PUTTING HOOSIER FAMILIES LAST
THE INDIANA GENERAL ASSEMBLY IN 2022

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HOOSIER ACTION RESOURCE CENTER
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About Hoosier Action Resource Center

Hoosier Action Resource Center is a non-partisan, grassroots community organization based in Southern Indiana. We believe in an Indiana where all Hoosiers, no matter the color of their skin or the content of their wallets are able to shape the decisions which impact their lives.
Introduction and Overview

Indiana’s 2022 legislative session began with a surprise: as a result of the hard work of Hoosier families and the passage of the American Rescue Plan, the state projected $3.3 billion more in revenue, bumping up Indiana’s 2022 financial reserves to $5.1 billion. This unanticipated budget surplus provided the Indiana General Assembly with the opportunity to move Indiana out of the COVID-19 pandemic and into a better today and a brighter future by funding a compassionate Indiana today and investing in a stronger, more equitable Indiana for tomorrow. Unfortunately, some powerful politicians at the Statehouse both ignored the immediate needs of Hoosiers today and failed to seize the moment to begin building a better tomorrow. Instead, they spent much of the legislative session trying to divide and distract Hoosiers with bills that falsely pit urban against rural, teacher against parent, and poor against well-to-do Hoosiers.

As the 2022 Indiana Legislative session began in January, many Hoosiers across the state were hurting. Prior to the pandemic Indiana’s General Assembly already had a history of favoring corporate interests at the expense of the health and well being of Hoosier families. Indiana ranked well below the average among states on all significant measures of public health. Indiana’s per capita income was lower than any other Midwestern state. Indiana ranked 48th among states on toxic chemical pollution. Indiana paid its teachers less than any other Midwestern state, and was plagued by a teacher shortage.

Unfortunately, the pandemic further exacerbated many of these existing problems and brought new ones to the fore. Over 1.69 million Hoosiers have contracted COVID-19, and more than 23,000 have died. For much of the pandemic, Indiana’s nursing home death rate was the highest in the nation. Overdose deaths and deaths of despair have skyrocketed, precipitated by the mental health crisis of the pandemic. Indiana has also led the nation in evictions since the pandemic began: over 91,000 eviction notices have been served on Hoosiers since the onset of the pandemic. Nearly 1 in 10 Hoosier renters have had eviction filings begin against them in the past two years. The lack of affordable childcare has pushed tens of thousands of Hoosiers, especially moms, out of the workforce, contributing to Indiana’s eviction crisis.

Although faced with significant challenges, the Indiana General Assembly had both financial and...
policy resources available to support Hoosier families at the start of 2022. **This report will detail how and why the majority of politicians at the Indiana General Assembly failed Hoosier families in 2022.** Bills intended to divide Hoosiers across race, place, and income dominated Indiana's 2022 legislative session. Bills which were prioritized by Hoosier families and would've improved their lives were met with inaction. The same politicians who blocked funding for Hoosier classrooms, affordable housing, childcare, environmental clean-up, and mental healthcare, tried to turn Hoosiers against our schools and our neighbors struggling to make ends meet. Those politicians who divided and distracted while ignoring the common good did so because it served the interests of their wealthy corporate donors and helped to maintain or increase their own power.

**Hoosier families deserved and demanded more than the inaction and distraction at the Statehouse this year.** Leaders from grassroots community organization Hoosier Action traveled to the Statehouse every single week during the session to share their stories, meet with their legislators, and testify about bills which would impact their families. Whether Black, white, or brown, all Hoosiers deserve to have their voices heard at the Statehouse, and their elected officials have a sacred duty to represent them. Beyond the session, Hoosier families must continue to engage with their elected officials and hold them accountable both for the bills they chose to support and for their failure to move significant legislation forward.
Divisive Tactics and Corporate Profits

While Hoosier families struggled to survive and fretted about the on-going pandemic, access to healthcare, childcare and housing, certain politicians at the Indiana's General Assembly tried to pull the focus away from what families need by fear mongering about urban crime and how race is discussed in public schools. Although the authors of these bills purported to address problems facing Hoosier families, both sets of bills actually serve wealthy corporate interests at the expense of Indiana's families.

At the end of 2021, a set of white legislators representing the suburbs around Indianapolis, announced a package of “tough on crime” bills (SB 6, SB 7, SB 8, SB 9 and SB 10) specifically targeting majority Black neighborhoods in Indianapolis and poor Hoosiers. Although the authors claimed this package of bills would address public safety in Indiana, the proposed policies actually doubled-down on decades of failed criminal justice policies which have produced jail overcrowding, torn families apart, and cost Hoosiers public dollars.

