 80% and above in considered healthy
- When it comes to how actuaries do that math, the numbers get smoothed out over a five year period
- The five-year rate of return is what matters, and that number is healthy
- Contribution rates will remain flat except for the '77 Fund
- That was driven to increase in salaries
- Teacher plan was significantly improved
- Each plan has it own unique story
- We look for our funding status to go up every year, we are on a steady climb
- Expect to be close to 100% funded by 2032
- We could be a little better by then, we could be a little worse
- 60% of the liabilities in our plans are owned by local government
- For contributions, 60% is supported by the state
- This will continue to shift because of the teacher Pre-'96 Plan
- The liabilities of the state will go down as this plan winds down
- A lot of the decisions from pensions are made by local units of governments
- We have a funding policy in place that says we will keep contribution rates flat if they are meeting what needs to be funded
- Employers paid 111.7% of the Actuarial Determined Contribution
- We had a 6.6% negative return in the last fiscal term
- We have had about \$2B in payment out the door this fiscal year
- The five year rate of return is what is important
- We are at a 5.7% five year return so far, a little below our target
- Assets are in two categories: Defined Benefit Assets (\$36B) and Defined Contribution Assets (\$6B)

- Our asset allocation continues to be diverse
- We have been climbing the mountain of market value since the financial crash of 2008
- Higher than expected inflation and a rise in discount rates contributed to INPRS underperforming its 6.25% target rate of return in FY 2022
- None of the projections we show here includes the potential incremental funding of \$1.5B from the summer session
- We requested a carry over of 152M for each of the next two years for the Local Public Safety Pension Relief Fund
- Uncommitted balance represents how much is left in the SRAs that has not already been promised
- There will be a day for HB1028, there is enough in the supplemental reserve accounts to do enough for the traditional 13th check
- Inflation is both potentially beneficial and not beneficial to a pension system
- It affects the wages that employers pay, and increase the potential benefits
- There is also the issue of unfunded liabilities
- As interest rates go up, it lifts up all boats
- In the interim, though, there is some pain from the rates going up
- The Fed is on a path to drive a recession which could effects economic impacts
- For the PARF plan, there is a bill that adds public defenders to the public defenders plan, \$12.5M would be added in the first year to cover the fiscal of that

Q: (Sen. Mishler) What kind of a COLA could they give with the SRA?

A: (Russo) 4/10th of a percent COLA.

Q: (Sen. Randolph) Can you define risk parity?

A: (Russo) It is an investment approach that seeks to balance and weigh risk. Most of us allocate our assets by different asset classes. This allocates based on risk rather than assets class.

Q: (Sen. Randolph) What's the correlation of the three number?

A: (Russo) In this particular strategy the amount of commodities will be moved around to maintain the amount of risk.

Q: (Sen. Randolph) What's a good or bad number?

A: (Russo) I don't know if there is a good or bad number, these are just for our purposes. It just depends on the different strategies.

Q: (Sen. Niezgodski) Taking into account the amount of a benefit a member receives, is that where that COLA would be based upon? If someone with a longest term of being retired would receive a larger COLA?

A: (Russo) The member is going to get a percentage of what that benefit is.

Q: (Sen. Brown) Putting in the extra \$1.5B, if we did that, what's the possible payout?

A: (Russo) Basically, that extra 1.5B would pull the cliff back by around one year.

Q: (Sen. Brown) At what point do we intersect the 13th check and the COLA?

A: (Russo) They are two completely different and unique things.

Q: (Sen. Brown) Do you have a sense where the COLA for everyone would be larger than the 13th check?

A: (Russo) I do not really have an answer for that.

Q: (Sen. Niezgodski) It is up to the legislature to factor in a larger COLA?

A: (Russo) The general assembly has that right. There is another consequence of giving higher COLAs, the actuary make assumptions of what it will be, on average, over time. They will factor that in to how they factor liabilities, The numbers will jump up. It is not just more money coming in that will do that, unless the assembly were to grant up front all the money needed.

