



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WITHDRAWN	Noes _____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 10-14-3-7, AS AMENDED BY P.L.1-2006,
- 3 SECTION 175, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Because of the existing
- 5 and increasing possibility of disasters or emergencies of unprecedented
- 6 size and destructiveness that may result from manmade or natural
- 7 causes, to ensure that Indiana will be adequately prepared to deal with
- 8 disasters or emergencies or to prevent or mitigate those disasters where
- 9 possible, generally to provide for the common defense, to protect the
- 10 public peace, health, and safety, and to preserve the lives and property
- 11 of the people of the state, it is found and declared to be necessary:
- 12 (1) to provide for emergency management under the department
- 13 of homeland security;
- 14 (2) to create local emergency management departments and to
- 15 authorize and direct disaster and emergency management
- 16 functions in the political subdivisions of the state;
- 17 (3) to confer upon the ~~governor and upon the executive heads or~~
- 18 governing bodies of the political subdivisions of the state the
- 19 emergency powers provided in this chapter;
- 20 (4) to provide for the rendering of mutual aid among the political
- 21 subdivisions of the state, with other states, and with the federal

- 1 government to carry out emergency, disaster, or emergency
 2 management functions; and
 3 (5) to authorize the establishment of organizations and the
 4 implementation of steps that are necessary and appropriate to
 5 carry out this chapter.
- 6 (b) It is also the purpose of this chapter and the policy of the state
 7 to:
- 8 (1) coordinate all emergency management functions of this state
 9 to the maximum extent with the comparable functions of:
- 10 (A) the federal government, including the federal government's
 11 various departments and agencies;
 12 (B) other states and localities; and
 13 (C) private agencies of every type;
 14 so that the most effective preparation and use may be made of the
 15 nation's manpower, resources, and facilities for dealing with any
 16 disaster that may occur;
- 17 (2) prepare for prompt and efficient rescue, care, and treatment of
 18 persons victimized or threatened by disaster;
- 19 (3) provide a setting conducive to the rapid and orderly start of
 20 restoration and rehabilitation of persons and property affected by
 21 disasters;
- 22 (4) clarify and strengthen the roles of the:
- 23 (A) governor;
 24 (B) state agencies; and
 25 (C) local governments;
 26 in the prevention of, preparation for, response to, and recovery
 27 from disasters;
- 28 (5) authorize and provide cooperation between departments of
 29 government in:
- 30 (A) disaster prevention;
 31 (B) preparedness;
 32 (C) response; and
 33 (D) recovery;
- 34 (6) authorize and provide coordination of activities relating to:
- 35 (A) disaster prevention;
 36 (B) preparedness;
 37 (C) response; and
 38 (D) recovery;
- 39 by agencies and officers of Indiana, and similar state-local,
 40 interstate, federal-state, and foreign activities in which the state
 41 and its political subdivisions may participate; and
- 42 (7) provide a disaster management system embodying all aspects
 43 of pre-disaster preparedness, disaster operations, and post-disaster
 44 response.

45 SECTION 8. IC 10-14-3-12, AS AMENDED BY P.L.90-2010,
 46 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 UPON PASSAGE]: Sec. 12. ~~(a)~~ The governor shall declare a disaster
 2 emergency by executive order or proclamation if the governor
 3 determines that a disaster has occurred or that the occurrence or the
 4 threat of a disaster is imminent. The state of disaster emergency
 5 continues until the governor:

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

9 (2) terminates the state of disaster emergency by executive order
 10 or proclamation.

11 A state of disaster emergency may not continue for longer than thirty
 12 (30) days unless the state of disaster emergency is renewed by the
 13 governor. The general assembly, by concurrent resolution, may
 14 terminate a state of disaster emergency at any time. If the general
 15 assembly terminates a state of disaster emergency under this
 16 subsection, the governor shall issue an executive order or proclamation
 17 ending the state of disaster emergency. All executive orders or
 18 proclamations issued under this subsection must indicate the nature of
 19 the disaster, the area or areas threatened, and the conditions which have
 20 brought the disaster about or that make possible termination of the state
 21 of disaster emergency. An executive order or proclamation under this
 22 subsection shall be disseminated promptly by means calculated to bring
 23 the order's or proclamation's contents to the attention of the general
 24 public. Unless the circumstances attendant upon the disaster prevent or
 25 impede, an executive order or proclamation shall be promptly filed
 26 with the secretary of state and with the clerk of the city or town affected
 27 or with the clerk of the circuit court.