SB 6 and SB 8 as well as HB 1300, which was amended to basically include SB 6 and SB 8, were bills related to cash bail to effectively regulate charity bail organizations out of existence. HB 1300 was signed into law by the governor as HEA 1300. By setting mandatory higher bail for certain crimes and preventing charity groups from paying bail for poor Hoosiers, this new law will likely lead to more Hoosiers being locked up simply for being poor, before they are even tried for a crime. This will force Hoosiers who can’t afford bail to either stay in jail or resort to the predatory bail bond industry. **Indiana's jails are already dangerously overcrowded, and someone has died in Indiana's jails every two weeks, on average, for more than a decade.**

Indiana's incarceration rate is high compared to the US average, but also higher than any other democracy on earth. The majority of incarcerated Hoosiers languish in jail on nonviolent charges before being convicted of any crime. In 2019, seven of the 10 most frequently filed felonies in Indiana were charges related to poverty and substance use, such as drug possession and homelessness. Too often these same incarcerated people are then charged daily for food and lodging in jails, bills they often have no way of paying. **These bills effectively further criminalize poverty and addiction, problems which incarceration cannot solve and which bail is not meant to address.**

HEA 1300 also takes power and discretion away from local judges by forcing them to adhere to “minimum bail schedules.” **There is no evidence that mandatory bail keeps communities safe.** The purpose of bail is not actually public safety; the purpose of bail is to make certain those accused of a crime show up for their trial. If necessary, judges can set high bail (or no bail) to defendants who are a risk. This is precisely why the Indiana Judges Association has expressed concern about these bills.
By doubling down on cash bail, HEA 1300 will also further institutionalize injustice and inequity in Indiana’s criminal justice system. Cash bail creates an unequal two-tiered justice system: one for the rich, another for the poor, undermining the central value that everyone is “innocent until proven guilty.” If you are rich, even if you are eventually proven guilty in trial, you are treated much better than poor Hoosiers who are forced to await trial in jail. Pretrial detention (in jail because you can’t make bail) makes conviction more likely regardless of guilt. One study showed that the non-felony conviction rate jumps from 50 percent to 92 percent for those jailed pretrial. For felony cases, the rate jumps from 59 percent to 85 percent.¹⁸

Of the other Indianapolis “tough on crime” bills, SEA 7 was signed into law and will give police more tools to crack down on alleged lawbreaking in the downtown area. SEA 9 has also been signed into law and will create new crimes related to tampering with electronic devices for monitoring people on home detention or probation.

By increasing the number of Hoosiers in jail, these bills will cost the public money: it’s expensive to keep people in jail pre-trial for weeks, months, and sometimes even years rather than releasing them on bail.¹⁹ Across the county jails in Indiana, Hoosiers paid $242,000,000 to incarcerate state residents.²⁰ In addition the state spends another $893,000,000 on its prison system.²¹ This is nearly $170 annual per capita.
The bills would not improve public safety, but they would, in some cases, line the pockets of bail agents, who charge accused offenders and their families a premium for bail bonds. Driving out charitable bail organizations, which provide the same service for free, would clear the field for for-profit bail companies. The industry’s political action committee, the Surety Bail PAC of Indiana, has contributed almost $50,000 in the past eight years to state legislators’ campaigns. Individual bail companies, including American Surety Co. and United Surety Agents, have contributed tens of thousands of dollars more to lawmakers’ campaigns.

For certain legislators, playing to white fear of Black crime is a way to win votes and maintain their political power. It’s a playbook that goes back to Nixon’s “tough on crime” rhetoric in the 1960s and George H.W. Bush’s infamous Willie Horton ads in 1988. Not only do these bills stoke white fear of Black Hoosiers, they also impede the implementation of policies that would ensure the safety of Hoosiers by funding communities with fair wages, great schools, and affordable healthcare.

Racial resentment and political opportunism, backed by deep-pocketed national organizations, have also pushed a destructive divide-and-distract campaign aimed at Hoosier schools, school boards, students, and teachers during the 2022 legislative session. Multiple bills were filed targeting so-called “critical race theory,” which isn’t taught in K-12 schools, but is an advanced theory taught in law and graduate schools. Other bills, like the “tough on crime” package, sought to undermine local control and consolidate power in the hands of state legislators.

Fortunately, the efforts to ban teaching about so-called “divisive concepts” regarding race and other matters fell flat, thanks to powerful and unified opposition by teachers, parents, students, civil rights groups and others. One bill, SB 167, was dropped after robust public opposition drew public attention and the national derision by the comic Stephen Colbert who mocked the bill’s author for arguing that teachers should be “impartial” toward Nazism. A companion bill, HB 1134, advanced through the house but failed to receive a Senate vote. As approved by the House, it would have restricted teaching about “divisive concepts” related to race, religion and gender and required teachers to post their lesson plans online so parents could opt their children out. It also would have tied the hands of school counselors trying to help children and invited parents to sue over supposed violations of the law.

Because of widespread public opposition, other bills targeting teaching about race fortunately did not receive committee hearings, but still sent strong signals that legislators were bent on creating divisions. They also looked beyond critical race theory for opportunities to stoke fear and anxiety by attacking our schools and teachers. SB 17 would have imposed censorship,
attacked intellectual integrity and made it harder for teachers to educate our students by subjecting schools and libraries to prosecution for providing material "harmful to minors." While both the Senate and House passed versions of the bill, it did not become law as a result of robust push back from teachers and parents.

