



February 19, 2024

---

---

## ENGROSSED SENATE BILL No. 190

---

DIGEST OF SB 190 (Updated February 19, 2024 11:10 am - DI 140)

**Citations Affected:** IC 10-14.

**Synopsis:** State disaster relief fund. Makes changes to the permissible uses for the state disaster relief fund (fund). Makes changes to the requirements for an eligible entity to receive financial assistance from the fund. Makes changes to the calculations used to determine the amount of financial assistance an eligible entity may receive from the fund. Increases, from \$10,000 to \$25,000, the amount of loss that may be compensated for damages to an individual's property. Repeals provisions that: (1) provide a definition of "public facility"; (2) provide limitations for an entity suffering multiple disaster emergencies; and (3) provide requirements for an application of an eligible entity that is an individual to obtain financial assistance from the fund.

**Effective:** July 1, 2024.

---

---

**Carrasco, Walker K, Rogers, Alting,  
Doriot, Freeman, Randolph Lonnie M,  
Buck, Niezgodski**

(HOUSE SPONSORS — DAVIS, MELTZER, MCGUIRE)

---

---

January 9, 2024, read first time and referred to Committee on Homeland Security and Transportation.

January 16, 2024, reported favorably — Do Pass; reassigned to Committee on Appropriations.

February 1, 2024, reported favorably — Do Pass.

February 5, 2024, read second time, ordered engrossed. Engrossed.

February 6, 2024, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 12, 2024, read first time and referred to Committee on Veterans Affairs and Public Safety.

February 19, 2024, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

---

---

ES 190—LS 6803/DI 116





February 19, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 190

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 10-14-4-4 IS REPEALED [EFFECTIVE JULY 1,  
2 2024]. Sec. 4. As used in this chapter, "public facility" means any:  
3 (1) building or structure;  
4 (2) bridge, road, highway, or public way;  
5 (3) park or recreational facility;  
6 (4) sanitary sewer system or wastewater treatment facility;  
7 (5) drainage or flood control facility;  
8 (6) water treatment, water storage, or water distribution facility;  
9 or  
10 (7) other improvement or infrastructure;  
11 owned by, maintained by, or operated by or on behalf of an eligible  
12 entity.  
13 SECTION 2. IC 10-14-4-5, AS AMENDED BY P.L.57-2008,  
14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2024]: Sec. 5. (a) The state disaster relief fund is established  
16 to provide financial assistance to:  
17 (1) assist eligible entities in paying for:

ES 190—LS 6803/DI 116



- 1 (A) the costs of repairing, replacing, or restoring public  
 2 ~~facilities~~ **property** or individual residential real or personal  
 3 property damaged or destroyed by a disaster; or  
 4 (B) response costs incurred ~~by an eligible entity~~ during a  
 5 disaster; ~~and~~  
 6 (2) allow the agency to pay for response costs incurred by the  
 7 state or a local unit of government at the direction of the agency;  
 8 **and**  
 9 **(3) fund disaster mitigation projects.**  
 10 The agency may provide financial assistance in response to a disaster  
 11 only from the balance in the fund that is unobligated. ~~on the date the~~  
 12 ~~disaster occurs:~~  
 13 (b) The fund consists of the following:  
 14 (1) Money appropriated by the general assembly.  
 15 (2) Money deposited under IC 22-11-14-12(c)(2).  
 16 (c) The agency shall administer the fund. Expenses of administering  
 17 the fund shall be paid from money in the fund. The treasurer of state  
 18 shall invest the money in the fund not currently needed to meet the  
 19 obligations of the fund in the same manner as other public funds may  
 20 be invested.  
 21 (d) Money in the fund at the end of a state fiscal year does not revert  
 22 to the state general fund.  
 23 SECTION 3. IC 10-14-4-6, AS AMENDED BY P.L.71-2013,  
 24 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2024]: Sec. 6. Subject to the restrictions under this chapter,  
 26 the agency may use money in the fund to provide financial assistance  
 27 ~~as follows:~~ **under section 5(a)(1) of this chapter to an eligible entity**  
 28 **that:**  
 29 **(1) has incurred a loss or response cost;**  
 30 **(2) is located in a jurisdiction that:**  
 31 **(A) has declared a local disaster emergency;**  
 32 **(B) requires state assistance to supplement local resources**  
 33 **to effectively respond to the disaster; and**  
 34 **(C) contains territory for which a disaster emergency has**  
 35 **been declared by the governor, if the eligible entity is not**  
 36 **an individual;**  
 37 **(3) has applied to the agency for financial assistance in the**  
 38 **form of a grant; and**  
 39 **(4) complies with all other requirements established by the**  
 40 **agency.**  
 41 ~~(†) To an eligible entity that:~~  
 42 ~~(A) is not an individual;~~



- 1 (B) contains territory for which a disaster emergency has been  
 2 declared by the governor;  
 3 (C) has suffered damage to the entity's public facilities because  
 4 of the disaster for which the disaster emergency was declared;  
 5 (D) has applied to the department for financial assistance in  
 6 the form of a grant; and  
 7 (E) complies with all other requirements established by the  
 8 agency.
- 9 (2) To an eligible entity that:  
 10 (A) is not an individual;  
 11 (B) contributes personnel to a mobile support unit deployed to  
 12 assist another political subdivision in responding to a disaster  
 13 emergency that has been declared by the governor;  
 14 (C) incurs the cost of one (1) or more backfill employees that  
 15 are necessary to fill the position and perform the duties of an  
 16 employee deployed on a mobile support unit;  
 17 (D) has applied to the department for financial assistance in  
 18 the form of a grant; and  
 19 (E) complies with all other requirements established by the  
 20 agency.
- 21 (3) To an eligible entity:  
 22 (A) who is an individual;  
 23 (B) whose primary residence is located in territory for which:  
 24 (i) the United States Small Business Administration declares  
 25 a disaster; and  
 26 (ii) there has been no disaster declaration issued by the  
 27 President of the United States;  
 28 (C) who has suffered damage to the entity's primary residence  
 29 or individual property because of a disaster described in clause  
 30 (B); and  
 31 (D) who complies with all other requirements established by  
 32 the agency.