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

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

33 ~~(2) is authority for:~~

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

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

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

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

- 1 or registration was issued has a mutual aid compact for
 2 emergency management with Indiana.
- 3 (H) Give specific authority to allocate drugs, foodstuffs, and
 4 other essential materials and services.
- 5 SECTION 9. IC 10-14-3-13 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) In addition
 7 to the governor's existing powers and duties, the governor has the
 8 duties and special energy emergency powers set forth in this section;
 9 subject to the limitations in this chapter.
- 10 (b) The governor may, upon finding that an energy emergency
 11 exists, proclaim a state of energy emergency at which time all the
 12 general and specific emergency powers specified in this section and
 13 section 14 of this chapter become effective.
- 14 (c) A proclamation issued under this section and any order or rule
 15 issued as a result of the proclamation continues in effect until sixty (60)
 16 days after the date of the proclamation of the energy emergency unless
 17 the governor rescinds the proclamation and declares the energy
 18 emergency ended before the expiration of the sixty (60) day period.
- 19 (d) The governor may not renew or extend a proclamation more than
 20 once without approval of the general assembly.
- 21 (e) The conditions of an energy emergency cease when the governor
 22 declares the end of an energy emergency.
- 23 (f) In a declared state of energy emergency, the governor may do the
 24 following:
- 25 (1) Implement programs, controls, standards, priorities, and
 26 quotas for the conservation and consumption of energy, including
 27 plans and commission regulations for the curtailment of energy if
 28 the governor imposes controls, quotas, or curtailments according
 29 to the nature of the end use to be made of the energy consistent
 30 with existing transmission and distribution systems serving the
 31 geographic area affected by the energy emergency.
- 32 (2) Suspend and modify state pollution control standards and
 33 requirements affecting or affected by the use of energy, including
 34 standards or requirements relating to air or water quality control.
- 35 (3) Establish and implement intrastate regional programs and
 36 agreements for the purposes of coordinating the energy program
 37 and actions of the state with the federal government and other
 38 states, localities, and other persons.
- 39 (4) Designate the execution and enforcement of emergency orders
 40 to a state agency that regulates the energy form, resource, or
 41 suppliers that are the subject of the proclaimed emergency.
- 42 (5) Suspend the provisions of any state statute regulating
 43 transportation or the orders or rules of any state agency if strict
 44 compliance with any of the provisions would prevent, hinder, or
 45 delay necessary action in coping with the energy emergency.
- 46 (g) Restrictions, curtailments, or adjustments under subsection (f)

- 1 must:
- 2 (1) be ordered and continue only as long as demonstrably
- 3 necessary for the maintenance of essential services or
- 4 transportation or for the continued operation of the economy but
- 5 not longer than the proclamation's duration;
- 6 (2) be applied as uniformly as practicable within each class of
- 7 suppliers and consumers and without discrimination within a
- 8 class; and
- 9 (3) give due consideration to:
- 10 (A) the implementation of involuntary measures only after
- 11 voluntary measures have been determined to be ineffective;
- 12 (B) protection of public health and safety;
- 13 (C) maintenance of vital activities, including but not limited to
- 14 food, shelter, fuel, and medical care;
- 15 (D) minimization of economic impact on commercial, retail,
- 16 professional, agricultural, and service establishments;
- 17 (E) cooperation with other state, local, and federal
- 18 governments to avoid duplicating efforts; and
- 19 (F) maintenance of public information channels.
- 20 (h) This section does not mean that any program, control, standard,
- 21 priority quota, or other policy created under the authority of the
- 22 emergency powers authorized by this section has any continuing legal
- 23 effect after the cessation of a declared state of energy emergency.
- 24 (i) Except as provided in this section, this chapter does not exempt
- 25 a person from compliance with the provisions of any other law, rule, or
- 26 directive unless:
- 27 (1) specifically ordered by the governor; or
- 28 (2) impossibility of compliance is a direct result of the governor's
- 29 order.
- 30 (j) (f) A proclamation issued under this section shall be:
- 31 (1) disseminated promptly and in a manner calculated to inform
- 32 the general public of its contents; and
- 33 (2) filed promptly with the secretary of state and the clerk of each
- 34 circuit court of Indiana.
- 35 SECTION 10. IC 10-14-3-14 IS AMENDED TO READ AS
- 36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) In
- 37 determining whether to declare an energy emergency under section 13
- 38 of this chapter, the governor shall consider:
- 39 (1) the availability of regional and national energy resources;
- 40 (2) local, state, regional, and national energy needs and shortages;
- 41 (3) the availability of short term alternative supplies on a local,
- 42 state, regional, and national basis;
- 43 (4) the economic effect of the declaration and the implementation
- 44 of any curtailment or conservation plans; and
- 45 (5) any other relevant factors.
- 46 (b) To protect the public welfare during conditions of energy

