



March 22, 2021

ENGROSSED HOUSE BILL No. 1123

DIGEST OF HB 1123 (Updated March 18, 2021 3:55 pm - DI 92)

Citations Affected: IC 2-2.1; IC 2-5; IC 2-6; IC 4-12; IC 10-14; IC 35-52.

Synopsis: Legislative oversight of certain fiscal and emergency matters. Provides that the general assembly may convene in an emergency session if the legislative council adopts a resolution making certain findings concerning a state of emergency declared by the governor. Specifies the maximum length of an emergency session. Provides that in an emergency session the general assembly may enact only bills relating to the agenda stated in the legislative council's resolution. Provides that the general assembly may adopt concurrent
(Continued next page)

Effective: Upon passage.

**Lehman, Smaltz, Pressel, Lauer, Abbott, Baird, Barrett,
Bartels, Borders, Carbaugh, Cherry, Clere, Cook, Davis,
Davisson, Ellington, Goodrich, Gutwein, Heine, Judy,
Karickhoff, King, Lehe, Leonard, Lindauer, Manning,
Mayfield, May, McNamara, Miller D, Morris, Negele, Olthoff,
Payne, Prescott, Saunders, Schaibley, Slager, Snow, Soliday,
Steuerwald, Teshka, Thompson, VanNatter, Wesco, Young J,
Zent, Huston**
(SENATE SPONSORS — GLICK, GARTEN, GASKILL, MESSMER,
HOLDMAN)

January 4, 2021, read first time and referred to Committee on Rules and Legislative Procedures.

February 4, 2021, amended, reported — Do Pass.

February 8, 2021, read second time, ordered engrossed. Engrossed.

February 9, 2021, read third time, passed. Yeas 69, nays 27.

SENATE ACTION

February 23, 2021, read first time and referred to Committee on Rules and Legislative Procedure.

March 22, 2021, amended, reported favorably — Do Pass.

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Digest Continued

resolutions and each house may adopt simple resolutions during an emergency session. Establishes the legislative state of emergency advisory group. Creates the economic stimulus fund (ESF) for the deposit of all discretionary funds received by the state. Defines "discretionary funds" to mean federal economic stimulus funds received under federal legislation granting the state authority to determine the amounts and manner in which the federal economic stimulus funds may be expended. Provides that discretionary funds deposited into the ESF during a period in which the general assembly is convened in a regular session, an emergency session, or a special session may not be allotted or expended unless appropriated by the general assembly. Provides that before discretionary funds deposited into the ESF during a period in which the general assembly is not convened in a regular session, an emergency session, or a special session may be allotted to or expended by a state agency or instrumentality, the allotment or expenditure must be reviewed by the budget committee. Provides that discretionary funds deposited into the ESF may not be transferred, assigned, or otherwise removed from the ESF by the state board of finance, the budget agency, or any other state agency except as permitted under the provisions of the statute. Exempts federal economic stimulus funds committed for expenditure before April 29, 2021, from the application of the statute. Provides that a violation of the disaster statute (IC 10-14-3) or an order authorized by that statute is a Class B infraction instead of a Class B misdemeanor.

EH 1123—LS 6889/DI 131



March 22, 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.

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

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

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

19 SECTION 3. IC 2-2.1-1.2 IS ADDED TO THE INDIANA CODE
20 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
21 UPON PASSAGE]:

22 **Chapter 1.2. Emergency Sessions**

23 **Sec. 1. As used in this chapter, "advisory group" refers to the**
24 **legislative state of emergency advisory group established by section**
25 **11 of this chapter.**

26 **Sec. 2. As used in this chapter, "emergency session" refers to a**
27 **session of the general assembly convened under this chapter.**

28 **Sec. 3. As used in this chapter, "legislative council" refers to the**
29 **legislative council created under IC 2-5-1.1-1.**

30 **Sec. 4. As used in this chapter, "presiding officer" refers to the**
31 **following:**

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

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

34 **Sec. 5. As used in this chapter, "records" means any writing,**
35 **paper, report, study, map, photograph, book, card, tape recording,**
36 **or other material that is created, received, retained, maintained, or**
37 **filed by or with the advisory group and which is generated on**
38 **paper, paper substitutes, photographic media, chemically based**
39 **media, magnetic or machine readable media, electronically stored**
40 **data, or any other material, regardless of form or characteristics.**

41 **Sec. 6. As used in this chapter, "state of emergency" refers to an**
42 **emergency declared by the governor under IC 10-14-3.**



1 **Sec. 7. (a) The general assembly shall convene under this**
 2 **chapter if the legislative council adopts a resolution that finds all**
 3 **of the following:**

4 **(1) The governor has declared a state of emergency that the**
 5 **legislative council determines has a statewide impact.**