Department of Natural Resources

Dan Bortner (Department of Natural Resources)

- Our seven pillars serve as the foundation to our budget requests
- Our recreational revenue increased dramatically between 2019 and 2021
- We went to 79.3M from 56M during 2019-2021
- The same pattern was seen across all parks
- We began to see a leveling off in 2022
- Next level trails program funding was unveiled in three rounds
- In the latest round, we awarded 68M
- We have set in motion the first steps of the Monon South Project
- So far, we have seen 50 miles completed
- The moon south project will be the longest trail in the state when completed
- The Millions Tree project has the goal to plant 1M new trees in five-years
- So far, we are at 667,600 trees, I am confident to get to the 1 million number
- The success of the Deferred Maintenance program is from the partnership of IDOA and DNR
- The Next Level Conservation trust was paid for using American Rescue Act funding
- All of the property acquired through thew program, will become part of a public trust
- The funding was divided into two rounds, we spent 22.8M on those projects
- The second round funded six projects, at \$2.1M
- The law enforcement division has added 40 new officers

Kirsten Haney (Department of Natural Resources)

- Looking for a 25% increase to our existing base
- For the Dedicated Fund we are looking at an increase of \$3.3M in salary and \$5M in operational
- For Fish and Wildlife we are looking for \$5.8M in salary and \$1.4M in operational
- Looking for 800K for law enforcement for body cams
- We are requesting \$4.4M towards our general fund for the results of the salary study
- \$5.4M is for operational expenses
- Asking for \$12.4M for increased appropriation for land conservation
- \$9.8M for conservation officer matrix increase

Q: (Sen. Mishler) The cost-per-mile of trail seems very high for trails.

A: (Bortner) We approve the funding, but the local municipalities decide where the trails are going to be built.

Q: (Sen. Brown) When you pay for those trails, do you make the locals commit to maintenance?

A: (Bortner) We put conservations easements on the trails. The agreement to maintain them is part of the application.

Q: (Sen. Brown) I think there should be guardrails there to make sure they have the financial ability to maintain them.

A: (Bortner) There is additional funding being requested, so that is something we are definitely looking at.

(Sen. Raatz) Looking at your agency bill, the floodplain language in here is disturbing to me. I do not know how customer service relates to this. I would like to have a conversation with your department before that bill moves forward.

Q: (Sen. Holdman) Could you give us a percent increase for all your budget requests?

A: (Haney) Yes, I will get that to you.

Indiana Department of Environmental Management

Brian Rockensuess (Indiana Department of Environmental Management)

- Our mission is to implement federal and state regulations
- We have four regional offices and a lab in Indianapolis
- We have struggled to bring folks into the agency, but have seen a shift since the compensation study was rolled out
- We are looking into recruitment efforts throughout the state

Hillary Alderete (Indiana Department of Environmental Management)

- Almost 60% of our funding comes from dedicated revenue funding
- The general fund is the second largest from of funding
- We are requesting \$25.3M for FY24 and \$20.5M for FY25

Brian Rockensuess

- We are making sure our utilities have what they need regarding the train derailment and how it impacts our drinking water
- We are showing no contaminated water reaching our utilities
- Norfolk Southern has contracted to dispose of the soil in Roachdale
- The levels are at an acceptable place for the landfills to take
- Any material coming to Indiana should be tested before coming to Indiana
- We will continue testing the materials we do have
- We have been able to hire two individuals to deal with environmental justice issues across the state
- We are working with different communities across the state to see how we can assist in a non-regulatory fashion
- The Firefighting Foam Collection Project, we were able to collect 30,000 gallons of foam
- We are reducing sewage to our streams, we have cut the amount by 45%
- 90 counties meet all federal standards for air quality
- We are looking to cleanup contaminated sites faster

- We are meeting with all of the different groups that work on contaminated sights to see what they think about the process we have developed
- We will continue to navigate the continuing changes to PFAS regulations
- Air standards are going to continually be tightened, we will utilize our resources to be sure we are meeting standards

Q: (Sen. Brown) You would like to request the increase of Title V fees, they were last increased in 2019, is that typical?

