

HOUSE BILL No. 1123

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-2.1-1-4; IC 10-14-3-12.

Synopsis: State of disaster emergencies. Provides that a state of disaster emergency may not continue for longer than 30 days unless the state of disaster emergency is renewed for an additional 30 days by the governor and the general assembly is in session or the governor has called for a special session under Article 4, Section 9 of the Constitution of the State of Indiana. Provides that, after the initial 30 day renewal of the state of disaster emergency, any subsequent renewal or revision of the state of disaster emergency may be renewed or revised by the governor every 30 days. Provides that the state of disaster emergency is terminated if, during any 60 day period while the state of disaster emergency is in effect, the general assembly has not been in session or the governor has not called for a special session under Article 4, Section 9 of the Constitution of the State of Indiana. 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.

Effective: July 1, 2021.

Lehman, Smaltz, Pressel

January 4, 2021, read first time and referred to Committee on Rules and Legislative Procedures.



First Regular Session of the 122nd General Assembly (2021)

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 BILL No. 1123

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

1 SECTION 1. IC 2-2.1-1-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. **Convening**, Length,
3 and Frequency of Sessions: Special Session. A special session of the
4 General Assembly, called by the Governor as provided in Article 4,
5 section 9 of the Constitution of the State of Indiana:

6 (1) **may convene at any time during the thirty (30) days after**
7 **which the Governor issues a proclamation that calls for a**
8 **special session of the general assembly; and**
9 (2) shall continue for not more than thirty (30) session days nor
10 more than forty (40) calendar days following the day upon which
11 it is commenced.

12 SECTION 2. IC 10-14-3-12, AS AMENDED BY P.L.90-2010,
13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2021]: Sec. 12. (a) The governor shall declare a disaster
15 emergency by executive order ~~or proclamation~~ if the governor
16 determines that a disaster has occurred or that the occurrence or the
17 threat of a disaster is imminent. **Except as provided in subsection (b),**



1 the state of disaster emergency continues until the governor:

2 (1) determines that the threat or danger has passed or the disaster
3 has been dealt with to the extent that emergency conditions no
4 longer exist; and

5 (2) terminates the state of disaster emergency by executive order.
6 ~~or proclamation.~~

7 **An executive order issued under this section must indicate the**
8 **nature of the disaster, the area or areas threatened, and the**
9 **conditions which have brought the disaster about or that make**
10 **possible termination of the state of disaster emergency. An**
11 **executive order under this section shall be disseminated promptly**
12 **by means calculated to bring the order's contents to the attention**
13 **of the general public. Unless the circumstances attendant upon the**
14 **disaster prevent or impede, an executive order shall be promptly**
15 **filed with the secretary of state and with the clerk of the city or**
16 **town affected or with the circuit court clerk of the county affected.**

17 (b) A state of disaster emergency **issued under subsection (a)** may
18 not continue for longer than thirty (30) days unless the state of disaster
19 emergency is renewed **for an additional thirty (30) days** by the
20 governor **and:**

21 (1) **the general assembly is in session (as defined in**
22 **IC 2-2.1-1-1); or**

23 (2) **the governor has called for a special session under Article**
24 **4, Section 9 of the Constitution of the State of Indiana, as**
25 **described in IC 2-2.1-1-4.**

26 **After the initial renewal of a state of disaster emergency under this**
27 **subsection, any subsequent renewal or revision of the state of**
28 **disaster emergency must comply with the requirements set forth**
29 **in subsection (c).**

30 (c) **After the initial renewal of a state of disaster emergency**
31 **under subsection (b), the following apply to any subsequent**
32 **renewal or revision of the state of disaster emergency:**

33 (1) **Subject to the requirements under subdivision (2), the**
34 **state of disaster emergency may be renewed or revised by the**
35 **governor every thirty (30) days.**

36 (2) **The state of disaster emergency is terminated if during any**
37 **sixty (60) day period while the state of disaster emergency is**
38 **in effect:**

39 (A) **the general assembly has not been in session (as defined**
40 **in IC 2-2.1-1-1); or**

41 (B) **the governor has not called for a special session under**
42 **Article 4, Section 9 of the Constitution of the State of**



Indiana, as described in IC 2-2.1-1-4.