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

8 **(3) It is necessary for the general assembly to convene an**
 9 **emergency session, in accordance with its authority to**
 10 **determine the length and frequency of legislative sessions**
 11 **under Article 4, Section 9 of the constitution of the State of**
 12 **Indiana.**

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

15 **(1) The reasons that it is necessary for the general assembly**
 16 **to convene to address the state of emergency.**

17 **(2) The date, time, and place that each house of the general**
 18 **assembly will convene.**

19 **(3) The general assembly's agenda for addressing the state of**
 20 **emergency.**

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

23 **Sec. 8. The presiding officers shall convene their respective**
 24 **houses in session on the date, time, and place specified in the**
 25 **legislative council's resolution.**

26 **Sec. 9. (a) An emergency session may not continue for more than**
 27 **forty (40) calendar days after the day the session first convenes.**

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

31 **Sec. 10. (a) The general assembly may enact only bills relating**
 32 **to the agenda stated in the legislative council's resolution during an**
 33 **emergency session.**

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

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

38 **Sec. 11. (a) The legislative state of emergency advisory group is**
 39 **established. The advisory group consists of the following members:**

40 **(1) The president pro tempore of the senate or the president**
 41 **pro tempore's designee, who must be a member of the general**
 42 **assembly.**



- 1 (2) The senate majority floor leader or the floor leader's
2 designee, who must be a member of the general assembly.
3 (3) The senate minority floor leader or the floor leader's
4 designee, who must be a member of the general assembly.
5 (4) The chairperson of the senate majority caucus or the
6 chairperson's designee, who must be a member of the general
7 assembly.
8 (5) The chairperson of the senate minority caucus or the
9 chairperson's designee, who must be a member of the general
10 assembly.
11 (6) The speaker of the house of representatives or the
12 speaker's designee, who must be a member of the general
13 assembly.
14 (7) The house majority floor leader or the floor leader's
15 designee, who must be a member of the general assembly.
16 (8) The house minority floor leader or the floor leader's
17 designee, who must be a member of the general assembly.
18 (9) The chairperson of the house majority caucus or the
19 chairperson's designee, who must be a member of the general
20 assembly.
21 (10) The chairperson of the house minority caucus or the
22 chairperson's designee, who must be a member of the general
23 assembly.

24 **If a member is unable to serve, a replacement shall be selected by
25 the member's caucus.**

26 **(b) The chairperson of the legislative council shall select a
27 member of the advisory group, including the chairperson of the
28 legislative council, to serve as the chairperson of the advisory
29 group. The advisory group shall meet:**

- 30 **(1) during a state of emergency that the legislative council has
31 determined has statewide impact; and
32 (2) upon the call of the chairperson.**

33 **The advisory group may meet in any location, including
34 electronically or remotely, as determined by the chairperson of the
35 advisory group.**

36 **(c) A majority of the members appointed to the advisory group
37 constitutes a quorum. Any formal recommendation made by the
38 advisory group:**

- 39 **(1) must be in writing; and
40 (2) requires the affirmative vote of a majority of the members
41 of the advisory group.**

42 **Except for any formal written recommendation made by the**



1 **advisory group, all records of the advisory group are confidential.**

2 **(d) Due to the advisory group's role in responding to a disaster**
 3 **emergency, IC 5-14 does not apply to the advisory group.**

4 **(e) The advisory group has the following duties:**

5 **(1) The advisory group shall make itself available to consult**
 6 **with, receive information from, and advise the governor**
 7 **concerning the state of emergency and any executive orders**
 8 **issued in response to the state of emergency.**

9 **(2) The advisory group shall review, evaluate, and make**
 10 **recommendations with respect to a state of emergency and**
 11 **any executive orders issued in response to the state of**
 12 **emergency.**

13 **(3) The advisory group shall inform the members of the**
 14 **general assembly concerning its work, the state of emergency,**
 15 **and executive orders issued in response to the state of**
 16 **emergency.**

17 **(f) Each member of the advisory group is entitled to receive the**
 18 **same per diem, mileage, and travel allowances paid to individuals**
 19 **who serve as legislative members of interim study committees**
 20 **established by the legislative council.**

21 **(g) All funds necessary for the advisory group to carry out its**
 22 **functions shall be paid from appropriations to the legislative**
 23 **council and the legislative services agency.**

24 SECTION 4. IC 2-5-1.1-5, AS AMENDED BY P.L.84-2016,
 25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: Sec. 5. (a) The council may **do any of the**
 27 **following:**

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

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

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

40 (4) Require any officer or agency, board, commission, committee
 41 or other instrumentality of the state or of a political subdivision of
 42 the state to provide information bearing on subjects under



1 consideration by the council or by standing committee or any of
2 its committees or subcommittees.

