

The Cope...



INCMA's Monthly Newsletter

February 2024

LEGISLATURE HALF BAKED

The 2024 legislative session reached it's halfway point last week which means that bills have either passed their "house of origin" or they are considered dead. While content of a now-dead bill could come back as an amendment to another bill— it's less likely during this short session.

In very rare timing, [Wetlands legislation has passed the House](#) and Senate and could be signed by the Governor by the end of the week. It is nearly unheard of for a piece of legislation to maneuver the process this quickly. Legislative leaders committed early to fast-track [HB 1383](#), which is the result of many years of work by the courts and legislative bodies at the state and federal level. A U.S. Supreme Court case from this past summer left up to state governments to decide if wetlands without a surface connection to a body of water would be regulated, because without the connection, they were not "waters of the U.S." protected by the clean water act. Isolated wetlands in Indiana will continue to receive some protection under the bill.

Divided into 3 classes, mitigation will not be required for Class 1 with general permits available for Class 2 impacts. In addition to these legislative changes, the "worksheet" used by IDEM for classification has been updated and streamlined.

Medicaid Forecasting

Error: In a state budget committee hearing in late 2023, a senior analyst for



the Senate Republican caucus stunned lawmakers with the [announcement](#) of a \$984M budget shortfall in Medicaid funding "due to a combination of state budget reversions and unexpected growth in services for aging and disabled Hoosiers" - the single biggest driver was unanticipated demand for home and community based services. The Family and Social Services Administration (FSSA) stated the "unanticipated increase in Medicaid expenditures threatened the sustainability of the entire Medicaid program" and there was talk of

"tough decisions ahead" among committee members. In January, FSSA announced [cost saving changes](#), identifying an anticipated reduction of \$300M in services which sparked significant opposition. Lawmakers have now gone silent on the matter, killing [HB1386](#), the Medicaid agency bill which passed unanimously out of committee, rather than hearing 10 proposed amendments aimed to hold FSSA responsible and requiring quarterly forecasts and prohibiting future reversions from Medicaid to other areas of the state budget in response to the agency's embarrassing budgetary failure. Lawmakers will revisit the Indiana budget, including Medicaid spending, in the 2025 Session.

SB 206 The IDEM agency bill originally contained language on easements and restrictive covenants and created a cause of action to gain access to property in need of remediation where an owner resisted. These two items were too much of a load on the bill and were stripped out before passing the Senate. The remaining

content of the bill deals with email communication for the purpose of notice by IDEM and some boards along with enhancements to the permitting of bio mass gasification facilities. The bill now moves to the House for consideration.

2024 LEGISLATIVE CONFERENCE = SUCCESS

INCMA's annual Legislative Conference was held on January 24, 2024 in downtown Indianapolis. It was a good success with 35 attendees. Members had lunch with 8 foundry legislators (see below). [More pictures are online!](#)



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