(d) **In addition to the termination of a state of disaster emergency described in subsection (c)(2),** the general assembly, by concurrent resolution, may **also** terminate a state of disaster emergency at any time. If the general assembly terminates a state of disaster emergency under this subsection, the governor shall issue an executive order ~~or proclamation~~ ending the state of disaster emergency **in a manner described under subsection (a).** ~~All executive orders or proclamations issued under this subsection must indicate the nature of the disaster, the area or areas threatened, and the conditions which have brought the disaster about or that make possible termination of the state of disaster emergency. An executive order or proclamation under this subsection shall be disseminated promptly by means calculated to bring the order's or proclamation's contents to the attention of the general public. Unless the circumstances attendant upon the disaster prevent or impede, an executive order or proclamation shall be promptly filed with the secretary of state and with the clerk of the city or town affected or with the clerk of the circuit court.~~

(e) **An executive order renewed or revised under this section that does not comply with the requirements of this section is void.**

~~(b)~~ (f) An executive order ~~or proclamation~~ of a state of disaster emergency:

(1) activates the disaster response and recovery aspects of the state, local, and interjurisdictional disaster emergency plans applicable to the affected political subdivision or area; and

(2) is authority for:

(A) deployment and use of any forces to which the plan or plans apply; and

(B) use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available under this chapter or under any other law relating to disaster emergencies.

~~(e)~~ (g) During the continuance of any state of disaster emergency, the governor is commander-in-chief of the organized and unorganized militia and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or regulations. This section does not restrict the governor's authority to delegate or assign command authority by orders issued at the time of the disaster emergency.

~~(d)~~ (h) In addition to the governor's other powers, the governor may do the following while the state of emergency exists:



- 1 (1) Suspend the provisions of any regulatory statute prescribing
 2 the procedures for conduct of state business, or the orders, rules,
 3 or regulations of any state agency if strict compliance with any of
 4 these provisions would in any way prevent, hinder, or delay
 5 necessary action in coping with the emergency.
- 6 (2) Use all available resources of the state government and of
 7 each political subdivision of the state reasonably necessary to
 8 cope with the disaster emergency.
- 9 (3) Transfer the direction, personnel, or functions of state
 10 departments and agencies or units for performing or facilitating
 11 emergency services.
- 12 (4) Subject to any applicable requirements for compensation
 13 under section 31 of this chapter, commandeer or use any private
 14 property if the governor finds this action necessary to cope with
 15 the disaster emergency.
- 16 (5) Assist in the evacuation of all or part of the population from
 17 any stricken or threatened area in Indiana if the governor
 18 considers this action necessary for the preservation of life or other
 19 disaster mitigation, response, or recovery.
- 20 (6) Prescribe routes, modes of transportation, and destinations in
 21 connection with evacuation.
- 22 (7) Control ingress to and egress from a disaster area, the
 23 movement of persons within the area, and the occupancy of
 24 premises in the area.
- 25 (8) Suspend or limit the sale, dispensing, or transportation of
 26 alcoholic beverages, explosives, and combustibles.
- 27 (9) Make provision for the availability and use of temporary
 28 emergency housing.
- 29 (10) Allow persons who:
 30 (A) are registered as volunteer health practitioners by an
 31 approved registration system under IC 10-14-3.5; or
 32 (B) hold a license to practice:
 33 (i) medicine;
 34 (ii) dentistry;
 35 (iii) pharmacy;
 36 (iv) nursing;
 37 (v) engineering;
 38 (vi) veterinary medicine;
 39 (vii) mortuary service; and
 40 (viii) similar other professions as may be specified by the
 41 governor;
 42 to practice their respective profession in Indiana during the period



1 of the state of emergency if the state in which a person's license
2 or registration was issued has a mutual aid compact for
3 emergency management with Indiana.
4 (11) Give specific authority to allocate drugs, foodstuffs, and
5 other essential materials and services.

