



February 4, 2021

HOUSE BILL No. 1123

DIGEST OF HB 1123 (Updated February 4, 2021 9:42 am - DI 107)

Citations Affected: IC 2-2.1; IC 2-5; IC 2-6; IC 10-14; IC 16-20; IC 16-22.

Synopsis: States of emergency; general assembly sessions. Provides that a special session of the general assembly may convene at any time during the 30 days after which the governor issues a proclamation that calls for a special session of the general assembly. Provides that a special session may meet for not more than 40 calendar days following the day upon which the session is convened. (Under current law, a special session can last for not more than 40 calendar days or 30 "session days", which is a concept no longer used by the general assembly.) Provides that the general assembly may convene in an "emergency session" if the legislative council adopts a resolution finding that: (1) the governor has declared a state of emergency that affects all of Indiana; and (2) it is necessary for the general assembly to address with legislative action the state of emergency declared by the governor. Provides that an emergency session may not last more than 40 calendar days and that an emergency session must adjourn sine die not later than 10 days after the state of emergency ends. Provides that an emergency session may enact bills relating only to the agenda set by the legislative council's resolution calling for the emergency session. Provides that the general assembly may adopt concurrent resolutions
(Continued next page)

Effective: Upon passage.

Lehman, Smaltz, Pressel

January 4, 2021, read first time and referred to Committee on Rules and Legislative Procedures.
February 4, 2021, amended, reported — Do Pass.

HB 1123—LS 6889/DI 131



Digest Continued

and each house may adopt simple resolutions during an emergency session. Provides that during a state of emergency, the state, a political subdivision, or an officer or employee of the state or a political subdivision may not restrict the right of the people to worship or to worship in person. Makes conforming changes. Provides that when the governor has declared a state of emergency, an order of a local health department that deals with the same matter as the governor's executive order may be: (1) less stringent than the governor's executive order to the extent permitted by the executive order; and (2) more stringent than the governor's executive order if the local order is approved by the county executive (in the case of a county health department) or by an ordinance adopted by the city legislative body and approved by the mayor (in the case of a city health department).

HB 1123—LS 6889/DI 131



February 4, 2021

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1123

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 2-2.1-1-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following
3 definitions apply throughout this chapter:
4 (1) "Bill" includes a bill and a joint resolution.
5 (2) "Term of the general assembly" means that two (2) year period
6 of time extending from the first Wednesday after the first Monday
7 in November of any even-numbered year until, but not including,
8 the first Wednesday after the first Monday in November of the
9 next even-numbered year.
10 (3) "Session" refers to **any of the following**:
11 (A) A regular session **of the general assembly**.
12 (B) A regular technical session **or of the general assembly**.
13 (C) **An emergency session of the general assembly**
14 **convened under IC 2-2.1-1.2**.
15 (D) A special session of the general assembly.
16 (4) "Special session" means that period of time during which the
17 general assembly is convened in session upon the proclamation

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1 and call of the governor under Article 4, Section 9 of the
2 Constitution of the State of Indiana.

3 SECTION 2. IC 2-2.1-1-4 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~Length and~~
5 ~~Frequency of Sessions: Special Session:~~ A special session of the
6 General Assembly, called by the Governor as provided in Article 4,
7 Section 9 of the Constitution of the State of Indiana:

8 **(1) may convene at any time during the thirty (30) days after**
9 **which the Governor issues a proclamation that calls for a**
10 **special session of the general assembly; and**

11 **(2) shall continue for not more than ~~thirty (30) session days nor~~**
12 **~~more than~~ forty (40) calendar days following the day upon which**
13 **it is commenced.**

14 SECTION 3. IC 2-2.1-1-12 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section
16 applies only to those bills or joint resolutions which pass during the two
17 **(2) days** before the sine die adjournment of a ~~regular or special~~ session
18 of the general assembly. This section does not apply to bills passed
19 during a regular technical session.

20 (b) The presiding officers of the house of representatives and the
21 senate shall sign each bill or joint resolution passed under Article 4,
22 Section 25 of the Constitution of the State of Indiana as soon as
23 practicable, but not later than seven (7) calendar days after sine die
24 adjournment of the session of the general assembly at which the bill
25 was passed.

