



SENATE MOTION

MADAM PRESIDENT:

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

- 1 Page 7, between lines 30 and 31, begin a new paragraph and insert:
2 "SECTION 7. IC 10-14-3-1, AS AMENDED BY P.L.22-2005,
3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 1. (a) As used in this chapter, "disaster"
5 means an occurrence or imminent threat of widespread or severe
6 damage, injury, or loss of life or property resulting from any natural
7 phenomenon or human act.
8 (b) The term includes any of the following:
9 (1) Fire.
10 (2) Flood.
11 (3) Earthquake.
12 (4) Windstorm.
13 (5) Snowstorm.
14 (6) Ice storm.
15 (7) Tornado.
16 (8) Wave action.
17 (9) Oil spill.
18 (10) Other water contamination requiring emergency action to
19 avert danger or damage.
20 (11) Air contamination.
21 (12) Drought.
22 (13) Explosion.
23 (14) Technological emergency.
24 (15) Utility failure.
25 (16) Critical shortages of essential fuels or energy.
26 (17) Major transportation accident.

- 1 (18) Hazardous material or chemical incident.
 2 (19) Radiological incident.
 3 (20) Nuclear incident.
 4 (21) Biological incident.
 5 ~~(22) Epidemic.~~
 6 ~~(23) Public health emergency.~~
 7 ~~(24) (22) Animal disease event requiring emergency action.~~
 8 ~~(25) (23) Blight.~~
 9 ~~(26) (24) Infestation.~~
 10 ~~(27) (25) Riot.~~
 11 ~~(28) (26) Hostile military or paramilitary action.~~
 12 ~~(29) (27) Act of terrorism.~~
 13 ~~(30) Any other public calamity requiring emergency action.~~

14 SECTION 8. IC 10-14-3-19, AS AMENDED BY P.L.71-2013,
 15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 UPON PASSAGE]: Sec. 19. (a) The governor, or the executive director
 17 at the request of the governor, may establish the number of mobile
 18 support units necessary to respond to a disaster, ~~public health~~
 19 ~~emergency~~, public safety emergency, or other event that requires
 20 emergency action. A mobile support unit may consist of one (1) or
 21 more individuals. The executive director shall appoint a commander for
 22 each unit who has primary responsibility for the:

- 23 (1) organization;
 24 (2) administration; and
 25 (3) operation;

26 of the unit. Mobile support units shall be called to duty for training, an
 27 exercise, or a response upon orders of the governor or the executive
 28 director and shall perform the units' functions in any part of Indiana or
 29 in other states, upon the conditions specified in this section. The term
 30 of this duty shall be for a limited period of not more than sixty (60)
 31 days. However, the executive director may renew the duty orders for
 32 successive periods of not more than sixty (60) days if necessary for the
 33 mobile support unit to participate in or respond to the event. Members
 34 serving on the mobile support units are immune from discipline or
 35 termination by the members' employers for serving in the units.

36 (b) An individual selected to serve as a member of a mobile support
 37 unit may be unemployed, retired, self-employed, or employed:

- 38 (1) in any capacity, including:
 39 (A) emergency management;
 40 (B) fire services;
 41 (C) emergency medical services;
 42 (D) law enforcement;
 43 (E) public health;
 44 (F) medicine;
 45 (G) public works; or
 46 (H) mental health; and

- 1 (2) by any employer, including:
- 2 (A) the federal government;
- 3 (B) the state;
- 4 (C) a political subdivision; or
- 5 (D) a business or organization.
- 6 (c) While on duty for training, an exercise, or a response, an
- 7 individual serving as a member of a mobile support unit, whether
- 8 within or outside Indiana:
- 9 (1) if the individual is an employee of the state or a political
- 10 subdivision of the state, whether serving within or outside the
- 11 political subdivision, has the:
- 12 (A) powers;
- 13 (B) duties;
- 14 (C) rights;
- 15 (D) privileges; and
- 16 (E) immunities;
- 17 and shall receive the compensation and benefits incidental to the
- 18 individual's employment; and
- 19 (2) if the individual is not an employee of the state or a political
- 20 subdivision of the state, is:
- 21 (A) entitled to the same rights and immunities that are
- 22 provided for an employee of the state; and
- 23 (B) notwithstanding section 15(c) of this chapter, considered
- 24 to be a temporary employee of the state for purposes of the
- 25 worker's compensation law (IC 22-3-2 through IC 22-3-6) and
- 26 the worker's occupational diseases law (IC 22-3-7).
- 27 An individual described in this subsection is considered an emergency
- 28 management worker for purposes of section 15 of this chapter.
- 29 (d) If a mobile support unit is deployed outside Indiana under the
- 30 emergency management assistance compact, an individual serving as
- 31 a member of the mobile support unit who is not an employee of the
- 32 state is considered an employee of the state for purposes of the
- 33 compact.
- 34 (e) Personnel of mobile support units, while on duty, are subject to
- 35 the operational control of the authority in charge of emergency
- 36 management activities in the area in which the personnel are serving.
- 37 (f) The state may reimburse a political subdivision for:
- 38 (1) the compensation paid and actual and necessary travel,
- 39 subsistence, and maintenance expenses of an employee of the
- 40 political subdivision while the employee is serving as a member
- 41 of a mobile support unit;
- 42 (2) all payments for death, disability, or injury of an employee
- 43 incurred in the course of duty while the employee was serving as
- 44 a member of a mobile support unit;
- 45 (3) all losses of or damage to supplies and equipment of the
- 46 political subdivision or the employee incurred while the employee

1 was serving as a member of a mobile support unit; and
 2 (4) the cost of a backfill employee necessary for the political
 3 subdivision to fill the position and perform the duties of an
 4 employee deployed on a mobile support unit to assist another state
 5 under the Emergency Management Assistance Compact, but only
 6 if and to the extent the cost of the backfill employee represents an
 7 extra cost to the political subdivision.

8 (g) For an individual of a mobile support unit who is not an
 9 employee of the state or a political subdivision, the state may:

10 (1) compensate the individual:

11 (A) at a rate of pay approved by the executive director;

12 (B) by reimbursing the individual for the actual and necessary:

13 (i) travel;

14 (ii) subsistence; and

15 (iii) maintenance;

16 expenses of the individual of the mobile support unit incurred
 17 while the individual is on duty as a member of a mobile
 18 support unit; and

19 (C) for all losses of or damage to supplies and equipment of
 20 the individual incurred while the individual is on duty as a
 21 member of a mobile support unit; or

22 (2) reimburse the individual's employer for:

23 (A) the compensation paid and the actual and necessary:

24 (i) travel;

25 (ii) subsistence; and

26 (iii) maintenance;

27 expenses of the employee while the employee is on duty as a
 28 member of a mobile support unit; and

29 (B) all losses of or damage to supplies and equipment of the
 30 employer or the employee incurred in the course of duty while
 31 the employee was on duty as a member of a mobile support
 32 unit.

33 (h) An officer or employee of the state by virtue of employment is
 34 subject to assignment:

35 (1) on a permanent basis to a mobile support unit in accordance
 36 with the state:

37 (A) emergency management program; and

38 (B) emergency operations plan; or

39 (2) on a temporary basis to an emergency management activity to
 40 meet a particular need in the event of an emergency.

41 Refusal to accept and perform the duties of an assignment constitutes

- 1 grounds for dismissal from state employment."
- 2 Renumber all SECTIONS consecutively.
(Reference is to EHB 1123 as printed March 22, 2021.)

Senator BOOTS