



February 27, 2024

ENGROSSED SENATE BILL No. 234

DIGEST OF SB 234 (Updated February 27, 2024 10:16 am - DI 147)

Citations Affected: IC 10-14.

Synopsis: Disaster emergency. Provides that a state of disaster emergency declared by the governor: (1) that applies to the entire state may not continue for more than 60 days unless a renewal is authorized by the general assembly; and (2) that only applies to part of the state may not continue for more than 30 days unless renewed by the governor. Provides that the renewal of a statewide disaster emergency authorized by the general assembly may continue for not more than 60 days. Specifies that if a state of disaster emergency that applies to the entire state has ended, the governor may not call a new state of disaster emergency that applies to the entire state unless the new disaster is wholly unrelated to the earlier disaster. Defines "wholly unrelated".

Effective: Upon passage.

**Garten, Freeman, Holdman, Raatz, Glick,
Baldwin, Brown L, Gaskill, Busch,
Johnson T, Rogers, Goode, Byrne, Doriot,
Buck, Alexander, Messmer, Koch, Buchanan,
Young M, Crane, Tomes, Deery, Zay,
Maxwell, Niemeyer, Walker K**
(HOUSE SPONSORS — LEHMAN, JETER, LINDAUER, BARTELS)

January 8, 2024, read first time and referred to Committee on Judiciary.
January 18, 2024, amended, reported favorably — Do Pass.
January 22, 2024, read second time, amended, ordered engrossed.
January 23, 2024, engrossed. Read third time, passed. Yeas 38, nays 10.

HOUSE ACTION

February 12, 2024, read first time and referred to Committee on Public Health.
February 27, 2024, amended, reported — Do Pass.

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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. 234

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 10-14-3-12, AS AMENDED BY P.L.99-2021,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 12. (a) The governor shall declare a disaster
4 emergency by executive order or proclamation if the governor
5 determines that a disaster has occurred or that the occurrence or the
6 threat of a disaster is imminent. **Except as otherwise provided in this**
7 **section**, the state of disaster emergency continues until the governor:
8 (1) determines that the threat or danger has passed or the disaster
9 has been dealt with to the extent that emergency conditions no
10 longer exist; and
11 (2) terminates the state of disaster emergency by executive order
12 or proclamation.
13 (b) A state of disaster emergency:
14 (1) **that applies to the entire state** may not continue for longer
15 than ~~thirty (30)~~ **sixty (60)** days unless:
16 (A) **the general assembly, by concurrent resolution,**
17 **authorizes a renewal of** the state of disaster emergency; **and**

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- 1 **(B) the state of disaster emergency** is renewed by the
 2 governor; or
 3 **(2) that applies to one (1) or more specified counties, but that**
 4 **does not apply to the entire state, may not continue for longer**
 5 **than thirty (30) days unless the governor renews the state of**
 6 **disaster emergency.**
- 7 **Whenever the general assembly authorizes a renewal of a statewide**
 8 **disaster emergency under subdivision (1), the governor may renew**
 9 **the state of disaster emergency for not more than sixty (60) days.**
- 10 (c) The general assembly, by concurrent resolution, may terminate
 11 a state of disaster emergency at any time. If the general assembly
 12 terminates a state of disaster emergency under this subsection, the
 13 governor shall issue an executive order or proclamation ending the
 14 state of disaster emergency.
- 15 (d) All executive orders or proclamations issued under this
 16 subsection must indicate the nature of the disaster, the area or areas
 17 threatened, and the conditions which have brought the disaster about
 18 or that make possible termination of the state of disaster emergency. An
 19 executive order or proclamation under this subsection shall be
 20 disseminated promptly by means calculated to bring the order's or
 21 proclamation's contents to the attention of the general public. Unless
 22 the circumstances attendant upon the disaster prevent or impede, an
 23 executive order or proclamation shall be promptly filed with the
 24 secretary of state and with the clerk of the city or town affected or with
 25 the clerk of the circuit court.
- 26 ~~(b)~~ (e) An executive order or proclamation of a state of disaster
 27 emergency:
- 28 (1) activates the disaster response and recovery aspects of the
 29 state, local, and interjurisdictional disaster emergency plans
 30 applicable to the affected political subdivision or area; and
 31 (2) is authority for:
- 32 (A) deployment and use of any forces to which the plan or
 33 plans apply; and
 34 (B) use or distribution of any supplies, equipment, materials,
 35 and facilities assembled, stockpiled, or arranged to be made
 36 available under this chapter or under any other law relating to
 37 disaster emergencies.
- 38 ~~(e)~~ (f) During the continuance of any state of disaster emergency,
 39 the governor is commander-in-chief of the organized and unorganized
 40 militia and of all other forces available for emergency duty. To the
 41 greatest extent practicable, the governor shall delegate or assign
 42 command authority by prior arrangement embodied in appropriate



1 executive orders or regulations. This section does not restrict the
2 governor's authority to delegate or assign command authority by orders
3 issued at the time of the disaster emergency.