26 (c) A bill that has been signed under subsection (b) must be
27 presented to the governor as soon as practicable, but not later than
28 seven (7) calendar days after sine die adjournment of the session of the
29 general assembly at which the bill was passed.

30 SECTION 4. IC 2-2.1-1.2 IS ADDED TO THE INDIANA CODE
31 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]:

33 **Chapter 1.2. Emergency Sessions**

34 **Sec. 1. As used in this chapter, "emergency session" refers to a**
35 **session of the general assembly convened under this chapter.**

36 **Sec. 2. As used in this chapter, "legislative council" refers to the**
37 **legislative council created under IC 2-5-1.1-1.**

38 **Sec. 3. As used in this chapter, "presiding officer" refers to the**
39 **following:**

40 **(1) For the house of representatives, the speaker of the house.**

41 **(2) For the senate, the president pro tempore of the senate.**

42 **Sec. 4. As used in this chapter, "state of emergency" refers to an**



1 emergency declared by the governor under IC 10-14-3.

2 **Sec. 5. (a) The general assembly shall convene under this**
 3 **chapter if the legislative council adopts a resolution that finds both**
 4 **of the following:**

5 (1) The governor has declared a state of emergency that
 6 affects all of Indiana.

7 (2) It is necessary for the general assembly to address the state
 8 of emergency with legislative action.

9 (b) A resolution of the legislative council adopted under this
 10 section must state all of the following:

11 (1) The reasons that the general assembly should convene to
 12 address the state of emergency.

13 (2) The date, time, and place that each house of the general
 14 assembly will convene.

15 (3) The general assembly's agenda for addressing the state of
 16 emergency.

17 (c) The legislative services agency shall file a copy of the
 18 legislative council's resolution with the secretary of state.

19 **Sec. 6. The presiding officers shall convene their respective**
 20 **houses in session on the date, time, and place specified in the**
 21 **legislative council's resolution.**

22 **Sec. 7. (a) An emergency session may not continue for more than**
 23 **forty (40) calendar days after the day the session first convenes.**

24 (b) The general assembly must adjourn sine die not later than
 25 ten (10) calendar days following the day upon which the state of
 26 emergency ends as provided in IC 10-14-3.

27 **Sec. 8. (a) The general assembly may enact only bills relating to**
 28 **the agenda stated in the legislative council's resolution during an**
 29 **emergency session.**

30 (b) The general assembly may adopt concurrent resolutions
 31 during an emergency session.

32 (c) Each house may adopt simple resolutions during an
 33 emergency session.

34 SECTION 5. IC 2-5-1.1-5, AS AMENDED BY P.L.84-2016,
 35 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 UPON PASSAGE]: Sec. 5. (a) The council may **do any of the**
 37 **following:**

38 (1) On its own initiative or at the direction of the general
 39 assembly or of the senate or house of representatives, study
 40 subjects of interest and concern, and based on such a study,
 41 recommend such legislation as the welfare of the state may
 42 require.



