



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1123 be amended to read as follows:

1           Page 5, between lines 6 and 7, begin a new paragraph and insert:  
2           "SECTION 7. IC 10-14-3-12, AS AMENDED BY P.L.90-2010,  
3           SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2021]: Sec. 12. (a) The governor shall declare a disaster  
5           emergency by executive order or proclamation if the governor  
6           determines that a disaster has occurred or that the occurrence or the  
7           threat of a disaster is imminent. The state of disaster emergency  
8           continues until the governor:  
9                (1) determines that the threat or danger has passed or the disaster  
10              has been dealt with to the extent that emergency conditions no  
11              longer exist; and  
12              (2) terminates the state of disaster emergency by executive order  
13              or proclamation.  
14           A state of disaster emergency may not continue for longer than thirty  
15           (30) days. ~~unless the state of disaster emergency is renewed by the~~  
16           ~~governor.~~ The general assembly, by ~~concurrent~~ **joint** resolution, may  
17           terminate a state of disaster emergency at any time. If the general  
18           assembly terminates a state of disaster emergency under this subsection  
19           **through a joint resolution, the governor shall issue an executive order**  
20           **or proclamation ending the state of disaster emergency is terminated**  
21           **and the executive order or proclamation is null and void. All**

1 executive orders or proclamations issued under this subsection must  
2 indicate the nature of the disaster, the area or areas threatened, and the  
3 conditions which have brought the disaster about or that make possible  
4 termination of the state of disaster emergency. An executive order or  
5 proclamation under this subsection shall be disseminated promptly by  
6 means calculated to bring the order's or proclamation's contents to the  
7 attention of the general public. Unless the circumstances attendant  
8 upon the disaster prevent or impede, an executive order or  
9 proclamation shall be promptly filed with the secretary of state and  
10 with the clerk of the city or town affected or with the clerk of the circuit  
11 court.

12 (b) An executive order or proclamation of a state of disaster  
13 emergency:

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

17 (2) is authority for:

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

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

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

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

34 (1) Suspend the provisions of any regulatory statute prescribing  
35 the procedures for conduct of state business, or the orders, rules,  
36 or regulations of any state agency if strict compliance with any of  
37 these provisions would in any way prevent, hinder, or delay  
38 necessary action in coping with the emergency.

39 (2) Use all available resources of the state government and of  
40 each political subdivision of the state reasonably necessary to  
41 cope with the disaster emergency.

42 (3) Transfer the direction, personnel, or functions of state  
43 departments and agencies or units for performing or facilitating  
44 emergency services.

45 (4) Subject to any applicable requirements for compensation  
46 under section 31 of this chapter, commandeer or use any private

- 1 property if the governor finds this action necessary to cope with
- 2 the disaster emergency.
- 3 (5) Assist in the evacuation of all or part of the population from
- 4 any stricken or threatened area in Indiana if the governor
- 5 considers this action necessary for the preservation of life or other
- 6 disaster mitigation, response, or recovery.
- 7 (6) Prescribe routes, modes of transportation, and destinations in
- 8 connection with evacuation.
- 9 (7) Control ingress to and egress from a disaster area, the
- 10 movement of persons within the area, and the occupancy of
- 11 premises in the area.
- 12 (8) Suspend or limit the sale, dispensing, or transportation of
- 13 alcoholic beverages, explosives, and combustibles.
- 14 (9) Make provision for the availability and use of temporary
- 15 emergency housing.
- 16 (10) Allow persons who:
- 17 (A) are registered as volunteer health practitioners by a
- 18 approved registration system under IC 10-14-3.5; or
- 19 (B) hold a license to practice:
- 20 (i) medicine;
- 21 (ii) dentistry;
- 22 (iii) pharmacy;
- 23 (iv) nursing;
- 24 (v) engineering;
- 25 (vi) veterinary medicine;
- 26 (vii) mortuary service; and
- 27 (viii) similar other professions as may be specified by the
- 28 governor;
- 29 to practice their respective profession in Indiana during the period
- 30 of the state of emergency if the state in which a person's license
- 31 or registration was issued has a mutual aid compact for
- 32 emergency management with Indiana.
- 33 (11) Give specific authority to allocate drugs, foodstuffs, and
- 34 other essential materials and services."
- 35 Renumber all SECTIONS consecutively.
- (Reference is to HB 1123 as printed February 4, 2021.)

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Representative Nisly