



# 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:**

- 1 Page 2, delete lines 3 through 13.
- 2 Page 2, between lines 33 and 34, begin a new paragraph and insert:
- 3 **"Sec. 1. As used in this chapter, "advisory group" refers to the**
- 4 **legislative state of emergency advisory group established by section**
- 5 **11 of this chapter."**
- 6 Page 2, line 34, delete "Sec. 1." and insert "Sec. 2."
- 7 Page 2, line 36, delete "Sec. 2." and insert "Sec. 3."
- 8 Page 2, line 38, delete "Sec. 3." and insert "Sec. 4."
- 9 Page 2, between lines 41 and 42, begin a new paragraph and insert:
- 10 **"Sec. 5. As used in this chapter, "records" means any writing,**
- 11 **paper, report, study, map, photograph, book, card, tape recording,**
- 12 **or other material that is created, received, retained, maintained, or**
- 13 **filed by or with the advisory group and which is generated on**
- 14 **paper, paper substitutes, photographic media, chemically based**
- 15 **media, magnetic or machine readable media, electronically stored**
- 16 **data, or any other material, regardless of form or characteristics."**
- 17 Page 2, line 42, delete "Sec. 4." and insert "Sec. 6."
- 18 Page 3, line 2, delete "Sec. 5." and insert "Sec. 7."

- 1 Page 3, line 3, delete "both" and insert "all".
- 2 Page 3, line 5, delete "that" and insert "**that the legislative council**
- 3 **determines has a statewide impact.**".
- 4 Page 3, delete line 6.
- 5 Page 3, between lines 8 and 9, begin a new line block indented and
- 6 insert:
- 7 **"(3) It is necessary for the general assembly to convene an**
- 8 **emergency session, in accordance with its authority to**
- 9 **determine the length and frequency of legislative sessions**
- 10 **under Article 4, Section 9 of the constitution of the State of**
- 11 **Indiana.**".
- 12 Page 3, line 11, after "that" insert "**it is necessary for**".
- 13 Page 3, line 11, delete "should" and insert "**to**".
- 14 Page 3, line 19, delete "Sec. 6." and insert "**Sec. 8.**".
- 15 Page 3, line 22, delete "Sec. 7." and insert "**Sec. 9.**".
- 16 Page 3, line 27, delete "Sec. 8." and insert "**Sec. 10.**".
- 17 Page 3, between lines 33 and 34, begin a new paragraph and insert:
- 18 **"Sec. 11. (a) The legislative state of emergency advisory group**
- 19 **is established. The advisory group consists of the following**
- 20 **members:**
- 21 **(1) The president pro tempore of the senate or the president**
- 22 **pro tempore's designee, who must be a member of the general**
- 23 **assembly.**
- 24 **(2) The senate majority floor leader or the floor leader's**
- 25 **designee, who must be a member of the general assembly.**
- 26 **(3) The senate minority floor leader or the floor leader's**
- 27 **designee, who must be a member of the general assembly.**
- 28 **(4) The chairperson of the senate majority caucus or the**
- 29 **chairperson's designee, who must be a member of the general**
- 30 **assembly.**
- 31 **(5) The chairperson of the senate minority caucus or the**
- 32 **chairperson's designee, who must be a member of the general**
- 33 **assembly.**
- 34 **(6) The speaker of the house of representatives or the**
- 35 **speaker's designee, who must be a member of the general**
- 36 **assembly.**
- 37 **(7) The house majority floor leader or the floor leader's**
- 38 **designee, who must be a member of the general assembly.**

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

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

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

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

11          **(b) The chairperson of the legislative council shall select a**  
 12          **member of the advisory group, including the chairperson of the**  
 13          **legislative council, to serve as the chairperson of the advisory**  
 14          **group. The advisory group shall meet:**

15               **(1) during a state of emergency that the legislative council has**  
 16               **determined has statewide impact; and**

17               **(2) upon the call of the chairperson.**

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

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

24               **(1) must be in writing; and**

25               **(2) requires the affirmative vote of a majority of the members**  
 26               **of the advisory group.**

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

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

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

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

36               **(2) The advisory group shall review, evaluate, and make**  
 37               **recommendations with respect to a state of emergency and**  
 38               **any executive orders issued in response to the state of**

1 emergency.

2 (3) The advisory group shall inform the members of the  
3 general assembly concerning its work, the state of emergency,  
4 and executive orders issued in response to the state of  
5 emergency.

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

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

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

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

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

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

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

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

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

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

37 **Sec. 6. Before discretionary funds deposited into the economic  
38 stimulus fund during a period in which the general assembly is not**

1 convened in a regular session, an emergency session under  
2 IC 2-2.1-1.2, or a special session may be allotted to or expended by  
3 a state agency or instrumentality, the allotment or expenditure  
4 must be reviewed by the budget committee.

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

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

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

18 Page 6, delete lines 1 through 13.

19 Renumber all SECTIONS consecutively.

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

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

Committee Vote: Yeas 8, Nays 4.

**Bray**

**Chairperson**