- 1 (2) Direct standing committees of the senate or house of
 2 representatives, or appoint committees and subcommittees subject
 3 to the authority of the council, to carry out studies on subjects of
 4 interest and concern.
- 5 (3) Recommend such codification and general revision of the
 6 constitution and the laws of the state as may from time to time be
 7 necessary.
- 8 (4) Require any officer or agency, board, commission, committee
 9 or other instrumentality of the state or of a political subdivision of
 10 the state to provide information bearing on subjects under
 11 consideration by the council or by standing committee or any of
 12 its committees or subcommittees.
- 13 (5) By an affirmative vote of two-thirds (2/3) of its members
 14 present and voting:
- 15 (A) administer oaths, issue subpoenas, compel the attendance
 16 of witnesses and the production of papers, books, accounts,
 17 documents and testimony and have the deposition of witnesses
 18 taken in the manner prescribed by law for taking depositions
 19 in civil actions bearing on subjects under consideration by the
 20 council or by any of its committees or subcommittees; and
- 21 (B) petition, through the presiding officer of the council, any
 22 circuit court, superior court, or probate court of the appropriate
 23 county for an order for compliance with any order or
 24 subpoenas issued under this section.
- 25 (6) Adopt such rules and procedures and organize such agencies
 26 as may be necessary or appropriate to carry out its duties.
- 27 (7) Receive appropriations and make allocations for the
 28 reasonable and necessary expenditures of the council and the
 29 standing and interim committees of the house of representatives,
 30 senate and general assembly.
- 31 (8) Enter into whatever contracts or other arrangements deemed
 32 by it to be necessary or appropriate to exercising its rights,
 33 privileges, and powers and performing its duties under this
 34 chapter and IC 2-6-1.5 and to carrying out the intent, purposes,
 35 and provisions of this chapter and IC 2-6-1.5. ~~and~~
- 36 **(9) Initiate sessions of the general assembly under**
 37 **IC 2-2.1-1.2-5.**
- 38 ~~(9)~~ **(10)** Do all other things necessary and proper to perform the
 39 functions of the legislative department of government and to carry
 40 out the intent, purposes and provisions of this chapter.
- 41 (b) The council may authorize its executive director to act on its
 42 behalf and with its authority on any matter of administration under this



1 chapter and under IC 2-6-1.5, including executing and implementing
2 any contract or other arrangement under which it agrees to be bound.

3 SECTION 6. IC 2-6-1.5-0.7 IS ADDED TO THE INDIANA CODE
4 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
5 **UPON PASSAGE]: Sec. 0.7. As used in this chapter, "session" has**
6 **the meaning set forth in IC 2-2.1-1-1.**

7 SECTION 7. IC 10-14-3-33.3 IS ADDED TO THE INDIANA
8 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
9 **[EFFECTIVE UPON PASSAGE]: Sec. 33.3. (a) As used in this**
10 **section, "emergency" refers to any of the following declared under**
11 **this chapter:**

12 (1) A disaster emergency.

13 (2) An energy emergency.

14 (3) A local disaster emergency.

15 (b) The state, a political subdivision, or an officer or employee
16 of the state or a political subdivision may not restrict the right of
17 the people to worship or to worship in person during an
18 emergency.

19 SECTION 8. IC 16-20-1-21.5 IS ADDED TO THE INDIANA
20 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
21 **[EFFECTIVE UPON PASSAGE]: Sec. 21.5. (a) This section applies**
22 **only if the governor has declared an emergency under IC 10-14-3.**

23 (b) As used in this section, "executive order" refers to an
24 executive order issued by the governor under IC 10-14-3.

25 (c) As used in this section, "order" refers to the health laws,
26 ordinances, orders, rules, and regulations of a board of health
27 under this chapter.

28 (d) An order that deals with the same matter as an executive
29 order may be less stringent than the executive order to the extent
30 permitted by the executive order.

31 (e) An order that deals with the same matter as an executive
32 order may not be more stringent than the executive order unless
33 either of the following applies:

34 (1) If the order is issued by the health department of a county,
35 the order must be approved by the county executive.

36 (2) If the order is issued by the health department of a city,
37 the order must be approved by an ordinance adopted by the
38 city legislative body and approved by the mayor.

39 SECTION 9. IC 16-22-8-31.3 IS ADDED TO THE INDIANA
40 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
41 **[EFFECTIVE UPON PASSAGE]: Sec. 31.3. (a) This section applies**
42 **only if the governor has declared an emergency under IC 10-14-3.**



- 1 **(b) As used in this section, "executive order" refers to an**
- 2 **executive order issued by the governor under IC 10-14-3.**
- 3 **(c) As used in this section, "order" refers to the health laws,**
- 4 **ordinances, orders, rules, and regulations issued under this**
- 5 **chapter.**
- 6 **(d) An order that deals with the same matter as an executive**
- 7 **order may be less stringent than the executive order to the extent**
- 8 **permitted by the executive order.**
- 9 **(e) An order that deals with the same matter as an executive**
- 10 **order may not be more stringent than the executive order unless**
- 11 **the order is approved by an ordinance adopted by the city-county**
- 12 **legislative body and approved by the executive of the consolidated**
- 13 **city.**
- 14 **SECTION 10. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 1123, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 2-2.1-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following definitions apply throughout this chapter:

