

SENATE BILL No. 181

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-2.1-1.5; IC 10-14-3-12.

Synopsis: State disaster emergencies. Establishes a procedure for the general assembly to call itself into session at times not specifically scheduled in statute. Provides that: (1) the initial state of disaster emergency may not continue longer than 30 days following the initial date of the declaration; and (2) a state of disaster emergency may not be renewed or extended by the governor without the approval of the general assembly. Provides that if the governor calls a special session, the special session shall be limited only to consideration of the purpose for which the initial state of disaster emergency was declared.

Effective: July 1, 2021.

Gaskill

January 7, 2021, read first time and referred to Committee on Rules and Legislative Procedure.



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.

SENATE BILL No. 181

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 2-2.1-1.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]:

4 **Chapter 1.5. Initiated Sessions**

5 **Sec. 1. (a) As used in this chapter, "presiding officer" refers to**
6 **the following:**

7 (1) **For the house of representatives, the speaker of the house**
8 **of representatives.**

9 (2) **For the senate, the president pro tempore of the senate.**

10 (b) **As used in this chapter, "requisite number" refers to the**
11 **following:**

12 (1) **For the house of representatives, fifty-one (51) or more**
13 **members.**

14 (2) **For the senate, twenty-six (26) or more members.**

15 (c) **As used in this chapter, "two-thirds (2/3) majority of the**
16 **members" refers to the following:**

17 (1) **For the house of representatives, sixty-seven (67) or more**



- 1 members.
- 2 (2) For the senate, thirty-four (34) or more members.
- 3 **Sec. 2. The general assembly may convene under this chapter if**
- 4 **both of the following apply:**
- 5 (1) The requisite number of members of each house sign a
- 6 petition addressed jointly to the presiding officers requesting
- 7 that the general assembly convene on a date specified in the
- 8 petition.
- 9 (2) The presiding officers file the petition with the secretary
- 10 of state under section 5 of this chapter.
- 11 **Sec. 3. (a) A member who signs a petition under this chapter**
- 12 **must sign and date the petition.**
- 13 (b) Except as provided in subsection (c), the signature of a
- 14 member on a petition expires on the thirtieth day after the date of
- 15 the signature and may not be counted as part of the requisite
- 16 number.
- 17 (c) The signature of a member does not expire as provided in
- 18 subsection (b) if the petition is filed with the secretary of state
- 19 under section 5 of this chapter before the thirtieth day after the
- 20 date of the signature.
- 21 **Sec. 4. (a) The joint rules of the house of representatives and the**
- 22 **senate may prescribe the form of the petition under this chapter.**
- 23 (b) The joint rules may provide for the following:
- 24 (1) Electronic signature of a petition by a member.
- 25 (2) Electronic submission of a petition.
- 26 **Sec. 5. If the presiding officers receive a petition under this**
- 27 **chapter with the requisite number of signatures, the presiding**
- 28 **officers may file the petition with the secretary of state. However,**
- 29 **if the presiding officers receive a petition under this chapter signed**
- 30 **by a two-thirds (2/3) majority of the members, the presiding**
- 31 **officers shall file a petition with the secretary of state.**
- 32 **Sec. 6. (a) This section applies only if the presiding officers file**
- 33 **a petition under section 5 of this chapter not later than thirty (30)**
- 34 **days after the earliest date of a signature on the petition.**
- 35 (b) The presiding officers shall convene their respective houses
- 36 in session on the date specified in the petition.
- 37 **Sec. 7. An initiated session may continue for not more than forty**
- 38 **(40) calendar days following the day upon which the session is**
- 39 **convened.**
- 40 SECTION 2. IC 10-14-3-12, AS AMENDED BY P.L.90-2010,
- 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 42 JULY 1, 2021]: Sec. 12. (a) The governor shall declare a disaster



1 emergency by executive order ~~or proclamation~~ if the governor
 2 determines that a disaster has occurred or that the occurrence or the
 3 threat of a disaster is imminent. **Except as provided in subsection (b),**
 4 the state of disaster emergency continues until the ~~governor~~ **earlier of**
 5 **the following:**

6 (1) **The governor:**

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

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

12 (2) **Thirty (30) days after the initial date of the governor's**
 13 **executive order.**

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

24 ~~(b) A state of disaster emergency may not continue for longer than~~
 25 ~~thirty (30) days unless the state of disaster emergency is renewed by the~~
 26 ~~governor. The following apply to the duration of a state of disaster~~
 27 ~~emergency under this section:~~

28 (1) **The initial state of disaster emergency may not continue**
 29 **longer than thirty (30) days following the initial date of the**
 30 **declaration.**

31 (2) **A state of disaster emergency may not be renewed or**
 32 **extended by the governor without the approval of the general**
 33 **assembly. If the governor calls a special session for purpose of**
 34 **this subsection, the special session shall be limited only to**
 35 **consideration of the purpose for which the initial state of**
 36 **disaster emergency was declared.**

37 The general assembly, by concurrent resolution, may terminate a state
 38 of disaster emergency at any time. If the general assembly terminates
 39 a state of disaster emergency under this subsection, the governor shall
 40 issue an executive order ~~or proclamation~~ ending the state of disaster
 41 emergency **as described under subsection (a).** ~~All executive orders or~~
 42 ~~proclamations issued under this subsection must indicate the nature of~~



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

10 ~~(b)~~ **(c)** An executive order or proclamation of a state of disaster
 11 emergency: **renewed or extended under this section:**

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

15 (2) is authority for:

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

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

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

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

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

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

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



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

