

this act or any previous acts has not been allotted or encumbered before the expiration of the biennium, the budget agency may determine that the balance of the appropriation is not available for allotment. The appropriation may be terminated, and the balance may revert to the fund from which the original appropriation was made.

SECTION 33. [EFFECTIVE JULY 1, 2021]

The budget agency may retain balances in the mental health fund at the end of any fiscal year to ensure there are sufficient funds to meet the service needs of the developmentally disabled and the mentally ill in any year.

SECTION 34. [EFFECTIVE JULY 1, 2021]

If the budget director determines at any time during the biennium that the executive branch of state government cannot meet its statutory obligations due to insufficient funds in the general fund, then notwithstanding IC 4-10-18, the budget agency, with the approval of the governor and after review by the budget committee, may transfer from the counter-cyclical revenue and economic stabilization fund to the general fund any additional amount necessary to maintain a positive balance in the general fund.

SECTION 35. IC 2-5-1.1-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 20. (a) A transaction is exempted from taxation under IC 6-2.5, IC 6-9-12, and IC 6-9-35 if:

- (1) the transaction is directly related to the 2023 NCSL Legislative Summit of the National Conference of State Legislatures; and**
- (2) the transaction is entered into by the legislative council, the legislative services agency, the National Conference of State Legislatures, or a person that is a sponsor for or a supporter of a function that is part of the published program for that meeting.**

(b) This section expires December 31, 2023.

SECTION 36. IC 4-6-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 15. Opioid Litigation and Settlements

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Opioid" has the meaning set forth in IC 35-48-1-21.**
- (2) "Opioid litigation" means any civil lawsuit, demand, or settlement, including any settlement in lieu of litigation, filed against any opioid party for any cause of action filed for the purpose of redressing the impact of the opioid epidemic to the state or any political subdivision.**
- (3) "Opioid party" means any manufacturer, consultant, marketer, distributor, prescriber, or dispenser of an opioid product.**
- (4) "Political subdivision" has the meaning set forth in IC 34-6-2-110.**

Sec. 2. (a) Except as provided in subsection (b), all political subdivisions shall be considered a party to any settlement, including a settlement in lieu of litigation, in opioid litigation by the attorney general with an opioid party that is finalized with court approval after March 1, 2021.



Except as provided in subsection (b), political subdivisions shall be bound by the terms of any opioid litigation settlement imposed by a bankruptcy court or any other court of competent jurisdiction as accepted by the attorney general.

(b) A political subdivision that has filed opioid litigation on or before January 1, 2021, may opt out of the settlement described in this section and choose to pursue its own claims by submitting written documentation as prescribed in subsection (c) to the attorney general by June 30, 2021. Except as provided in subsection (d), any political subdivision that opts out and chooses to maintain its own lawsuit under this section shall have no claim to any state or political subdivision funds paid according to the settlement authorized or approved by the attorney general.

(c) A document submitted by a political subdivision under subsection (b) to opt out of the settlement shall include:

- (1) the name of the political subdivision electing to opt out;
- (2) contact information for an individual at the political subdivision who can provide information regarding the decision to opt out; and
- (3) a certified copy of the resolution adopted by the political subdivision to opt out;

of the settlement.

(d) Notwithstanding subsection (b), a political subdivision may opt back in to a settlement by submission of:

- (1) the name of the political subdivision opting back in;
- (2) contact information for an individual at the political subdivision who can provide information regarding the decision to opt back in; and
- (3) a certified copy of the resolution adopted by the political subdivision to opt back in;

to the settlement to the attorney general by the earlier of sixty (60) days after the political subdivision adopted a resolution to opt out of the settlement or September 30, 2021, whichever occurs first.

(e) A political subdivision that has not made a choice to opt out or that has opted back in to the settlement is bound by full release, waiver, and dismissal of all claims against the opioid party.

(f) No political subdivision has any claim to any settlement proceeds for litigation against any opioid party not yet filed by the state as of the effective date of this chapter, as added by HEA 1001-2021.

Sec. 3. (a) After January 1, 2021, no political subdivision shall initiate or file opioid litigation in any court.

(b) The state and each political subdivision shall be solely responsible for paying all costs, expenses, and attorney's fees arising from opioid litigation brought under their respective authorities, including any attorney's fees owed to private legal counsel, and may not seek payment for reimbursement of such costs, expenses, and attorney's fees from money to be used for treatment, education, and prevention programs for opioid use disorder and any co-occurring substance use disorder or mental health issues. Payment of attorney's fees may be sought from specific attorney's fee, costs, and expenses funds set up by the settlement agreement.

Sec. 4. (a) Funds received from opioid litigation settlements that resolve existing state and political subdivision litigation lawsuits as of January 1, 2021, shall be distributed in the following manner:

- (1) Fifteen percent (15%) to the agency settlement fund established by IC 4-12-16-2 for the benefit of the state.



(2) Fifteen percent (15%) to the agency settlement fund established by IC 4-12-16-2 for distribution to cities, counties, and towns on a per capita basis. For purposes of this subdivision, the population, as determined under IC 1-1-3.5-3(a), of a county is the aggregate population for all unincorporated areas of the county.

(3) Seventy percent (70%) to the agency settlement fund established by IC 4-12-16-2 to be used for statewide treatment, education, and prevention programs for opioid use disorder and any co-occurring substance use disorder or mental health issues as defined or required by the settlement documents or court order.

(b) The amount distributed to the agency settlement fund under subsection (a)(2) is annually appropriated to the office of the attorney general to make the distributions described under subsection (a)(2).

(c) The amount distributed to the agency settlement fund under subsection (a)(3) is annually appropriated to the office of the secretary of family and social services for treatment, education, and prevention programs for opioid use disorder and any co-occurring substance use disorder or mental health issues as defined or required by the settlement documents or court order. The office of the secretary of family and social services shall allocate fifty percent (50%) of the funds received annually under this subsection to eligible community-based treatment, education, and prevention programs for opioid use disorder and any co-occurring substance use disorder or mental health issues. The office of the secretary of family and social services shall divide the state into regions based on population and ensure that funds are awarded to participating entities in each region of the state. Data from calendar years beginning after December 31, 2017, and ending before January 1, 2021, related to opioid use disorder during those calendar years, including overdoses and deaths, may be considered in the process of determining regional funding allocations under this subsection. The office of the secretary of family and social services may adopt rules under IC 4-22-2 to define the regions within the state and for determining a process for the application and awarding of funds. Before the remaining fifty percent (50%) of the funds received under this subsection may be distributed, the office of the secretary of family and social services shall submit a distribution plan to the budget committee for review.

(d) All entities receiving settlement funds to be used for treatment, education, and prevention programs for opioid use disorder and any co-occurring substance use disorder or mental health issues shall monitor the use of those funds and provide an annual report to the office of the secretary of family and social services not later than a date determined by the office of the secretary of family and social services.

(e) The office of the secretary of family and social services shall compile and submit an annual comprehensive report of the information received under subsection (d) to the general assembly in an electronic format under IC 5-14-6 not later than October 1 of each year identifying all funds committed and used as specified by any settlement documents or court order.

SECTION 37. IC 4-9.1-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:
Sec. 1. The ~~governor~~, **budget director or the budget director's designee**, the auditor of state, and the treasurer of state constitute the state board of finance, referred to as the "board" in this chapter. The board has advisory supervision of the safekeeping of all funds coming into the state treasury and all other funds belonging to the state coming into the possession of any state officer or agency.

SECTION 38. IC 4-10-22-1, AS AMENDED BY P.L.146-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) After the end of the state fiscal year