- (1) "Bill" includes a bill and a joint resolution.
- (2) "Term of the general assembly" means that two (2) year period of time extending from the first Wednesday after the first Monday in November of any even-numbered year until, but not including, the first Wednesday after the first Monday in November of the next even-numbered year.
- (3) "Session" refers to **any of the following:**
 - (A) A regular session **of the general assembly.**
 - (B) A regular technical session ~~or of the general assembly.~~
 - (C) **An emergency session of the general assembly convened under IC 2-2.1-1.2.**
 - (D) A special session of the general assembly.
- (4) "Special session" means that period of time during which the general assembly is convened in session upon the proclamation and call of the governor under Article 4, Section 9 of the Constitution of the State of Indiana.

SECTION 2. IC 2-2.1-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~Length and Frequency of Sessions: Special Session:~~ A special session of the General Assembly, called by the Governor as provided in Article 4, Section 9 of the Constitution of the State of Indiana:

- (1) **may convene at any time during the thirty (30) days after which the Governor issues a proclamation that calls for a special session of the general assembly; and**
- (2) shall continue for not more than ~~thirty (30) session days nor more than~~ forty (40) calendar days following the day upon which it is commenced.

SECTION 3. IC 2-2.1-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies only to those bills or joint resolutions which pass during the two (2) days before the sine die adjournment of a ~~regular or special~~ session of the general assembly. This section does not apply to bills passed



during a regular technical session.

(b) The presiding officers of the house of representatives and the senate shall sign each bill or joint resolution passed under Article 4, Section 25 of the Constitution of the State of Indiana as soon as practicable, but not later than seven (7) calendar days after sine die adjournment of the session of the general assembly at which the bill was passed.

(c) A bill that has been signed under subsection (b) must be presented to the governor as soon as practicable, but not later than seven (7) calendar days after sine die adjournment of the session of the general assembly at which the bill was passed.

SECTION 4. IC 2-2.1-1.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 1.2. Emergency Sessions

Sec. 1. As used in this chapter, "emergency session" refers to a session of the general assembly convened under this chapter.

Sec. 2. As used in this chapter, "legislative council" refers to the legislative council created under IC 2-5-1.1-1.

Sec. 3. As used in this chapter, "presiding officer" refers to the following:

- (1) For the house of representatives, the speaker of the house.
- (2) For the senate, the president pro tempore of the senate.

Sec. 4. As used in this chapter, "state of emergency" refers to an emergency declared by the governor under IC 10-14-3.

Sec. 5. (a) The general assembly shall convene under this chapter if the legislative council adopts a resolution that finds both of the following:

- (1) The governor has declared a state of emergency that affects all of Indiana.
- (2) It is necessary for the general assembly to address the state of emergency with legislative action.

(b) A resolution of the legislative council adopted under this section must state all of the following:

- (1) The reasons that the general assembly should convene to address the state of emergency.
- (2) The date, time, and place that each house of the general assembly will convene.
- (3) The general assembly's agenda for addressing the state of emergency.

(c) The legislative services agency shall file a copy of the legislative council's resolution with the secretary of state.



Sec. 6. The presiding officers shall convene their respective houses in session on the date, time, and place specified in the legislative council's resolution.

Sec. 7. (a) An emergency session may not continue for more than forty (40) calendar days after the day the session first convenes.

(b) The general assembly must adjourn sine die not later than ten (10) calendar days following the day upon which the state of emergency ends as provided in IC 10-14-3.

Sec. 8. (a) The general assembly may enact only bills relating to the agenda stated in the legislative council's resolution during an emergency session.

(b) The general assembly may adopt concurrent resolutions during an emergency session.

(c) Each house may adopt simple resolutions during an emergency session.

SECTION 5. IC 2-5-1.1-5, AS AMENDED BY P.L.84-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The council may **do any of the following:**

(1) On its own initiative or at the direction of the general assembly or of the senate or house of representatives, study subjects of interest and concern, and based on such a study, recommend such legislation as the welfare of the state may require.

