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 ENROLLED ACT No. 1123

AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 1-1-1-8.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.6.** The provisions of **HEA 1123-2021** are severable in the manner provided by section **8(b)** of this chapter.

SECTION 2. 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 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, "advisory group" refers to the legislative state of emergency advisory group established by section 11 of this chapter.
- Sec. 2. As used in this chapter, "emergency session" refers to a session of the general assembly convened under this chapter.
- Sec. 3. As used in this chapter, "legislative council" refers to the legislative council created under IC 2-5-1.1-1.
- Sec. 4. 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. 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.
- Sec. 6. As used in this chapter, "state of emergency" refers to an emergency declared by the governor under IC 10-14-3.
 - Sec. 7. (a) The general assembly shall convene under this



chapter if the legislative council adopts a resolution that finds all of the following:

- (1) The governor has declared a state of emergency that the legislative council determines has a statewide impact.
- (2) It is necessary for the general assembly to address the state of emergency with legislative action.
- (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.
- (b) A resolution of the legislative council adopted under this section must state all of the following:
 - (1) The reasons that it is necessary for the general assembly to 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. 8. The presiding officers shall convene their respective houses in session on the date, time, and place specified in the legislative council's resolution.
- Sec. 9. (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. 10. (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.
- 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 leader or the minority 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.

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

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

subpoenas issued under this section.

- (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.
- (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 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 obligated or expended by written agreement, contract, or encumbrance 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 nationwide disaster.
- Sec. 4. (a) There is created the economic stimulus fund. Within the economic stimulus fund the auditor of state shall create a separate account for each separate federal stimulus legislation enacted. All discretionary funds received by the state must be deposited in the corresponding account within the economic stimulus fund unless prohibited by federal law.
- (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 or reviewed by the budget committee.
- 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 expended, 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 8. 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 9. IC 35-52-10-4 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 4. IC 10-14-3-34 defines a crime concerning



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



Speaker of the House of Representatives	
President of the Senate	
President Pro Tempore	
Governor of the State of Indiana	
Date:	Time:

