

# 2013 Indiana Legislature

## The Good, the Bad and the Lack of Ugly

By Rebecca Patrick

**S**upermajorities in both chambers of the General Assembly, new faces in key leadership positions and an incoming Governor loomed large over the 2013 Legislature as it began work in January.

Over the course of nearly four months, it was clear that a new tone had been set – one focused more on inclusion and less on political divides. The question is whether that's temporary due to the legislative docket or a sign of a new dynamic that reflects, among other things, the mass changing of the guard over the past few elections.

To discuss this noteworthy difference, the key public policies at hand and how things played out from a variety of perspectives are:

### Our Participants:

- **Eric Bradner** – Statehouse bureau chief, *Evansville Courier & Press*
- **Kevin Brinegar** – president and CEO, Indiana Chamber of Commerce
- **Rep. Phil GiaQuinta** – Democrat state representative, District 80, Fort Wayne
- **Rep. Jerry Torr** – Republican state representative, District 39, Carmel

### Controversy ... what controversy?

This Legislature may be remembered most for being a more civil, low-key affair than in recent years. In 2011, education reforms were center stage and we saw the start of right-to-work efforts, which became the marquee agenda item for the 2012 session. Such divisive issues, by and large, were not present this year. Those in the Statehouse halls readily noticed the change.

“There was no over-arching issue, no crisis that the legislators were trying to solve. When there is not too much to argue about, when there is not a huge difference of opinion on something that defines the future of the state, it makes it easier to get along I suspect,” Bradner offers.

“With one or two exceptions, the major issues were not partisan issues. For example, the Rockport synthetic natural gas legislation discussion (on residential ratepayer protections) was very high-spirited and very emotional, but it didn't fall along party lines necessarily.”

Brinegar concurs. “It was refreshing to not be involved with or in some cases be in the eye of the storm on politically-charged issues, but rather to be working on policy-based discussions with legislators on both sides of the aisle.”

New Democratic leaders in both the House and Senate – Minority Leader Scott Pelath and Minority Floor Leader Tim Lanane, respectively – also left positive impressions and helped the process. Pelath, in particular, was a stark contrast to Pat Bauer, the House Democrats longtime colorful leader.

“The joint news conference (held early on) with Pelath and (House Speaker Brian) Bosma on House Bill 1002 (the Indiana Career Council) really set the tone. I don't recall that ever happening before,” Torr suggests.

“Pelath has just a completely different leadership style, which I think made things smoother and more pleasant to deal with.”

GiaQuinta says that effect was very intentional.

“There have been a number of us in our caucus that really wanted a different tone and to extend our hand more to the other side, and hopefully we did that. And that certainly starts with Minority Leader Pelath and his willingness to meet with Speaker Bosma and vice versa. We tried to put everything on the table so we could discuss things freely.

“I heard a lot of compliments from people that the Democrats seem focused. They put up their talking points and their arguments are all on the issues. So from our side, I thought we did a very nice job of that – and that reflects on our leadership.”

Torr agrees and also emphasizes the growth of Speaker Bosma as the head of his caucus. “The fact that you (turning to GiaQuinta) were able to pass a bill, for instance. In my 11 years in

### INFORMATION LINK

**Resources:** Eric Bradner at (317) 631-7405 or [eric.bradner@gmail.com](mailto:eric.bradner@gmail.com)

Kevin Brinegar at (317) 264-6882 or [kbrinegar@indianachamber.com](mailto:kbrinegar@indianachamber.com)

Rep. Phil GiaQuinta at (317) 232-9834 or [h80@in.gov](mailto:h80@in.gov)

Rep. Jerry Torr at (317) 232-9677 or [h39@in.gov](mailto:h39@in.gov)

the minority, I passed one bill I was lead author on. The fact that we had Democratic bills moving. ... Bosma tried very, very hard to bring civility back to the process.”

## Supermajorities and a new governor

That daily proceedings took a turn for the positive is all the more impressive since Republicans held a supermajority in both chambers, a first in the Indiana General Assembly since 1970.

But as Brinegar explains, that doesn't mean things were smooth sailing for Bosma and Senate President Pro Tem David Long.

“Supermajorities are not necessarily a picnic, because of the vast differences in the views on a whole bunch of different bills between the House majority and the Senate majority. It was still very hard, very challenging, very difficult work,” he contends.

“It was a little different than when one house is controlled by Republicans and one by Democrats, but not necessarily easier.”

Part of the dilemma, GiaQuinta points out, is there were so many new Republicans that it was almost like the supermajority versus a superminority.