A: (Rockensuess) That was based on emission-based fees, within those two years, a large number of coal fire plants have shut down, so their emissions are far less than they were. We have lost a lot of money from those emissions not being there. The attainment areas do not designate the areas where we charge fees. The attainment situation in those two counties have to do with being in a municipal area, which does not increase fees.

Q: (Sen. Brown) Why do you need those extra 15 employees?

A: (Rockensuess) Those positions will be for outreach; a lot of people do not know what we can and cannot do. I want people to understand what that is. For drinking water, each one of our programs is audited. EPA indicated that we needed 80 additional people, there is no way we can do that. 15 people is what we had 5-6 years ago.

Q: (Sen. Garten) The EPA is who gives us the standards, IDEM is in charge of administering those?

A: (Rockensuess) Correct.

Q: (Sen. Garten) Can you define environmental justice?

A: (Rockensuess) It is recognizing that there are areas that have an overburden of pollution over a long period of time. Those are usually ethnically diverse and low income areas. So, it has been a huge piece of the Biden administration to push that forward. There are a lot of things that exist to tell us how to permit. Environmental justice is not one of those. These areas are areas that need jobs, if you make it too hard for employers to move in, it makes it too hard for people to get out of the situations they are in.

Q: (Sen. Garten) What communities are you practicing that?

A: (Rockensuess) The Brightwood neighborhood in East Indianapolis. We are also working in Gary Indiana with their dumping issues.

Q: (Sen. Garten) Has it been determined that dumping is more prevalent in Gary?

A: (Rockensuess) The city of Gary owns properties that have open dumping on it. I've been up there to have conversations about getting stuff moving. It shifted from you need to do this to how can I help you. If there are instances in southern Indiana, let me know.

Q: (Sen. Garten) Your dedicated fund is from fees and fines?

A: (Rockensuess) Just fees. Fines go into a special fund.

Q: (Sen. Garten) IDEM is 60% funded by fees only?

A: (Rockensuess) Yes.

Q: (Sen. Garten) How much of those fees are collected through Emergency rulemaking?

A: (Rockensuess) None are collected through emergency rulemaking.

(Sen. Garten) I just get a little concerned by an agency being 60% funded by fees. This pre-dates you. But it makes me uneasy that an agency could fund itself by increasing fees.

Q: (Sen. Randolph) In Lake County, you guys used to have local offices in these areas, then you closed them. There has been no adequate explanation to why. I have had people tell me how difficult it is to get in touch with your offices. I have several questions for you, but I will save them in the interest of time. I would like to discuss these things with you further though.

Indiana Professional Licensing Agency

Lindsay Hyer (Indiana Professional Licensing Agency)

- PLA has seen a lot of changes and challenges recently
- As the administrative support for many boards and commissions, PLA is uniquely positioned to provide exceptional public service
- Challenges have prevented us from being able to perform at the level that is expected
- Our primary business is administering the professional licensing boards
- We license one out of six working Hoosiers
- There are 179 license types, that does not include the various application processes
- The sheer volume of licenses keeps us busy at renewal
- We have 107 people in the agency
- PLA licensure operation has been under a bit of stress due to the increase in volume from COVID
- Our funding structure did not support the influx of the new applications
- PLA does not retain its licensing fees
- The increase in applications led to a 67% drop in application funding
- In addition to the influx in licenses, PLA made changes to its licensure practices
- There are bills this session that would help to streamline the reciprocity process
- New boards are always challenging

Evan Bartel (Indiana Professional Licensing Agency)

- We have had to adjust our practices to account for the extra license
- Through all of our various initiatives, we have decreased the average time of licensure
- It still needs to be better
- What we need now, is to make our initiatives permanent and to get funding for them moving forward
- The call center is not in our budget largely, it is mostly in capital projects
- The call center is critical to us
- The increase in applications slowed down our turnaround time, which led to more calls
- We broke up the two functions into a two-tier structure to allow for easy questions to go to the call center
- These staff members are largely new, we do not trust them with all of the customer service, we leave that to our tier-two call center
- What this has done is led to a 200% increase in our license process
- Going forward, we would like to make our call center supervisor full time
- The next most critical thing is worker retention
- We need to do extra things to make our employees feel valued

- We have developed a career path for our employees
- The workspace we have is a little outdated, we would like to update it
- PLA is looking to replace its processing system in FY26 & FY27
- When we get into large renewal cycles, we process all of those batches overnight, an error can hang these up and require them to need to be imputed manually
- We would like to bring on a webmaster as well
- PLA has the largest website in state government

Q: (Sen. Mishler) I think the IPLA is very efficient, at least from my end.