(2) Direct standing committees of the senate or house of representatives, or appoint committees and subcommittees subject to the authority of the council, to carry out studies on subjects of interest and concern.

(3) Recommend such codification and general revision of the constitution and the laws of the state as may from time to time be necessary.

(4) Require any officer or agency, board, commission, committee or other instrumentality of the state or of a political subdivision of the state to provide information bearing on subjects under consideration by the council or by standing committee or any of its committees or subcommittees.

(5) By an affirmative vote of two-thirds (2/3) of its members present and voting:

(A) administer oaths, issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents and testimony and have the deposition of witnesses taken in the manner prescribed by law for taking depositions



in civil actions bearing on subjects under consideration by the council or by any of its committees or subcommittees; and
 (B) petition, through the presiding officer of the council, any circuit court, superior court, or probate court of the appropriate county for an order for compliance with any order or subpoenas issued under this section.

(6) Adopt such rules and procedures and organize such agencies as may be necessary or appropriate to carry out its duties.

(7) Receive appropriations and make allocations for the reasonable and necessary expenditures of the council and the standing and interim committees of the house of representatives, senate and general assembly.

(8) Enter into whatever contracts or other arrangements deemed by it to be necessary or appropriate to exercising its rights, privileges, and powers and performing its duties under this chapter and IC 2-6-1.5 and to carrying out the intent, purposes, and provisions of this chapter and IC 2-6-1.5. ~~and~~

(9) Initiate sessions of the general assembly under IC 2-2.1-1.2-5.

~~(9)~~ **(10)** Do all other things necessary and proper to perform the functions of the legislative department of government and to carry out the intent, purposes and provisions of this chapter.

(b) The council may authorize its executive director to act on its behalf and with its authority on any matter of administration under this chapter and under IC 2-6-1.5, including executing and implementing any contract or other arrangement under which it agrees to be bound.

SECTION 6. IC 2-6-1.5-0.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 0.7. As used in this chapter, "session" has the meaning set forth in IC 2-2.1-1-1.**

SECTION 7. IC 10-14-3-33.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 33.3. (a) As used in this section, "emergency" refers to any of the following declared under this chapter:**

- (1) A disaster emergency.**
- (2) An energy emergency.**
- (3) A local disaster emergency.**

(b) The state, a political subdivision, or an officer or employee of the state or a political subdivision may not restrict the right of the people to worship or to worship in person during an emergency.



SECTION 8. IC 16-20-1-21.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 21.5. (a) This section applies only if the governor has declared an emergency under IC 10-14-3.**

(b) As used in this section, "executive order" refers to an executive order issued by the governor under IC 10-14-3.

(c) As used in this section, "order" refers to the health laws, ordinances, orders, rules, and regulations of a board of health under this chapter.

(d) An order that deals with the same matter as an executive order may be less stringent than the executive order to the extent permitted by the executive order.

(e) An order that deals with the same matter as an executive order may not be more stringent than the executive order unless either of the following applies:

(1) If the order is issued by the health department of a county, the order must be approved by the county executive.

(2) If the order is issued by the health department of a city, the order must be approved by an ordinance adopted by the city legislative body and approved by the mayor.

SECTION 9. IC 16-22-8-31.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 31.3. (a) This section applies only if the governor has declared an emergency under IC 10-14-3.**

(b) As used in this section, "executive order" refers to an executive order issued by the governor under IC 10-14-3.

(c) As used in this section, "order" refers to the health laws, ordinances, orders, rules, and regulations issued under this chapter.

(d) An order that deals with the same matter as an executive order may be less stringent than the executive order to the extent permitted by the executive order.

(e) An order that deals with the same matter as an executive order may not be more stringent than the executive order unless the order is approved by an ordinance adopted by the city-county legislative body and approved by the executive of the consolidated city.

SECTION 10. An emergency is declared for this act."

Delete pages 2 through 5.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.



(Reference is to HB 1123 as introduced.)

LEONARD

Committee Vote: yeas 7, nays 2.