Some legislators also sought to inject partisan politics into local education policymaking with bills requiring school board candidates to be identified with political parties. Indiana has historically elected school board members based on their educational beliefs rather than their political orientation; only three states make school board elections partisan. Fortunately, these bills did not advance.

So, why did some of the most powerful members at the Indiana General Assembly invest so heavily in these many counterproductive measures? The evidence suggests that this is much more about sowing division and creating distraction than about the public good or the requests of constituents. Politicizing white resentment is inherently destructive to the aspiration of a healthy, compassionate, multiracial Indiana where all can have a chance to thrive. Beyond the inherently corrosive impacts on our Indiana communities, the politics of division also distracts all of us from facing our very real problems and funding meaningful solutions to the challenges our families face.

A handful of powerful politicians at the Indiana General Assembly have long let wealthy corporations and the rich few rig the rules to favor their campaign contributions over the programs, schools, and support systems Hoosier families need. The passage of HB 1002, an estimated $1.1 billion tax cut, continues this practice. The decision of the Indiana General Assembly to move HB 1002 during a non-budget year, reveals its importance to those with power in the legislature.

Although touted as a tax cut which would benefit all, HEA 1002 will ultimately provide more benefits to the wealthy because income tax remains a one tier flat tax and higher earners will get a larger cut. HEA 1002 will lower the state income tax rate from 3.23 to 2.9% over a ten year period. Reducing the income tax rate will also increase dependence on the sales tax which disproportionately impacts people who already live in poverty.

Indiana has a regressive tax structure with a flat income tax and a high sales tax (7%). With a
“flat” income tax an individual making $30,000 per year has the same incremental tax rate as someone making $5 million per year. Sales taxes disproportionately impact low income individuals. Indiana is a state in which wealthy individuals and corporations do not pay their fair share. Over the last decade Indiana has cut corporate income taxes from 8.5 to 4.9%. While over 85% of the state’s general fund revenue comes from sales and individual income taxes, corporate taxes are only 5.2% of the total.

The sales tax exemptions in HEA 1002 for manufacturers continue the Indiana General Assembly’s practice of passing revenue policies which disproportionately benefit corporations at the expense of working Hoosier families. Although ultimately removed from HEA 1002, the bill also initially included a corporate property tax reduction, which will likely appear during next year’s session. Rather than benefiting the majority of Hoosiers, Indiana’s long-term pursuit of minimal corporate taxes has resulted in attracting lower paying businesses and industry. These low-paying jobs keep many Hoosiers on the edge of poverty.

As passed, HEA 1002 serves as an example of how some members of the Indiana General Assembly used the cover of controversial, divisive legislation to benefit the wealthy few while reducing funds available to provide critical services for the majority, including those with the greatest needs. By stirring up fears based on what they look like or how much money they make, some at the Statehouse have tried to prevent Hoosiers from joining together across race and place to demand that their shared resources deliver the programs, schools and support Hoosier families need.
Hoosier Family Priorities at the Statehouse

This year, Indiana's state legislature could have made significant changes in how the state supports our most vulnerable populations, like our infants, our elders, and those struggling with substance use disorder. Because of the significant budget surplus, Indiana could have expanded essential supports and services for struggling Hoosiers. Instead, this session has been marked by widespread inaction on urgent issues and an entrenchment in policies that will continue to hurt families and keep Hoosiers trapped in poverty.

Family Finances

The 2022 legislative session began with bills that responded to the current childcare crisis, a constant worry for families and providers across the state, exacerbated by the pandemic. However, the majority of the bills failed to get a hearing or were relegated to a future study committee, delaying action on an urgent issue. Pre-pandemic, Indiana’s childcare system was fraught with problems for families (too few openings, too expensive) and for providers (costly to operate at a high level, low wages across the board).

The pandemic only made things worse, with pressures mounting on both families and childcare providers, with increased uncertainties all around. Childcare was already expensive, and the stresses on the availability of providers and issues of stability of enrollment during a pandemic only made costs increase. The often-cited definition of affordable childcare is 7% of household income for a family. Indiana families are paying significantly more than that for infant care, averaging 21% of household income, which together with an average annual cost of $11,085 for childcare, makes Indiana the third most expensive state for childcare in the country, and the most expensive in the Midwest.

Some legislators signaled a push to address these issues. Multiple bills sought to keep the momentum generated during the pandemic to continue investing in our infants and children and creating important stability for families, while others sought to increase availability of early childhood education.

So what happened to these bills? Most of them never received committee hearings. Two of the most directly helpful would have been HB 1067 and SB 339 each of which proposed continuing...
the waiver for Childcare and Development Fund (CCDF) co-payments that was begun during the
pandemic. Just over 35,000 Hoosier families receive childcare assistance through CCDF, a
federal program administered by the Indiana Family and Social Services Administration (FSSA).
To be eligible for this program, family income must be at or below 127% of the federal poverty
limit, that’s below $16,356 annual income for individuals, $33,660 for families of four. Neither
bills advanced to a hearing.