Q: (Sen. Garten) Annually, how many licenses come up for renewal?

A: (Lindsay) About half. But 15% of licenses do not renew.

Q: (Sen. Garten) Of that number, how many get flagged?

A: (Evan) That is something I would like to start tracking.

Q: (Sen. Garten) I know renewals have been an issue. We had 50 Hoosier families, nurses, who struggled with their renewal and effectively lost their licenses for a period of time. I would like to see us push for some level of an automatic renewal. We do this with unemployment.

A: (Hyer) You want to see automatic renewal for those who aren't flagged? Our system does do that, it is at midnight every night. Part of our budget request would help that process. It is already happening now, but it needs to be upgraded.

(Sen. Garten) I am having a hard time believing in the system.

Q: (Sen. Mishler) How can my response be so different from others? How do I check a box and these people go through all of this?

A: (Hyer) Renewals are usually pretty standard if there is no positive response.

Q: (Sen. Charbonneau) When did you take over?

A: (Lindsay) Late December.

(Sen. Charbonneau) Getting those times down by so much is commendable. How to the disciplinary hearings breakdown by profession?

A: (Hyer) I do not have that in front of me, but I can get it to you.

(Sen. Brown) I wanted to highlight these technical changes. You were very helpful with some of the bills I have been working on. I have carried a lot of these bills, we never had any feedback from IPLA in the past. You have inherited a technological roadblock. I am glad you are implementing this. I appreciate your conversations with me.

Department of Workforce Development

David Adams (Department of Workforce Development)

- I have been here five months
- We are responsible for administering federal and state dollars in unemployment insurance and workforce operations
- Our unemployment rate is 3.1%

- This is below the national number
- We are focused on helping individuals move up their skilled development
- We work through the regions as well as centrally
- For adult education we have programs designed to help individuals get skills to help them through high school equivalency
- In region seven, we have an individual in his mid-40s who had only completed through 10th grade
 - He was able to take courses, while working as a single parent, and receive his high school equivalency
- In 2018 we started the Employer Training Grant and the Workforce Ready Grant
- We administer the Jobs for America's Graduates that results in around 94% of graduation for individuals involved
- We also oversee the Work-Based Learning and Apprenticeship Program
- We have the number one apprenticeship program in the county

Deanna Oware (Department of Workforce Development)

- We receive a combination of federal, state, and dedicated funding
- We receive around \$200M annually
- Our primary funding is from the federal Department of Labor
- We also receive federal dollars from the US Department of Education
- The state general fund appropriations allow us to administer and provide funding to numerous workforce programs
- State funds often compliment federal dollars to serve more Hoosiers
- Our funding request is \$56.1M in FY24 and \$60.9M for FY25
- we are requesting restoration of the adult education appropriation to \$16.9M in FY24 and \$20.9M in FY25
- The program serves more than 20,000 students per year
- An adult learner, on average, can obtain a high school equivalent in 19.4 weeks
- There is a cost of \$1,200 to \$1,400 per student
- The program targets teaching instruction to provide learners with skills and classes where there is a deficiency
- Our program is a national leader
- We are second in the country for HSE diplomas
- Adult learners without a high school diploma are less likely to be in the labor force
- The governors budget request will allow us to serve 10,000 adults over the biennium and eliminate our waiting list
- We are requesting \$4.4M per fiscal year for the Unemployment Insurance Incentive Program Pilot
- We hope to entice an additional 1,000 Hoosiers to obtain their HSE
- We are asking for \$8M per fiscal year for our JAG programs
- This will allow us to create 12 more programs
- JAG students are 230% more likely to secure full time employment than other in the group
- We are asking for a workforce Ready Grant that would amount to \$6M per year
- This increase will allow us to serve 500-600 more participants

- The Applied Data Workforce System Biennial Appropriation of \$8.0 M will allow us to move data effectively and efficiently across our system to enrich the user experience

Q: (Sen. Brown) You are going to double your admin costs?