33 SECTION 4. IC 10-14-4-7, AS AMENDED BY P.L.107-2007,  
 34 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2024]: Sec. 7. (a) This section does not apply to an eligible  
 36 entity that is an individual.

37 (b) Except as provided in section 8 of this chapter, The agency may  
 38 not make a grant to an eligible entity under this section **5(a)(1) of this**  
 39 **chapter** unless the damage to the **entity's public facilities eligible**  
 40 **entity** caused by the disaster exceeds an amount equal to one dollar  
 41 (\$1) multiplied by the population of the **eligible** entity.

42 (c) Except as provided in subsection (d), a grant to an eligible



1 entity under ~~this subsection~~ **section 5(a)(1) of this chapter** may not  
 2 exceed an amount equal to:

3 (1) fifty percent (50%); multiplied by

4 (2) ~~the result of~~

5 ~~(A) the total cost of the damage to the entity's public facilities~~  
 6 ~~eligible entity~~ caused by the disaster, minus

7 ~~(B) an amount equal to one dollar (\$1) multiplied by the~~  
 8 ~~population of the entity.~~

9 **(d) Notwithstanding subsection (c), the percentage used to**  
 10 **calculate the grant amount under subsection (c)(1) may be**  
 11 **increased by five percent (5%) not to exceed a total of sixty-five**  
 12 **percent (65%) if the eligible entity:**

13 **(1) adopts a hazard mitigation plan;**

14 **(2) participates in the national flood insurance program's**  
 15 **community rating system established under 42 U.S.C.**  
 16 **4022(b)(1);**

17 **(3) performs an exercise related to emergency management;**  
 18 **or**

19 **(4) performs a qualifying mitigation activity identified by the**  
 20 **agency in a rule adopted under IC 4-22-2.**

21 SECTION 5. IC 10-14-4-8 IS REPEALED [EFFECTIVE JULY 1,  
 22 2024]. Sec. 8: This section does not apply to an eligible entity that is an  
 23 individual. If the governor declares more than one (+) disaster  
 24 emergency in the same year for territory in an eligible entity, the  
 25 agency may, in addition to a grant under section 7 of this chapter, make  
 26 a grant to the entity under this section if the total cumulative cost of the  
 27 damage to the entity's public facilities caused by the disasters exceeds  
 28 two dollars (\$2) multiplied by the population of the entity. A grant to  
 29 an eligible entity under this section may not exceed:

30 (+) the product of:

31 (A) fifty percent (50%); multiplied by

32 (B) the total cumulative cost of the damage to the entity's  
 33 public facilities caused by all disasters in the year; minus

34 (2) any grants previously made under section 7 of this chapter to  
 35 the entity during the year.

36 SECTION 6. IC 10-14-4-8.5, AS ADDED BY P.L.71-2013,  
 37 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2024]: Sec. 8.5. The agency may make a grant to an eligible  
 39 entity under section ~~6(2)~~ **5(a)(1)** of this chapter for the cost of a backfill  
 40 employee, but only if and to the extent the cost of the backfill employee  
 41 represents extra cost to the political subdivision.

42 SECTION 7. IC 10-14-4-9, AS AMENDED BY P.L.107-2007,



1 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 2 JULY 1, 2024]: Sec. 9. ~~This section does not apply to an eligible entity  
 3 that is an individual.~~ To qualify for a grant under **section 6** of this  
 4 chapter, the ~~executive of an~~ eligible entity must apply to the agency on  
 5 forms provided by the agency. The application must include the  
 6 following:

7 (1) A description and estimated cost of the damage caused by the  
 8 disaster to the ~~entity's public facilities.~~ **entity.**

9 (2) The manner in which the entity intends to use the grant  
 10 money.

11 (3) Any other information required by the agency.

12 SECTION 8. IC 10-14-4-13 IS REPEALED [EFFECTIVE JULY 1,  
 13 2024]. ~~Sec. 13. (a) This section applies only to an eligible entity that is  
 14 an individual.~~

15 ~~(b) To qualify for financial assistance under this chapter, including  
 16 a grant, an eligible entity must apply to the agency on forms provided  
 17 by the agency. The application must include the following:~~

18 ~~(1) A description and estimated cost of the damage caused by the  
 19 disaster to the individual's property.~~

20 ~~(2) The manner in which the individual intends to use the  
 21 financial assistance.~~

22 ~~(3) Any other information required by the agency.~~

23 SECTION 9. IC 10-14-4-14, AS ADDED BY P.L.70-2019,  
 24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2024]: Sec. 14. (a) This section applies only to an eligible  
 26 entity that is an individual.

27 (b) The amount of loss that may be compensated for damages to an  
 28 individual's property:

29 (1) must be at least five hundred dollars (\$500); and

30 (2) may not be more than ~~ten thousand dollars (\$10,000).~~  
 31 **twenty-five thousand dollars (\$25,000).**

32 (c) Only one (1) individual per residence is eligible for  
 33 compensation under this section.



COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred Senate Bill No. 190, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 190 as introduced.)

CRIDER, Chairperson

Committee Vote: Yeas 8, Nays 0

---

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 190, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 190 as printed January 17, 2024.)

MISHLER, Chairperson

Committee Vote: Yeas 12, Nays 0

---

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 190, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 190 as printed February 2, 2024.)

BARTELS

Committee Vote: Yeas 9, Nays 0