One bill, SB 404, may provide an opportunity to continue discussing quality, affordable
childcare at the Statehouse through an interim study committee. However, topics assigned to
study committees do not always happen, and it is incumbent upon Hoosier families to demand
more legislative action to address Indiana’s childcare crisis.

Unfortunately, inaction around childcare was not the only
way that some at the Indiana
Statehouse have failed
Hoosier family finances: other
bills threatened to push more
Hoosier families into poverty
and hunger.

Nearly 612,000 Hoosiers rely on the Supplemental Nutrition Assistance Program (SNAP) to
provide food during times of economic hardship, making it one of the largest and most effective
anti-poverty programs in Indiana.32 This program provides subsidies for the cost of groceries for
low-income parents and their children. One bill, HB 1354 was a misguided attempt to increase
pressure on parents who are behind on child support payments. This House-approved measure
would have put parents at risk and potentially denied food to blameless children. Best practices
from across the country find that voluntary, participant driven programs are more likely to
increase earnings and lead to long-term employability.33 A Senate committee turned HB 1354
into a request for an interim study committee.

Meanwhile, Indiana’s Senate approved and sent to the House one of the worst predatory lending
bills in the history of the legislature. SB 352 proposed a whole new category of legalized usury,
with so-called “supervised loans” that would be exempt from the 72% cap for felony loan
sharking. While this bill was promoted as an effort to push back predatory lenders, it in fact did
not address payday lending and instead created a bigger and more dangerous debt trap for
families by incentivizing lenders to push bigger loans with no benefit to borrowers.

SB 352 was also another example of how certain members of the Indiana General Assembly are
captive to corporate interests. For example, OneMain Financial, an influential provider of
personal loans, contributed $44,000 to campaigns of Republican legislators in late 2020 and
2021. While this bill is clearly in the interest of OneMain and other out of state lenders who
made substantial campaign contributions, there is not a single actual Hoosier constituent who
has appeared to advocate for the bill. Fortunately, a strong, well-organized opposition was able
to stop this bill, and despite moving across to the House, it died in committee.

Care
The COVID-19 pandemic has underscored the fact that the health and wellbeing of all Hoosiers is connected. This legislative session, the Indiana General Assembly had the opportunity to address two public health crises further exacerbated by the pandemic: Indiana’s overdose crisis and nursing home fatality crisis, but failed to propose or move forward legislation to address either issue.

Between 2019 and 2020, 2,268 Hoosiers died drug overdose deaths in Indiana, a 33% increase from the previous year. As the pandemic spread, it was attended by mental health and substance use disorder: 50% of all Americans now know a relative or friend who has struggled with addiction issues. Instead of pursuing evidence-based solutions to the overdose crisis, like harm reduction, the Indiana General Assembly has chosen to largely ignore the death and devastation Hoosier families are facing.

Unfortunately, a set of punitive criminal justice bills passed during the session are poised to deepen Indiana’s overdose crisis. HEA1300, which targets charitable bail, tying the hands of family, friends, churches, driving people to an industry that is already seeing profits steadily rise. In 2019, 7 of the 10 most frequently filed felonies in Indiana were charges related to poverty and substance use. Poverty and addiction are not problems which can be solved with more incarceration. When Hoosier families are thrown into crisis the likelihood of substance use increases. A punitive approach to substance use disorder not only wastes public dollars, but also separates Hoosier families and contributes to the shame which fuels deadly overdoses. To save lives and end the overdose crisis, Indiana must take steps to decriminalize substance use disorder and shift its orientation toward health. This session did nothing to improve the lives of those affected by the overdose crisis.
The legislature also missed an opportunity to address Indiana’s staggering rate of nursing home deaths. SB 405 would have addressed patterns of abuse and neglect at nursing homes and required the owners of nursing homes to be transparent about the salaries paid and the revenue that owners receive. An Indianapolis Star investigation found hospital-owned nursing homes used at least $1 billion in supplemental Medicaid funds for hospital expansion and other projects unreleased to patient care. Yet Indiana ranked 48th in nursing home staffing when adjusted for patient needs.39

SB 405 was scheduled for a hearing in the Senate Health and Provider Services committee. At the eleventh hour, it was pulled from the schedule with no explanation, leading observers to speculate that it could only be another example of corporate captivity for the legislature. Not surprisingly, political action committees representing hospitals and nursing homes have contributed over $230,000 to lawmakers’ campaigns in just the past two years.