A: (Oware) Yes. To deal with the increases we will incur from healthcare and other increases.

Q: (Sen. Brown) I have concerns about the program. What is the cost going to be?

A: (Oware) We are trying to see if it works it helps people get their HSE while unemployed. The hope is that it will help people stay off unemployment insurance in the future.

Q: (Sen. Brown) So we are going to pay them to go to the programs that we are already funding while they are unemployed?

A: (Adams) That is why we are referring to this as a pilot. We will not spend one more dollar on this if it doesn't work.

Q: (Sen. Brown) So is this a one-time upfront payment?

A: (Adams) No, it is weekly.

Q: (Sen. Brown) If you have a kid in the program who does not drop out you measure it as a success. Do you have a way to measure against the cohort to prove it is working? I would like a cost per-student for that. We spend a lot of money for people to get their diploma, and then continue to pay for services. We want them to use it and to get a higher wage, but we should do a deeper dive to see what is working and what is not.

A: (Adams) In terms of the cost for adults, it is about \$1,400 per adult to get them to their HSE. The dollars that are allocated to these programs, we know on average what the outcomes are. We are looking at these programs to ensure we are maximizing the outcomes.

Indiana Department of Education

Dr. Katie Jenner (Indiana Department of Education)

- We have three key pillars of focus: Student, Educator, and System
- Every tactic relates back to these
- We are heavily focused on literacy
- We were able to get the largest investment in Indiana history from the Lilly Endowment to make sure our teachers know the best practices for teaching literacy
- We have a 95% goal of children reading in Indiana by 2027
- Last year we had 372 schools who had opted-in for students to take the IREAD-3 assessment in 2nd grade, this year we have 777
- In 2021, we deployed a grant HEA 1008 that tracks ROI so that we can invest smarter
- We launched a transparency dashboard for our federal funding, one of the first in the nation
- We also launched Indiana GPS that gives us measurables on key characteristics
- You gave us until July 1, 2024 to launch it, we launched it a year and half early
- We have launched targeted STEM coaching, STEM Acceleration Grant, and STEM certified Schools
- We launched the 3E Grant, UCAN, Employability Skills Grant, and Crossing the Finish Line to address rethinking high school
- We were the first state in the country to partner with Get Your Teach On
- We also launched Indiana Learning Lab
- I-SEAL and I-Tell were launched to recruit teachers in specialized fields

- For Tuition Support, we are asking for an increase of \$1.157B
- We are asking for \$500,000 to continue the Office of Kindergarten Readiness
- For textbooks, we are asking for a \$121M a year increase
- We also ask that you have us do a fee setting study
- We have never collected fee data, and we need to
- In Indiana, for 10 years, we have been in a decline in reading
- We are committing to the science of reading focus
- We are asking for \$10M per year with a sunset in FY27 for an Early Literacy Achievement Grant
- We are also asking for a one time match for the Lily Endowment Grant
- For the Crossing the Finish Line Budget Line, we are asking for \$2.5M per year
- The Special Education Cost has not increased since 2014, we would like a \$10M increase
- We are asking for \$50M per year for the Indiana English Support Program

Q: (Sen. Qaddoura) Your office has been very helpful and collaborative. The House budget proposes increasing vouchers and are modestly increasing the on my way program, you talk about the importance of Early Childhood Education, do you see an imbalance in the way we are funding vouchers verses the way we are funding early childhood programs? We are not investing as a state as much as we should.

A: (Jenner) The department stands ready to work with the House and Senate to get the budget to the best spot it can be. I will say, we receive millions and millions federally. We need to make sure we are deploying those in the best way we can.