“With a lot of new members within that big group, you can formulate little pockets of groups.”

Torr nods in agreement and utters, “We've had so many new people in the last two election cycles (44 out of the 69 total members).”

All things considered, GiaQuinta was impressed with the restraint shown by the ruling party.

“When you have a supermajority, you can go too far. There might have been a couple of instances, but for the most part the (House) Republicans didn't go too far, and I think that's a reflection of Speaker Bosma's leadership.”

He was also pleased with the substantive efforts to include the minority Democrats.

“I had quite a few Republican legislators tell me going into the session that they were not going to author any bill that they had not reached out to a Democrat to co-author or sponsor,” GiaQuinta began.

“For the most part I think that happened. More often than not, Democrats were working with Republicans on probably over 95% of the bills.”

Wading into Statehouse diplomacies for the first time was Gov. Mike Pence, who was very deferential to his fellow Republicans and sitting Governor until his own inauguration nearly three weeks after the 2013 legislative session began.

“That (tactic) was very much to his credit,” Torr praises. “But it kind of put him behind the eight ball a little bit. ... He was very engaged in the second half of the session and very effective.”

Inviting Democrats to the Governor's mansion to hear their ideas and top issues made an impression on GiaQuinta. “I think everyone on the Democratic side really appreciated the fact that he was willing to reach out and listen to things. We had some very good conversations with the Governor.”



**“When you have a supermajority, you can go too far. There might have been a couple of instances, but for the most part the (House) Republicans didn't go too far, and I think that's a reflection of Speaker (Brian) Bosma's leadership.”**

*– Rep. Phil GiaQuinta  
Democrat state representative*

## Cream of the crop

When it comes to successful legislation that will have the most positive impact, the group responded with a diverse list.

“The elimination of the inheritance tax was very substantive, because when you cut the income tax, taxpayers save money, but you don't change the infrastructure of the Department of Revenue. With the elimination of

the inheritance tax, you eliminate an entire division. ... You literally eliminate a little piece of government,” Torr explains.

Bradner returns to the Rockport bill as potentially being the most impactful.

“Whether you like the (original) deal or not, it's betting 17% of every Indiana residential and commercial ratepayer's bill for 30 years on the idea that synthetic natural gas produced from Rockport can beat the open market prices. And right now that looks less and less likely than it might have five years ago.”

Brinegar interjects: “It's not a good bet now at all.”

“Right,” Bradner continues. “Everyone understands the income tax cut, but everybody also has to pay the heating bill, which is why something like this Rockport bill could have equally big and long-lasting consequences.”

GiaQuinta agrees and notes a bill that set a special tuition rate for veterans. He also applauds the changes to the criminal code “after years of studying it to better align the punishment with the crime.”

Rounding out his list is the creation of the Indiana Career Council, “bringing together all the entities to the table to see what we are doing – seeing if we have the skills to match the jobs that are out there.”

The budget is top of mind with Brinegar. “It's balanced and maintains reserves. It contains investments in infrastructure, education and workforce, and provides tax relief on



**“(House Minority Leader Scott) Pelath has just a completely different leadership style, which I think made things smoother and more pleasant to deal with.”**

*– Rep. Jerry Torr  
Republican state representative*

income tax, and I would certainly echo Jerry's remarks on the inheritance tax elimination.

"And the other one for me is the criminal code bill, as Phil mentioned. At the end of the day, we need to concentrate on sending to prison the people that we're afraid of, not the people we're just mad at. Now, instead of building a new prison, we have the opportunity to reinvest state money in workforce and education."



**"With new legislators, there was an increased willingness to punt issues to study committees. They were not ready to deal with certain issues or didn't feel knowledgeable enough to make a decision when people were pulling them in different directions."**

*– Kevin Brinegar  
Indiana Chamber of Commerce*

### **Mixed bag for infrastructure**

As Brinegar briefly touched on, the new state budget devotes \$800 million over the next two years to transportation and infrastructure investment now and in the future. GiaQuinta and Torr both were particularly pleased with the establishment of a \$400 million trust fund for major highway expansion projects.

"The Legislature deserves a lot of credit on this because throwing a lot of money at transportation funding is harder than you think,"

Bradner expresses. He cites national Gallup polling that routinely shows infrastructure at the very bottom of policy area concerns.

"There's a lot of pressure to spend money on other things, yet for the long-term health of our state it doesn't really get more important than the infrastructure."