Although mostly marked by inaction, the 2022 legislature did pass a few bills to improve care for Hoosier families. HEA 1140, codifies changes already made to pregnancy-related Medicaid coverage, extending coverage for the first year as opposed to the first six weeks after birth. This will improve outcomes for new mothers, potentially reducing the number of maternal deaths and severe illness postpartum. HEA 1294, addresses maternal healthcare. Indiana now joins twenty other states that have ended the cruel and unnecessary practice of shackling inmates while giving birth. This bill will help restore dignity to incarcerated pregnant women and improve the health outcomes for babies in Indiana.40

Housing

More than 1.8 million Indiana families and individuals live in rental housing.41 But, since the pandemic began, many of them have faced significant housing insecurity: over 90,000 evictions have been filed in Indiana since the pandemic making Indiana the worst state for evictions tracked by the Eviction Lab.42 As of Oct. 1, 2021, 93,000 Hoosier households were behind on rent and at risk for eviction. Indiana has received $845 million in federal funds for emergency rental assistance during the pandemic, but only a fraction of the money has been
used. While state courts created an eviction diversion program, most landlords have declined to participate, and their supporters made sure the program was voluntary. In 2022, evictions have surpassed historical averages for the state.

About 1 in 11 Hoosier renters have had eviction proceedings begin against them during the pandemic.

Urgent action by both the Indiana General Assembly and Governor Holcomb was obviously necessary to protect Hoosier homes and families, and yet the majority of legislation to tackle Indiana's eviction crisis stalled out during the 2022 legislative session. The 2022 session should have been the time to restore balance to Indiana's housing laws and provide relief for tenants who are still struggling with the COVID-19 pandemic and its economic effects, but, instead, certain members of the Indiana General Assembly revealed themselves to be more beholden to the economic interests of their wealthy corporate donors than their constituents.

Although the pandemic has clearly exacerbated the challenges facing Indiana's renters, the roots of the eviction crisis run deeper: Indiana's laws are “notoriously favorable to landlords,” as the Indianapolis Star has found. In many states, renters can withhold rent until necessary repairs are made; or they can make repairs themselves and deduct the cost from their rent. Not in Indiana. In some states, tenants have a right to an attorney in eviction cases. They can have court records of evictions expunged. Not in Indiana.

Those laws helped make Indiana the worst state in the nation for evictions as the pandemic took hold, according to data from the Eviction Lab at Princeton University. Across the state, an average of about 1,000 evictions are filed every week, and tenants have few protections. While some owners of rental property have also struggled during the pandemic, the Indianapolis Star found that 88% of evictions in Indianapolis were filed by corporate landlords, not mom-and-pop property owners.

News media brought unprecedented attention to the eviction crisis and the difficulty for Hoosier
families in finding decent, affordable housing. Advocates prioritized reasonable legislation. But the General Assembly largely missed the opportunity to do something positive on housing. Several helpful but modest bills to protect tenants died without being heard in committee. So did efforts to increase property tax breaks for disabled veterans.

Most disappointingly, a proposal to establish habitability standards for rental housing was turned into a toothless recommendation for a study committee. As introduced, SB 230 would have put Indiana in line with 45 other states by establishing habitability standards and tenant rights for rental property; it also would have eliminated a ban on local landlord-tenant regulations. But a Senate committee turned it into a recommendation for a legislative committee to study the issues over the summer. The Senate passed the recommendation, but the House did not call it for a vote. Legislative leaders could still progress the study commission, but there’s no requirement that they do so.

Legislation to allow for the expungement of some eviction records was coupled with harmful limits on eviction diversion programs. HB 1214, approved by the House and Senate and signed by the governor, could help some renters who struggle to find a place to live because of previous evictions. It allows eviction filings to be expunged if the tenant prevails in court or if the case is dismissed. Housing advocates have tried to remove a provision that guarantees landlords can opt out of court-supervised eviction diversion programs but were not able to do so. Another bill that became law, HB 1048, bars landlords with housing violations from buying tax-delinquent properties at sheriff’s sales.

Lawmakers failed to take concrete steps to address Indiana's housing affordability crisis. HB 1306 does create a state housing task force to study issues of housing and housing shortages and report to the governor and legislature. Unfortunately, the task force would include representatives of landlords, builders and realtors but not renters. SB 262, a bipartisan measure to create affordable housing tax credits, was passed unanimously by the Senate but died in the
House despite broad support from developers and tenant representatives.\textsuperscript{51}

It’s no accident that landlords, builders and real estate interests seem to always have a seat at the table when policy is made. In 2021, a non-election year, the Indiana Multi Family Housing Association PAC, which represents apartment owners, contributed nearly $300,000 to the campaigns of Republican legislators. That included $75,000 to the House Republican Campaign Committee, $20,000 to the Senate Majority Campaign Committee, and $20,000 each to the House speaker and the Senate president pro tempore. Building, banking and real estate PACs also gave generously.\textsuperscript{52}

Meanwhile, local authorities are limited in what they can do to help. In 2020, the General Assembly voted to prohibit many local regulations affecting rental property and landlord-tenant relationships. Gov. Eric Holcomb vetoed the law, but lawmakers overrode the veto the following year.

Stable, affordable and decent housing is a necessity, but Indiana’s frayed social safety net and lack of protections for renters means that many families are one missed paycheck or unexpected medical bill away from falling behind on the rent. Falling behind on the rent can lead to eviction. Eviction worsens poverty, as families struggle to find money for a new place to live. We need laws to protect Hoosier families, not more giveaways for corporate landlords.

