



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 10-14-3-12, AS AMENDED BY P.L.90-2010,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: 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 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
19 subsection, the governor shall issue an executive order or proclamation
20 ending the state of disaster emergency. All executive orders or
21 proclamations issued under this subsection must indicate the nature of
22 the disaster, the area or areas threatened, and the conditions which have
23 brought the disaster about ~~or~~ **and** that make possible termination of the
24 state of disaster emergency. An executive order or proclamation under
25 this subsection shall be disseminated promptly by means calculated to
26 bring the order's or proclamation's contents to the attention of the
27 general public. Unless the circumstances attendant upon the disaster

1 prevent or impede, an executive order or proclamation shall be
 2 promptly filed with the secretary of state and with the clerk of the city
 3 or town affected or with the clerk of the circuit court.

4 (b) An executive order or proclamation of a state of disaster
 5 emergency:

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

9 (2) is authority for:

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

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

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

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

26 (1) Suspend the provisions of any regulatory statute prescribing
 27 the procedures for conduct of state business, or the orders, rules,
 28 or regulations of any state agency if strict compliance with any of
 29 these provisions would in any way prevent, hinder, or delay
 30 necessary action in coping with the emergency.

31 (2) Use all available resources of the state government and of
 32 each political subdivision of the state reasonably necessary to
 33 cope with the disaster emergency, **subject to subsection (e).**

34 (3) Transfer the direction, personnel, or functions of state
 35 departments and agencies or units for performing or facilitating
 36 emergency services.

37 ~~(4) Subject to any applicable requirements for compensation~~
 38 ~~under section 31 of this chapter, commandeer or use any private~~
 39 ~~property if the governor finds this action necessary to cope with~~
 40 ~~the disaster emergency.~~

41 ~~(5)~~ (4) Assist in the **voluntary** evacuation of all or part of the
 42 population from any stricken or threatened area in Indiana if the
 43 governor considers this action necessary for the preservation of
 44 life or other disaster mitigation, response, or recovery.

45 ~~(6)~~ (5) Prescribe routes, modes of transportation, and destinations
 46 in connection with **voluntary** evacuation.

- 1 (7) (6) Control ingress to and egress from a disaster area, the
 2 movement of persons within the area, and the occupancy of
 3 premises in the area, **if the disaster has caused physical damage**
 4 **to the premises or to access roads in the area. However, the**
 5 **governor may not close or restrict the hours of a school,**
 6 **church, or business unless structural damage to the school,**
 7 **church, or business makes occupancy unsafe.**
 8 (8) ~~Suspend or limit the sale, dispensing, or transportation of~~
 9 ~~alcoholic beverages, explosives, and combustibles.~~
 10 (9) (7) Make provision for the availability and use of temporary
 11 emergency housing.
 12 (8) Allow persons who:
 13 (A) are registered as volunteer health practitioners by an
 14 approved registration system under IC 10-14-3.5; or
 15 (B) hold a license to practice:
 16 (i) medicine;
 17 (ii) dentistry;
 18 (iii) pharmacy;
 19 (iv) nursing;
 20 (v) engineering;
 21 (vi) veterinary medicine;
 22 (vii) mortuary service; and
 23 (viii) similar other professions as may be specified by the
 24 governor;
 25 to practice their respective profession in Indiana during the period
 26 of the state of emergency if the state in which a person's license
 27 or registration was issued has a mutual aid compact for
 28 emergency management with Indiana.
 29 (9) Give specific authority to allocate drugs, foodstuffs, and
 30 other essential materials and services.
 31 **(e) Nothing in this section authorizes the governor to require**
 32 **that persons use or wear protective gear, masks, face coverings or**
 33 **shields, or any other specified item or device. Except as provided**
 34 **in subsection (d)(6), nothing in this section authorizes the governor**
 35 **to close or restrict the operation of a school, church, or business."**
 36 Page 7, between lines 35 and 36, begin a new paragraph and insert:
 37 "SECTION 9. IC 16-19-3-9 IS REPEALED [EFFECTIVE UPON
 38 PASSAGE]. ~~Sec. 9: The state department may establish quarantine and~~
 39 ~~may do what is reasonable and necessary for the prevention and~~
 40 ~~suppression of disease.~~
 41 SECTION 10. IC 16-19-3-10 IS REPEALED [EFFECTIVE UPON
 42 PASSAGE]. ~~Sec. 10: The state department may order schools and~~
 43 ~~churches closed and forbid public gatherings when considered~~
 44 ~~necessary to prevent and stop epidemics.~~
 45 SECTION 11. IC 16-20-1-24 IS REPEALED [EFFECTIVE UPON
 46 PASSAGE]. ~~Sec. 24: (a) Local health officers may order schools and~~

1 churches closed and forbid public gatherings when considered
2 necessary to prevent and stop epidemics:

3 (b) An individual who takes action under this section shall comply
4 with state laws and rules."

5 Renumber all SECTIONS consecutively.

(Reference is to EHB 1123 as printed March 22, 2021.)

Senator FREEMAN