Q: (Sen. Niezgodski) This is pretty much the governors proposed budget?

A: (Jenner) Yes.

Q: (Sen. Brown) What do you project for FY23 & FY24 for EL students? You do not delineate the severity correct? At an ISTA forum, the biggest concern was truancy. One teacher said that is they are there, he can get them where they need to be. It sounds like we need to do something to get them there. That is upsetting to me to hear that we cannot even get students in the seat.

A: (Jenner) We worked with the National Center For Assessment right after COVID, the most impacted student areas are English language learners. We are asking for a lot of money there because there is a large achievement gap there. We want to make the funding whole for our English language learners. When you look at Indiana GPS, you can see every school's attendance. When our researchers looked at the question of, if a student attends this percentage, are they more likely to be proficient in the ELA and math. If a student is present for 94% of school days, they are more likely to pass. If you start looking at the attendance rate in schools in your affected areas, it is a game changer. We are interested in working with you to find out how to address that.

Q: (Sen. Raatz) Has there been an increase in the English Language Learner population? Has the open boarder increased the population in the state of Indiana?

A: (Jenner) We have seen a 50% increase since 2016. That will continue to go up.

Office of the Attorney General

Todd Rokita (Attorney General)

- It has been a privilege to hold this position and serve Hoosiers across the state
- I have been pleasantly surprised with how attentive this office has been
- We have navigated many challenges over the last two years including abortion, big tech, COVID, and federal overreach issues
- Our team is prepared and eager to meet the challenges over the next two years
- Market conditions have created demand for litigation attorneys greater than our office has ever seen in the past
- Lifestyle changes, smaller pools of applicants, and inflationary economy all led to this
- There is a pressing need to adjust salaries to competitive levels
- We represent every facet of state government, we have over 19,000 open cases
- We closed over 13,000 cases last year
- The office has evolved over the past few years to defend state sovereignty
- We just negotiated a \$20M settlement with Google for location tracking
- We have active litigation going on regarding TikTok currently
- We have seven active cases against organizations responsible for 1B robocalls
- Leader of 50 state robocall task force with NC and OH
- We have worked to partner better with companies like AT&T to tackle the issue
- 1/3 of Indiana residents are affected by data breaches
- We need people power, we only have four people in this division
- We are effectively the largest law firm in the state
- We cannot manage these cases on an excel sheet, we need case management software
- We have a budget request of about \$3M for this
- We spend five-times-less than the revenue we bring into the state
- 84% of our general fund budget is for salaries alone

Q: (Sen. Brown) What is your breakdown of litigation per case? I can appreciate that getting highly qualified individual can be expensive, what a good number for salaries?

A: (Rokita) We have made an increase to DAG Attorneys to around \$75,000.

Q: (Sen. Brown) How does that compare to the private sector?

A: (Rokita) They can make about \$130,000 in the private sector. For your first question, I will get that answer.

Q: (Sen. Randolph) In terms of looking at the litigation status for big tech, how much tax dollars are utilized for participation in these cases? Why do we participate in these when there are other Attorney Generals involved in this?

A: (Rokita) There are often no tax dollars. They are common interest cases and sometime we share some costs.

Q: (Sen. Randolph) How much tax dollars from Indiana have gone into those four cases?

A: (Rokita) We will get you that number.

Q: (Sen. Randolph) Explain the robocall case you were talking about?

A: (Rokita) These calls came through a trailer park in Evansville, Indiana. We were then able to trace it back through a business in California who had deep pockets and we were able to seek restitution.

Q: (Sen. Randolph) What determines when you decide to utilize outside counsel?

A: (Rokita) A lot of the cases have to do with prisoners that file lawsuits for constitution reason, we have to answer every one of those. Those burn attorneys out real quick. We are at 100 to 200 per attorney. We will bring in outside counsel from this state to help out with that load. For some of the other cases, we use it at my digression.

Q: (Sen. Randolph) How much do we spend on outside counsel? Why do we not just have designated people in house for that?

A: (Rokita) Hopefully, with this budget, it will help address that with more competitive salaries.