\textit{Environment}

Unfortunately, the Indiana General Assembly’s failure to protect Hoosier homes in 2022 extended beyond the built environment: once again certain powerful legislators have continued to block any attempts to clean-up toxic contamination or regulate polluting industries in Indiana. US News and World Report ranks Indiana at 48 out of 50 for environmental health. Indiana ranks 37th for pollution health risks and dead last for the amount of industrial toxins.\textsuperscript{53} These metrics assess toxic chemical pollution and the long-term, chronic health effects of that pollution on Hoosier families. Indiana’s history of burning coal and not properly disposing of cancer causing “coal ash” has resulted in significant water contamination.\textsuperscript{54} Indiana has more coal ash pits than any other state in America.\textsuperscript{55}

During this legislative session two bills were written to begin addressing Indiana’s coal ash problem. SB 412 would have implemented regulations and protections to enable safe, secure disposal of coal ash. HB 1335 would have begun securing and cleaning up coal ash ponds. Unfortunately, the power generation and mining interests and the politicians they pay have prevented either of these bills from receiving a committee hearing. According to Open Secrets, in the 2020 election cycle, electric utilities contributed over $323,000 to state representative races and over $197,000 to state senate races. Mining interests contributed over $81,000 in the
same cycle.

Unfortunately, attempts to regulate another harmful toxicant, PFAS, met a similar end at the Statehouse. PFAS are a group of synthetic chemicals used in a wide array of industries and consumer products. Peer-reviewed scientific studies have shown that exposure to PFAS may lead to broad array of health effects including:

- Decreased fertility or increased high blood pressure in pregnant women.
- Developmental effects or delays in children, including low birth weight, accelerated puberty, bone variations, or behavioral changes.
- Increased risk of cancer, including prostate, kidney, and testicular cancers.
- Immune system degradation, susceptibility to infections, reduced vaccine response.
- Interference with the body's natural hormones.
- Increased cholesterol levels and/or risk of obesity.\textsuperscript{56}

At present there is very little data on the scope of PFAS contamination in Indiana, but HB 1276 would have started to change that. Narrowly focused on firefighters, since they may have an elevated occupational risk from PFAS, HB 1276 would have established a new public health testing program. Like the coal ash bills, HB 1276 did not even receive a committee hearing. Again, those who manufacture hazardous chemicals and those who release them into our environment won and Hoosiers, especially firefighters lost.

The same handful of politicians preventing the clean-up of pollutants in Indiana’s air, water, and soil also continued to block climate action during the 2022 legislative session. During this session, two bills SB 255 and HB 1287 to create task forces to begin tackling climate change were proposed. Confront the Climate Crisis, a grassroots, student-led organization with chapters across Indiana including in Evansville, Fort Wayne, Indianapolis, and Gary was a significant driving force behind these bills.\textsuperscript{57}

SB 255 would have established a Climate and Environmental Justice Task Force made up of legislators, a representative of the “business community,” an electric utility policy expert, two academics (one from Purdue and one from Indiana University), a “renewable energy” expert, a public health expert, an environmental justice issues expert representing frontline and marginalized communities that are disproportionately harmed by climate change and environmental injustices, a labor union representative, a conservationist, a forestry...
representative, and finally a member who is at least thirteen years of age and less than twenty-two years of age with experience in climate and environmental justice advocacy. This proposed task force was a model for how we can bring experts and major stakeholders together to confront real serious problems. The task force would have developed a climate action plan including policies to mitigate climate change and policies to facilitate adaptation to climate change while enhancing economic development as our economy migrates to renewable energy.

There were, however, some successes. HEA 1313 improved lead screening protocols for children under six years of age. Unfortunately, some other bills compounded our escalating environmental crisis. SEA 381 allowed Indiana to become a storage state for nuclear and radioactive materials.

Perhaps even worse than failing to address environmental or climate issues impacting Hoosier families, some lawmakers risked making Indiana's environmental health even worse by tying the hands of the Indiana Department of Environmental Management (IDEM) with HB 1100. This bill would have required that state agencies, including the IDEM, eliminate a rule every time they create a new one. HB 1100 would have also prevented state agencies from creating any rules more stringent than federal rules.⁵⁸

This provision was particularly problematic because some federal environmental regulations allow states to set their own policies to meet state specific needs. Environmental advocates were particularly concerned about HB 1100 since environmental regulations need to evolve as technologies and our understanding of environmental impacts changes. Furthermore, the bill did not include any additional funding or resources to enable IDEM to implement this cumbersome policy. Because Indiana's current environmental policies already favor the profits of wealthy corporations over the health and well-being of Hoosier families, HB 1100 would have further entrenched the power of polluters.

