



Adopted	Rejected
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# COMMITTEE REPORT

YES:	7
NO:	2

**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:

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

1 **convened under IC 2-2.1-1.2.**

2 **(D)** A special session of the general assembly.

3 (4) "Special session" means that period of time during which the  
4 general assembly is convened in session upon the proclamation  
5 and call of the governor under Article 4, Section 9 of the  
6 Constitution of the State of Indiana.

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

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

15 **(2) shall continue for not more than thirty (30) session days nor**  
16 **more than forty (40) calendar days following the day upon which**  
17 **it is commenced.**

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

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

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

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

37 **Chapter 1.2. Emergency Sessions**

38 **Sec. 1. As used in this chapter, "emergency session" refers to a**

- 1 session of the general assembly convened under this chapter.
- 2       **Sec. 2.** As used in this chapter, "legislative council" refers to the  
3 legislative council created under IC 2-5-1.1-1.
- 4       **Sec. 3.** As used in this chapter, "presiding officer" refers to the  
5 following:
- 6           (1) For the house of representatives, the speaker of the house.  
7           (2) For the senate, the president pro tempore of the senate.
- 8       **Sec. 4.** As used in this chapter, "state of emergency" refers to an  
9 emergency declared by the governor under IC 10-14-3.
- 10       **Sec. 5. (a)** The general assembly shall convene under this  
11 chapter if the legislative council adopts a resolution that finds both  
12 of the following:
- 13           (1) The governor has declared a state of emergency that  
14 affects all of Indiana.  
15           (2) It is necessary for the general assembly to address the state  
16 of emergency with legislative action.
- 17       **(b)** A resolution of the legislative council adopted under this  
18 section must state all of the following:
- 19           (1) The reasons that the general assembly should convene to  
20 address the state of emergency.  
21           (2) The date, time, and place that each house of the general  
22 assembly will convene.  
23           (3) The general assembly's agenda for addressing the state of  
24 emergency.
- 25       **(c)** The legislative services agency shall file a copy of the  
26 legislative council's resolution with the secretary of state.
- 27       **Sec. 6.** The presiding officers shall convene their respective  
28 houses in session on the date, time, and place specified in the  
29 legislative council's resolution.
- 30       **Sec. 7. (a)** An emergency session may not continue for more than  
31 forty (40) calendar days after the day the session first convenes.  
32       **(b)** The general assembly must adjourn sine die not later than  
33 ten (10) calendar days following the day upon which the state of  
34 emergency ends as provided in IC 10-14-3.
- 35       **Sec. 8. (a)** The general assembly may enact only bills relating to  
36 the agenda stated in the legislative council's resolution during an  
37 emergency session.
- 38       **(b)** The general assembly may adopt concurrent resolutions

1 **during an emergency session.**

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

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

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

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

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

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

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

27 (A) administer oaths, issue subpoenas, compel the attendance  
28 of witnesses and the production of papers, books, accounts,  
29 documents and testimony and have the deposition of witnesses  
30 taken in the manner prescribed by law for taking depositions  
31 in civil actions bearing on subjects under consideration by the  
32 council or by any of its committees or subcommittees; and

33 (B) petition, through the presiding officer of the council, any  
34 circuit court, superior court, or probate court of the appropriate  
35 county for an order for compliance with any order or  
36 subpoenas issued under this section.

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

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

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

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

12 ~~(9)~~ **(10)** Do all other things necessary and proper to perform the  
 13 functions of the legislative department of government and to carry  
 14 out the intent, purposes and provisions of this chapter.

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

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

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

- 28 (1) A disaster emergency.
- 29 (2) An energy emergency.
- 30 (3) A local disaster emergency.

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

35 SECTION 8. IC 16-20-1-21.5 IS ADDED TO THE INDIANA  
 36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 37 [EFFECTIVE UPON PASSAGE]: **Sec. 21.5. (a) This section applies**  
 38 **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 of a board of health**  
5 **under this 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 **either of the following applies:**

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

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

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

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

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

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

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

- 1 SECTION 10. **An emergency is declared for this act.**
- 2 Delete pages 2 through 5.
- 3 Renumber all SECTIONS consecutively.  
(Reference is to HB 1123 as introduced.)

**and when so amended that said bill do pass.**

**Representative Leonard**

*Daniel J. Leonard*