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

5 (A) administer oaths, issue subpoenas, compel the attendance
6 of witnesses and the production of papers, books, accounts,
7 documents and testimony and have the deposition of witnesses
8 taken in the manner prescribed by law for taking depositions
9 in civil actions bearing on subjects under consideration by the
10 council or by any of its committees or subcommittees; and

11 (B) petition, through the presiding officer of the council, any
12 circuit court, superior court, or probate court of the appropriate
13 county for an order for compliance with any order or
14 subpoenas issued under this section.

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

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

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

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

28 ~~(9)~~ **(10)** Do all other things necessary and proper to perform the
29 functions of the legislative department of government and to carry
30 out the intent, purposes and provisions of this chapter.

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

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

39 SECTION 6. IC 4-12-18 IS ADDED TO THE INDIANA CODE AS
40 A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON**
41 **PASSAGE]:**

42 **Chapter 18. Federal Economic Stimulus Funds**



1 **Sec. 1. This chapter does not apply to federal economic stimulus**
 2 **funds committed for expenditure before April 29, 2021.**

3 **Sec. 2. As used in this chapter, "discretionary funds" means**
 4 **federal economic stimulus funds received under federal legislation**
 5 **granting the state authority to determine the amounts and manner**
 6 **in which the federal economic stimulus funds may be expended.**

7 **Sec. 3. As used in this chapter, "federal economic stimulus**
 8 **funds" means federal money received by the state under federal**
 9 **legislation enacted in response to a recession or national disaster.**

10 **Sec. 4. (a) There is created the economic stimulus fund. All**
 11 **discretionary funds received by the state must be deposited in the**
 12 **economic stimulus fund.**

13 **(b) The economic stimulus fund is separate from the state**
 14 **general fund and all other state funds and accounts.**

15 **Sec. 5. Discretionary funds deposited into the economic stimulus**
 16 **fund during a period in which the general assembly is convened in**
 17 **a regular session, an emergency session under IC 2-2.1-1.2, or a**
 18 **special session may not be allotted or expended unless**
 19 **appropriated by the general assembly.**

20 **Sec. 6. Before discretionary funds deposited into the economic**
 21 **stimulus fund during a period in which the general assembly is not**
 22 **convened in a regular session, an emergency session under**
 23 **IC 2-2.1-1.2, or a special session may be allotted to or expended by**
 24 **a state agency or instrumentality, the allotment or expenditure**
 25 **must be reviewed by the budget committee.**

26 **Sec. 7. Discretionary funds deposited into the economic stimulus**
 27 **fund may not be transferred, assigned, or otherwise removed from**
 28 **the economic stimulus fund by the state board of finance, the**
 29 **budget agency, or any other state agency except as permitted under**
 30 **the provisions of this chapter.**

31 **SECTION 7. IC 10-14-3-34 IS AMENDED TO READ AS**
 32 **FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. A person who**
 33 **knowingly, intentionally, or recklessly violates this chapter ~~or an order~~**
 34 **authorized by this chapter commits a ~~Class B misdemeanor~~. **Class B****
 35 **infraction.**

36 **SECTION 8. IC 35-52-10-4 IS REPEALED [EFFECTIVE UPON**
 37 **PASSAGE]. ~~Sec. 4. IC 10-14-3-34 defines a crime concerning~~**
 38 **emergency management.**

39 **SECTION 9. 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.

Re-number 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.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred House Bill No. 1123, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 3 through 13.

Page 2, between lines 33 and 34, begin a new paragraph and insert:

"Sec. 1. As used in this chapter, "advisory group" refers to the legislative state of emergency advisory group established by section 11 of this chapter."

Page 2, line 34, delete "Sec. 1." and insert "Sec. 2."

Page 2, line 36, delete "Sec. 2." and insert "Sec. 3."

Page 2, line 38, delete "Sec. 3." and insert "Sec. 4."

Page 2, between lines 41 and 42, begin a new paragraph and insert:

"Sec. 5. As used in this chapter, "records" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with the advisory group and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics."

Page 2, line 42, delete "Sec. 4." and insert "Sec. 6."

Page 3, line 2, delete "Sec. 5." and insert "Sec. 7."

Page 3, line 3, delete "both" and insert "all".

Page 3, line 5, delete "that" and insert **"that the legislative council determines has a statewide impact."**

Page 3, delete line 6.

Page 3, between lines 8 and 9, begin a new line block indented and insert:

"(3) It is necessary for the general assembly to convene an emergency session, in accordance with its authority to



determine the length and frequency of legislative sessions under Article 4, Section 9 of the constitution of the State of Indiana."

Page 3, line 11, after "that" insert **"it is necessary for"**.

Page 3, line 11, delete "should" and insert **"to"**.

Page 3, line 19, delete "Sec. 6." and insert **"Sec. 8."**

Page 3, line 22, delete "Sec. 7." and insert **"Sec. 9."**

Page 3, line 27, delete "Sec. 8." and insert **"Sec. 10."**

Page 3, between lines 33 and 34, begin a new paragraph and insert:
"Sec. 11. (a) The legislative state of emergency advisory group is established. The advisory group consists of the following members:

(1) The president pro tempore of the senate or the president pro tempore's designee, who must be a member of the general assembly.

(2) The senate majority floor leader or the floor leader's designee, who must be a member of the general assembly.

(3) The senate minority floor leader or the floor leader's designee, who must be a member of the general assembly.

(4) The chairperson of the senate majority caucus or the chairperson's designee, who must be a member of the general assembly.

(5) The chairperson of the senate minority caucus or the chairperson's designee, who must be a member of the general assembly.

(6) The speaker of the house of representatives or the speaker's designee, who must be a member of the general assembly.

(7) The house majority floor leader or the floor leader's designee, who must be a member of the general assembly.

(8) The house minority floor leader or the floor leader's designee, who must be a member of the general assembly.

(9) The chairperson of the house majority caucus or the chairperson's designee, who must be a member of the general assembly.

(10) The chairperson of the house minority caucus or the chairperson's designee, who must be a member of the general assembly.

If a member is unable to serve, a replacement shall be selected by the member's caucus.

(b) The chairperson of the legislative council shall select a member of the advisory group, including the chairperson of the



legislative council, to serve as the chairperson of the advisory group. The advisory group shall meet:

- (1) during a state of emergency that the legislative council has determined has statewide impact; and
- (2) upon the call of the chairperson.

The advisory group may meet in any location, including electronically or remotely, as determined by the chairperson of the advisory group.

(c) A majority of the members appointed to the advisory group constitutes a quorum. Any formal recommendation made by the advisory group:

- (1) must be in writing; and
- (2) requires the affirmative vote of a majority of the members of the advisory group.

Except for any formal written recommendation made by the advisory group, all records of the advisory group are confidential.

(d) Due to the advisory group's role in responding to a disaster emergency, IC 5-14 does not apply to the advisory group.

(e) The advisory group has the following duties:

- (1) The advisory group shall make itself available to consult with, receive information from, and advise the governor concerning the state of emergency and any executive orders issued in response to the state of emergency.
- (2) The advisory group shall review, evaluate, and make recommendations with respect to a state of emergency and any executive orders issued in response to the state of emergency.
- (3) The advisory group shall inform the members of the general assembly concerning its work, the state of emergency, and executive orders issued in response to the state of emergency.

(f) Each member of the advisory group is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative members of interim study committees established by the legislative council.

(g) All funds necessary for the advisory group to carry out its functions shall be paid from appropriations to the legislative council and the legislative services agency."

Page 5, delete lines 7 through 42, begin a new paragraph and insert:
 "SECTION 6. IC 4-12-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:



Chapter 18. Federal Economic Stimulus Funds

Sec. 1. This chapter does not apply to federal economic stimulus funds committed for expenditure before April 29, 2021.

Sec. 2. As used in this chapter, "discretionary funds" means federal economic stimulus funds received under federal legislation granting the state authority to determine the amounts and manner in which the federal economic stimulus funds may be expended.

Sec. 3. As used in this chapter, "federal economic stimulus funds" means federal money received by the state under federal legislation enacted in response to a recession or national disaster.

Sec. 4. (a) There is created the economic stimulus fund. All discretionary funds received by the state must be deposited in the economic stimulus fund.

(b) The economic stimulus fund is separate from the state general fund and all other state funds and accounts.

Sec. 5. Discretionary funds deposited into the economic stimulus fund during a period in which the general assembly is convened in a regular session, an emergency session under IC 2-2.1-1.2, or a special session may not be allotted or expended unless appropriated by the general assembly.

Sec. 6. Before discretionary funds deposited into the economic stimulus fund during a period in which the general assembly is not convened in a regular session, an emergency session under IC 2-2.1-1.2, or a special session may be allotted to or expended by a state agency or instrumentality, the allotment or expenditure must be reviewed by the budget committee.

Sec. 7. Discretionary funds deposited into the economic stimulus fund may not be transferred, assigned, or otherwise removed from the economic stimulus fund by the state board of finance, the budget agency, or any other state agency except as permitted under the provisions of this chapter.

SECTION 7. IC 10-14-3-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. A person who knowingly, intentionally, or recklessly violates this chapter **or an order authorized by this chapter** commits a ~~Class B misdemeanor~~. **Class B infraction.**

SECTION 8. IC 35-52-10-4 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 4. IC 10-14-3-34 defines a crime concerning emergency management."~~

Page 6, delete lines 1 through 13.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

EH 1123—LS 6889/DI 131



(Reference is to HB 1123 as printed February 4, 2021.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 4.