When HB 1100 was denied a vote in the Senate, some of the language from the bill was inserted into HB 1211, a totally unrelated bill. These inserted provisions, though not as destructive as the original bill, would still encumber agencies in making or changing regulations. The Indiana Senate and the state constitution have provisions on “germaneness” that are intended to prohibit the practice of adding unrelated provisions into other bills. The insertion of language from HB 1100 into HB 1211 is a blatant example of some legislators exercising power in an unethical, antidemocratic and potentially illegal manner to reward polluters at the expense of vulnerable Hoosiers. Ultimately, Governor Holcomb chose to veto HB 1211 because of the inserted language, but the legislature may yet vote to override the veto.
Conclusion

Whether Black, white, or brown, Hoosiers work hard for their families and want their children and their grandchildren to grow up healthy and with bright futures. At the start of this legislative session, members of Indiana's General Assembly could have chosen to listen to and work hard for Hoosier families. With a $5 billion surplus, Indiana's politicians could have chosen to provide our families with affordable childcare, quality schools, safe housing, evidence-based solutions to the overdose crisis, and action to heal our climate and clean-up our land. Instead the legislature often abandoned the priorities of Hoosier families, and in many instances even passed laws that will actually hurt many Hoosier families.

Powerful legislators abandoned Hoosier families by failing to progress bills to address Indiana's child and eldercare crisis. HB 1067 and SB 339, which would have continued the waiver of FSSA child care co-pays for eligible families for the duration of the federal emergency, did not receive a committee hearing. SB 404, which would have formed a study committee on childcare availability and affordability passed the Senate, but summer study committees are usually not announced until May, and it is possible this bill may not be enacted. Members of the Indiana General Assembly abandoned Hoosier families by failing to address Indiana's staggering rate of nursing home deaths. SB 405 would have addressed patterns of abuse and neglect at nursing homes and required greater transparency from nursing home operators. Although initially scheduled for a committee hearing, after pressure from the nursing home industry, the bill was pulled from the schedule at the last minute.

By only taking limited action to address Indiana's eviction crisis, many members of the Indiana General Assembly continued to fail Indiana's struggling families. SB 230, a bill which failed to progress out of committee, would have established habitability standards and tenant rights to help keep Hoosier homes safe. While time urgent actions are desperately needed to prevent more homelessness, SB 230 was relegated to a summer study committee. SB 262, a bill to create affordable housing tax credits, addressing a major contributing factor in Indiana's eviction crisis, ultimately died in the house.

Solutions to Indiana's hazardous environmental contamination were similarly ignored. Powerful legislators failed to even give hearings to SB 412 and HB 1335, bills which would have begun to regulate and clean-up our many coal ash ponds. The failure to progress HB 1276, a bill which would have initiated a testing program to begin quantifying the risk from PFAS, was another
missed opportunity. Those with the power to set the agenda at the Statehouse abandoned our
children and grandchildren when they refused to even hear SB 255 and HB 1287, which would
have formed a task force to begin addressing climate change.

In some cases, certain members of the legislature worked hard to move bills that have the
potential to actively harm Hoosier families. Some lawmakers went to extraordinary lengths to hurt
Hoosiers by sabotaging IDEM's ability to regulate polluters. First, by proposing HB 1100, a bill which
would've created a complex new rule-making system for IDEM. When HB 1100 failed to get a
hearing in the Senate, provisions from it were then inserted HB 1211, an unrelated bill, during the
conference committee process. HB 1211 then landed on the Governor’s desk and was ultimately
vetoed.

Hoosier families will also be hurt by HEA 1300, a bill which targets charitable bail and which will result in
more Hoosiers being forced to stay in jail simply because they are poor. This new law will intensify
Indiana’s already punitive approach to substance use disorder and poverty, and wastes public dollars
on policies which do not work.

Indiana’s legislature failed Hoosier families because certain powerful politicians chose instead
to serve the interests of wealthy corporations and individuals who fund the majority of their
campaigns. Killing SB 405, the bill which would have increased nursing home oversight,
greatly benefited nursing home operators. Side-tracking SB 230, the bill which would have
provided tenant protections, benefited corporate landlords. Stopping SB 412 and HB 1335, the
coal ash regulation bills, greatly benefited the electric power generation industry. Passing HEA
1300 benefited the bail bond industry by eliminating the competition of charitable organizations.
Passing HB 1100, the “no more stringent bill” for IDEM, would have benefited industries that
pollute. The frantic switch of provisions into HB 1211 was done to benefit the polluting
industries that are concerned that government oversight will hurt their bottom line.

The prioritization of HEA 1002, a $1.1 billion tax cut during a non-budget year, further
emphasizes how powerful legislators this session prioritized the wealthy few. By lowering the
income tax rate from 3.23 to 2.9%, HEA 1002 will ultimately provide much greater benefits to the
wealthy since the income tax remains a flat one tier tax and higher earners will get a much
larger tax cut. Although touted as a tax cut that will benefit all Hoosier families, this bill
continues to enshrine inequity into Indiana’s revenue generation.
Much time during the 2022 session was also spent on inflammatory and divisive debate about issues that seem related more to national media coverage than the lives of everyday Hoosiers. These issues included fear mongering about racially coded urban crime and how race is discussed in public schools. Because Indiana’s state legislature is so gerrymandered, many legislators only face potentially competitive elections within their own party. In some cases, this fact seems to have driven some at the Statehouse to support only bills pushed by potential primary election voters—often the most extreme within their party—rather than in the interests of all of their constituents.

