

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6889

BILL NUMBER: HB 1123

NOTE PREPARED: Feb 5, 2021

BILL AMENDED: Feb 4, 2021

SUBJECT: States of Emergency; General Assembly Sessions

FIRST AUTHOR: Rep. Lehman

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *Special Sessions*– The bill 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. It 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.)

Emergency Sessions– The bill 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. The bill 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. The bill 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. It provides that the General Assembly may adopt concurrent resolutions and each house may adopt simple resolutions during an emergency session.

No Restrictions on Right to Worship– The bill 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. The bill makes conforming changes.

Local Health Departments– The bill 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).

Effective Date: (Amended) Upon passage.

Explanation of State Expenditures: *Special Sessions*– A two-day special session would likely require an expenditure of just under \$69,000. The maximum expenditure for a special session would be approximately \$924,000 based on 40 calendar days allowed for a special session under the proposed bill.

(Revised) *Emergency Sessions*– An additional meeting of the Legislative Council would require expenditures of approximately \$4,300 in order to approve of an emergency session under the bill. If approved, an emergency session would be limited to 40 calendar days and must be adjourned sine die not later than 10 days after the state of emergency ends.

Additional Information– Under current law, a special session called by the Governor under the authority provided in Article 4, section 9 of the Constitution of the State of Indiana, cannot last for more than 30 session days or 40 calendar days following the day the special session commences.

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) *Local Health Departments*– This impact of this provision would depend upon action taken by county executives and city legislative bodies. Assuming ordinances can be adopted within the regular scheduled meetings of local executive/legislative bodies, governing bodies should be able to be adopt necessary ordinances with no additional appropriations within their existing levels of resources.

Explanation of Local Revenues:

State Agencies Affected: General Assembly; Governor's Office; Legislative Services Agency.

Local Agencies Affected: Local health departments, county and municipal executives and legislative bodies.

Information Sources: House and Senate Journal Indices; 2019 Legislative Council Budget.

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