Q: (Sen. Holdman) How many attorneys do you have at your office?

A: (Rokita) About 230.

Q: (Sen. Holdman) What is your turnover?

A: (Rokita) Increasing our salaries has had a noticeable effect.

Q: (Sen. Holdman) would we save money in the long run if we increased compensation for your attorneys?

A: (Rokita) Yes. We have negotiated contracts for about 200 an hour for external attorneys. Our internal attorneys make a lot less than that.

(Rokita) We have a lawsuit suing the Biden administration for the lawlessness at the border. When you do not have the boarder being secured, every state is a boarder state. In 2020, there were 209 kids who were non-English speaking who we were paying \$10,000 a year. That number went up in 2021. We were able to calculate the damages.

Q: (Sen. Randolph) Where did that figure come from?

A: (Rokita) I will get that to you.

Department of Child Services

Terry Stigdon (Department of Child Services)

- Our prevention plan was approved in June 2022
- We have the first plan in the country for federal matching for these programs

Aaron Atwell (Department of Child Services)

- In order to set rates, we use call supports
- We have been able to sit down with providers to go over the process
- The process is provider driven
- We are looking at ways to simplify the rate setting process
- We are schedule to implement the finding in early April
- We have spent the last year meeting with providers looking at how we can better implement the rates

Terry Stigdon (Department of Child Services)

- We are struggling with staffing for case managers
- We are seeing a slight decrease in turnover so far in 2023

- It is difficult to find timely treatment for more complex cases
- There is lack of funding for unlicensed kinship caregivers
- It is difficult to retain and recruit provider workforce and foster parents

Aaron Atwell (Department of Child Services)

- 63% of our expenses goes to services
- 22.1% goes to field and legal payroll
- 10.4% goes to administrative costs
- 4.5% goes to support staff payroll
- We are requesting \$945,828,288 for FY24
- \$951,192,447 for FY25
- There is a shift of funding to IV-E Prevention
- We are looking to increase foster care maintenance payment rates
- Looking to establish \$300 monthly stipend for unlicensed kinship caregivers
- We want to provide ongoing appropriation for Hoosier Families First changes
- This would allow us to fund internal agency charges and compensation study
- Would also allow us to implement home and community-based rate study
- The study and new rates addresses a lot of concerns going forward

Q: (Sen. Holdman) It is still difficult to retain people, what is your total number of family case managers?

A: (Atwell) About 1,900.

Q: (Sen. Holdman) Providers are having a difficult time getting liability insurance for the residential treatment centers, is there any recommendation on what to do with that issue?

A: (Stigdon) I do not have any specific recommendations, but we are talking to providers about it and would be happy to talk with you about it.

(Sen. Holdman) It will be difficult for some of these providers to stay in business if we do not indemnify them.

Q: (Sen. Brown) How many children are in in-home?

A: (Atwell) about 3,000 in home.

Q: (Sen. Brown) What is a family case manager starting salary?

A: (Stigdon) 47,000 a year. There are some allowances for people with relevant experience.

Q: (Sen. Brown) Do you have any children in out of state facilities?

A: (Atwell) I will have to get that number to you.

Q: (Sen. Brown) A residential facility had to close because of reimbursement rates. It would be disconcerting to me if children were sent out of state because we were not funding these facilities. I am a little bit concerned because we have continued to increase pay and decrease case load and the turnover rate is not getting any better. Why is that?

A: (Stigdon) There were a lot of family case managers that left because of the lack of remote work. They continued to go into the homes during COVID. Some of them left because they could find better paying jobs in social work. We were able to get a decent handle on turnover and then the pandemic created issues.

Q: (Sen. Brown) Are you contracting with external attorneys?

A: (Stigdon) No, we do not.

Q: (Sen. Brown) DO we need to fill those spots?

A: (Stigdon) We will have those spots filled.

(Sen. Jon Ford) So capacity is an issue in the system, I think you mentioned you are having a hard time getting kids opportunities if foster care in their own counties as well. I am concerned that these residential providers are in the brink. I hope we continue to focus on that in the future.