It’s a Repeat: Indemnification, Water Infrastructure Funding, Plastic Pipe Materials and More In 2019 Legislative Session!

The “long” session of the Indiana General Assembly will begin on January 3rd and several high priority issues of member firms are expected to be on the agenda. Hundreds of bills will be filed and your Government Affairs Committee, along with ACEC Indiana staff and lobbyists, will meet weekly during the session to review them to determine any potential impact on professional consulting engineering firms.

It is a Budget session, and legislative leaders outlined priorities to increase funding related to protecting children, raise teacher pay, and continue to address workforce issues. Estimated new revenue was reported around $350 M, easily consumed by these initiatives.

Senate and House both remain “Super Majorities” for Republicans. Senate Republicans welcomed 4 new members, while Senate Democrats increased by 1 seat. As a result, Senate composition is 40 Republicans and 10 Democrats. In the House, each caucus welcomed 8 new members, for a total of 16 new state representatives. As a result, House composition is 67 Republicans and 33 Democrats. Leadership changes in each Chamber are favorable for ACEC Indiana: Senate’s new Pro-Tem, Rod Bray (Dist. 37, Mooresville) sponsored key “indemnification” legislation for ACEC last year, and new House Minority Leader Phil GiaQuinta (Dist. 80-Fort Wayne) is employed by Fort Wayne Utilities, so he has a strong understanding of water infrastructure issues.

If you followed our key legislative issues last year, it will seem like a repeat for 2019, but we have made tremendous progress as we prepared to for this session!

Professional Liability issues: Last year, ACEC worked in coalition with AIA on legislation to address two problems related to Professional Liability to ensure that the contracts are fair and business-friendly. First, “Duty to Defend” a client before any fault has been found is common on both private and public contracts, but is not insurable under Professional Liability insurance policies. Second, lack of “comparative fault” is another concern (except for INDOT contracts due to the law passed in 2008 to mandate that liability or indemnification of the state by any amount greater than the degree of fault is prohibited.) Many other states have already addressed these concerns. Last year, we almost succeeded in passing a bill to fix these problems but fell short at the end. Ever since, we continued to meet with legislators and other interest groups to explain the need for these changes, so the insurance policies will be able to respond and hope to get it over the finish line this time!

Water-related infrastructure: As a result of the House Enrolled Act 1267 passed in 2018, a Water Infrastructure Task Force studied funding needs over the summer. We intend to push for legislation this session to address the key issues outlined in the Final Report from the Task Force.

PVC/Plastic Pipe Materials issue: Proponents failed last session to “mandate” its use on water-related projects, but we anticipate some form of it will return. ACEC, along with AWWA, AIM and others, have opposed this concept in the past; instead, we intend to continue to work together to retain local decision-making with engineering expertise on these infrastructure systems based on best life-cycle value.

Professional Licensing: Attempts to eliminate licensing of several professions and occupations, including P.E.’s, has occurred over the last several years, in the spirit of “eliminating barriers” in the workforce, but ACEC has prevailed as a “voice of reason” to keep them intact for life, health and safety concerns, as well as business certainty.

Highway & Road Funding: Finally, along with the Build Indiana Council (BIC), ACEC will defend the historic investment in state highway and local road funding passed in 2017.

Attend the Annual Legislative Luncheon on Jan. 10th to hear about these important issues, and more! Are you registered yet?