1 emergencies proclaimed under section 13 of this chapter; the governing
 2 body of each city, town, or political subdivision of the state and each
 3 state agency (including the utility regulatory commission) shall carry
 4 out in the body's or agency's jurisdiction energy supply emergency
 5 measures ordered by the governor.

6 (c) To attain uniformity throughout the country in measures taken
 7 to aid in energy crisis management, all:

8 (1) action taken under this section and section 13 of this chapter;
 9 and

10 (2) orders and rules made under this section and section 13 of this
 11 chapter;

12 must be taken or made consistent with federal orders, rules, actions,
 13 recommendations, and requests.

14 (d) A person shall comply with a specific order issued or action
 15 taken by the governor under this section or section 13 of this chapter.

16 (e) During a state of energy emergency proclaimed under section 13
 17 of this chapter, the governor may:

18 (1) subpoena:

19 (A) witnesses;

20 (B) material;

21 (C) relevant books;

22 (D) papers;

23 (E) accounts;

24 (F) records; and

25 (G) memoranda;

26 (2) administer oaths; and

27 (3) cause the depositions of persons residing within or outside
 28 Indiana to be taken in the manner prescribed for depositions in
 29 civil actions;

30 to obtain information relevant to energy resources that are the subject
 31 of the proclaimed emergency.

32 (f) In obtaining information under subsection (e), the governor shall:

33 (1) avoid eliciting information already furnished by a person or
 34 political subdivision in Indiana to a federal, state, or local
 35 regulatory authority that is available for the governor's study; and

36 (2) cause reporting procedures, including forms, to conform to
 37 existing requirements of federal, state, and local regulatory
 38 authorities wherever possible.

39 (g) Information obtained under this section from a person who
 40 designates that information as confidential shall be maintained as
 41 confidential by the governor and by any person who obtains
 42 information that the person knows to be confidential under this chapter.
 43 The governor may not make known in any manner any particulars of
 44 information to persons other than those specified in subsection (j).

45 (h) This section does not prohibit the use of confidential information
 46 to prepare statistics or other general data for publication if the

1 information is presented in a manner that prevents identification of the
 2 particular persons:
 3 (i) A person who is served with a subpoena to:
 4 (1) give testimony orally or in writing; or
 5 (2) produce books, papers, correspondence, memoranda,
 6 agreements, or other documents or records;
 7 under this chapter may apply to an Indiana court for protection against
 8 abuse or hardship in the manner provided by law.
 9 (j) For purposes of this section, references to the governor in this
 10 section include any other individual designated in writing by the
 11 governor. A person designated by the governor shall preserve the
 12 confidentiality of information in accordance with subsection (g).
 13 (k) The powers vested in the governor under this section and section
 14 13 of this chapter are in addition to and not instead of emergency
 15 powers vested in the governor under this chapter or any other state law.
 16 (l) The governor may authorize the incurring of liabilities and
 17 expenses to be paid as other claims against the state from the general
 18 fund in the amount necessary if:
 19 (1) an energy emergency is declared by the governor; and
 20 (2) the energy emergency justifies the expenditure;
 21 in accordance with section 28 of this chapter for other emergency or
 22 disaster expenditures."
 23 Page 5, delete lines 19 through 42.
 24 Page 6, delete lines 1 through 13.
 25 Renumber all SECTIONS consecutively.
 (Reference is to HB 1123 as printed February 4, 2021.)

Representative Nisly