The attempts at division and distraction, however, failed when Hoosiers families came together across race and place to advocate effectively for and against legislation. Everyday Hoosiers prevented passage of a predatory lending bill, SB 352, and stopped multiple bills that attempted to undermine our public schools. Citizens were also partially successful at protecting SNAP and TANF benefits by turning HEA1354 into a study commission and removing HEA 1410’s most onerous provisions.

Broad grassroots support helped pass HEA 1294, which prohibits the shackling of pregnant inmates in state prisons and local jails, and HEA 1140, which expanded Medicaid coverage for pregnant women. The passage of HEA 1214, which allows for the sealing of eviction records in cases where the tenant prevailed in court or the action was dropped, was also a victory for everyday Hoosiers and grassroots organizing and advocacy. Hoosier Action leaders also helped to line-up critical co-sponsorship of SB 230, the bill to protect tenants from inhabitable housing, which enabled the bill to get a hearing.

These wins couldn’t have happened without the dedication, hard work and collaboration of ordinary citizens who came together to fight for Indiana families. Hoosier Action leaders, for instance, traveled from across the state to Indianapolis every single week during the session—sometimes several times a week—to meet with legislators and testify in committee hearings. The Indiana State Teachers Association (ISTA) worked diligently to bring hundreds of teachers and parents to the Statehouse and generated so many emails that the state’s system overloaded. The Hoosier Housing Needs Coalition, made up of AARP Indiana, the Coalition for Homelessness Intervention & Prevention, Fair Housing Center of Central Indiana, Family Promise of Greater Indianapolis,
Hoosier Action, Indiana Coalition Against Domestic Violence, Indiana Community Action Poverty Institute, Indiana University McKinney School of Law, Prosperity Indiana, The Ross Foundation, and United Way of Central Indiana, worked hard year round to build relationships with legislators and ultimately pass a bill to enable eviction sealing.

While citizens were able to score important wins at the Statehouse, their work was made much more difficult by the General Assembly’s anti-democratic and chaotic practices and behaviors. One-party, supermajority control of both chambers of the legislature often relegated substantive discussions of important legislation to closed-door party caucus meetings. These caucuses are exempt from Indiana’s “open meeting” law and legislators can advocate positions and make decisions with no transparency or accountability to the public. In addition, bills that did not receive transparent committee hearings progressed through the secretive conference committee process from which the public and the media are completely excluded.

Despite House and Senate rules and even an Indiana Constitution provision requiring bills to deal with one topic only, many legislators often crafted complex bills loaded with numerous and unrelated provisions important to majority caucus leaders. Bills were both originally crafted containing multiple unrelated provisions, and, more frequently, bills were amended through the course of the legislative process to contain additional provisions. The movement of HB 1100 provisions into the totally unrelated HB 1211 was perhaps the most egregious example of this practice. Another example was HB 1369 which was originally crafted as a bill to allow sentence reductions for inmates convicted of nonviolent drug related offenses. The bill was modified to address the regulation of controlled substances and also to form a study committee to evaluate the currently legal sale of “delta-8 THC”. This bill ultimately failed in the Senate as legislators declined to approve the bill with a mish mash of unrelated provisions.

Ordinary Hoosiers went above and beyond to make democracy work at the Statehouse. However, when legislators make decisions in caucus and formulate bills in conference committees, ordinary Hoosiers are precluded from advocating for themselves and their families. Unfortunately, these practices have been normalized by powerful members of Indiana’s legislature. Hoosiers deserve a functional democracy, with decisions made in public, not behind closed doors. Making decisions and debating behind closed doors is not only undemocratic, it also benefits and amplifies the voices of lobbyists and the corporate interests who pay them.

The vast majority of Hoosiers want the same things: stable housing, to be able to make a good living, access to quality, affordable care for our children and our elders, adn clean air, water and soil. While this legislative session demonstrated how organized movements of everyday people can come together to prevent harm, it will take more Hoosiers acting together to break the powerful stranglehold of corporations and lobbyists and win positive change.

Everyday Hoosiers must continue to work together year round to build relationships with their elected officials, hold them accountable for the decisions they made during the session, and build the in-district power necessary to win change for their families. This will require overcoming cynicism and division stoked by a national news media ecosystem that often disillusions and disempowers everyday Hoosiers with divisive narratives. In this environment,
change is possible but only through well-organized people who dedicate themselves to staying informed and coming together across their differences.

Indiana has the potential for a better and brighter future with a legislature that works hard to provide Hoosier families with the tools and opportunities to realize their dreams. The pathway to that future must be created by organized people coming together, ending undemocratic behaviors and sharing the truth of their experiences with elected officials. Indiana has the financial resources and everyday Hoosiers can build the power to a brighter future for Indiana—one where every one of us can have a say in the decisions which impact our lives and the opportunity to thrive.
Endnotes


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