On the Indianapolis-area mass transit front, the perception is that the Legislature must be convinced that there is a need, even though the city is one of the largest in the nation without a modern system. The situation is complicated by Marion County and Central Indiana legislators being divided on the issue themselves – most prominently in the Senate, where the bill was reduced to a summer study committee.

For Torr, a longtime champion of expanding the capital city's mass transit system, the turn of events (after a substantial bill had cleared the House) was a "big disappointment. ... I really thought we had an opportunity to get that off the lineup this year. Sooner or later it has to be addressed.

"I do get the sense though that the Senate really wants to take this summer study seriously and look at the funding mechanism and see what the right tax mix is too."

Adds Brinegar: "You would think they would want to given that more than 72% of the voters in the area support expanding the mass transit system. So it would not be politically wise to hold out too long. This is long overdue."

### **Missed the boat**

Beyond the mass transit bill, the group identified other squandered opportunities.

One education reform that barely got addressed this session is funding for pre-school. The pilot program was sent to a summer study committee.

"It would have looked at the structure, what the ultimate cost would be, how to structure it meaningfully," Brinegar comments. "For me, that was the biggest missed opportunity this session."

Offers GiaQuinta, "We are one of only a handful of states that does not support pre-K funding. It might take us a while to get there, but I believe we will finally get there (someday)."

He also singled out the lack of successful legislation that directly generates new employment, specifically citing a gaming bill that would have created 600 jobs.

What comes to mind for Bradner is how the Legislature elected to not deal with Medicaid expansion under the Affordable Care Act. A backup plan, in the event Gov. Pence is unable to get federal approval for use of the state's Healthy Indiana Plan as the vehicle for Medicaid expansion, was ultimately dismissed by legislators.

"Whether it's a missed opportunity depends on your philosophy on this, but I think it's a very important move the Legislature did not make."

Torr defends the legislators' inaction: "The major problem with it is if you have a backup plan, it makes it too easy for the federal government to say no to what we wanted ... so it doesn't work unless it's all or nothing."

### **A tired defense**

Another potential standoff started forming this session in certain



**"I think the Governor figured out over the course of the session that the right phone call or the right meeting could keep some things he did not want to deal with later off his desk."**

*– Eric Bradner  
Evansville Courier & Press*

*Continued on page 60*

## Roundtable

*Continued from page 56*

pockets of the General Assembly. The term “education fatigue” was invoked by some legislators as a reason for not wanting to tackle additional K-12 reform measures – wanting to instead adopt the wait-and-see approach on recently-passed initiatives.

Yet, when you look at Indiana’s performance in education and its rankings against other states and countries, it seems the state cannot afford to take a pause on education activity and should continue beating the drum on improvements.

The panel acknowledges the sentiment, but questions the rationale.

“The term gets to the sense that Sen. Long (who coined it at a press conference) felt existed within his caucus, which explains why the Senate was resistant to the House version of the voucher expansion and why we saw some other education things not move forward this year,” Bradner surmises.

Torr says it’s clearly a factor for “a faction of our caucus, along with some sophomores (especially). It’s kind of a combination of the districts they represent and maybe their own beliefs. They were tired of dealing with those issues and just wanted a rest from it.”

And this “fatigue” often stems from the feedback received from constituents opposed to what’s going on – especially teachers “who don’t necessarily get the straight story from the source they get it from,” Torr concludes.

Regardless of the reason cited, Brinegar stresses, “We can’t afford to use that concept as a copout.

“I come at this from the perspective as someone who has been working on education reform in several different capacities for 32 years. I worked on (Gov. Orr’s) A-plus education plan as a staff member in 1987. I’ve served on Indiana’s Education Roundtable since it was formed,” he illustrates.

“So I take a little exception, or an offense really, to having sophomore senators telling me they are tired or fatigued on education reform.”

GiaQuinta puts it simply: “You can’t get tired. You’ve got to keep moving forward and keep continuing to look at these things.”

### Parting thought

As the discussion was wrapping up, Bradner reflected on what may have been the defining choice of the entire 2013 Legislature: Speaker Bosma’s decision to postpone the same sex marriage amendment debate.

“Given what happened in four states in 2012, Indiana’s role, if that ends up on the ballot in 2014, could be tremendously important. I think the cost of that campaign could end up rivaling the Governor’s race. When you hear people talk about the sort of friendlier nature of this year’s legislation, it has a lot to do with that decision being put off.”

Brinegar echoes that belief. “It was in many ways a tone-setter for the session, ‘We’re not going to address this major social issue. We’re going to stay focused on jobs and the economy.’ In hindsight, that decision by Bosma was pretty important.”