4 (d) (g) In addition to the governor's other powers, and subject to
5 sections 12.5 and 12.7 of this chapter, the governor may do the
6 following while the state of emergency exists:

7 (1) Suspend the provisions of any regulatory statute prescribing
8 the procedures for conduct of state business, or the orders, rules,
9 or regulations of any state agency if strict compliance with any of
10 these provisions would in any way prevent, hinder, or delay
11 necessary action in coping with the emergency.

12 (2) Use all available resources of the state government and of
13 each political subdivision of the state reasonably necessary to
14 cope with the disaster emergency.

15 (3) Transfer the direction, personnel, or functions of state
16 departments and agencies or units for performing or facilitating
17 emergency services.

18 (4) Subject to any applicable requirements for compensation
19 under section 31 of this chapter, commandeer or use any private
20 property if the governor finds this action necessary to cope with
21 the disaster emergency.

22 (5) Assist in the evacuation of all or part of the population from
23 any stricken or threatened area in Indiana if the governor
24 considers this action necessary for the preservation of life or other
25 disaster mitigation, response, or recovery.

26 (6) Prescribe routes, modes of transportation, and destinations in
27 connection with evacuation.

28 (7) Control ingress to and egress from a disaster area, the
29 movement of persons within the area, and the occupancy of
30 premises in the area.

31 (8) Suspend or limit the sale, dispensing, or transportation of
32 alcoholic beverages, explosives, and combustibles.

33 (9) Make provision for the availability and use of temporary
34 emergency housing.

35 (10) Allow persons who:

36 (A) are registered as volunteer health practitioners by an
37 approved registration system under IC 10-14-3.5; or

38 (B) hold a license to practice:

39 (i) medicine;

40 (ii) dentistry;

41 (iii) pharmacy;

42 (iv) nursing;



- 1 (v) engineering;
2 (vi) veterinary medicine;
3 (vii) mortuary service; and
4 (viii) similar other professions as may be specified by the
5 governor;
6 to practice their respective profession in Indiana during the period
7 of the state of emergency if the state in which a person's license
8 or registration was issued has a mutual aid compact for
9 emergency management with Indiana.
10 (11) Give specific authority to allocate drugs, foodstuffs, and
11 other essential materials and services.
12 **(h) If a state of disaster emergency that applies to the entire**
13 **state has ended, the governor may not call a new state of disaster**
14 **emergency that applies to the entire state unless the new disaster**
15 **is wholly unrelated to the earlier disaster. For purposes of this**
16 **subsection, a new disaster is "wholly unrelated" to an earlier**
17 **disaster if:**
18 **(1) the new disaster did not result, directly or indirectly, from**
19 **the earlier disaster; or**
20 **(2) the earlier disaster did not cause, directly or indirectly, the**
21 **new disaster.**
22 **SECTION 2. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 234, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, strike "The" and insert "**Except as provided in subsection (e), the**".

Page 3, between lines 40 and 41, begin a new paragraph and insert:

"(e) If a state of disaster emergency has ended, the governor may not call a new state of disaster emergency unless the new disaster is wholly unrelated to the earlier disaster. For purposes of this subsection, a new disaster is "wholly unrelated" to an earlier disaster if:

- (1) the new disaster did not result, directly or indirectly, from the earlier disaster; or**
- (2) the earlier disaster did not cause, directly or indirectly, the new disaster."**

and when so amended that said bill do pass.

(Reference is to SB 234 as introduced.)

BROWN L, Chairperson

Committee Vote: Yeas 8, Nays 3.

 SENATE MOTION

Madam President: I move that Senate Bill 234 be amended to read as follows:

Page 3, line 41, delete "If" and insert "**Subject to subsection (f), if**".

Page 4, between lines 7 and 8, begin a new paragraph and insert:

"(f) Notwithstanding subsection (e), if a state of disaster emergency is necessary for the state to receive or continue to receive federal funds, the governor may renew a state of disaster emergency solely for the purpose of receiving federal funds. During a state of disaster emergency authorized under this subsection, the governor may only exercise the powers under this chapter once per state of disaster emergency to ensure receipt of federal funds. A one (1) time renewal under this subsection shall expire after (30) days."

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(Reference is to SB 234 as printed January 19, 2024.)

GARTEN

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 234, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 10-14-3-12, AS AMENDED BY P.L.99-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The governor shall declare a disaster emergency by executive order or proclamation if the governor determines that a disaster has occurred or that the occurrence or the threat of a disaster is imminent. **Except as otherwise provided in this section**, the state of disaster emergency continues until the governor:

- (1) determines that the threat or danger has passed or the disaster has been dealt with to the extent that emergency conditions no longer exist; and
- (2) terminates the state of disaster emergency by executive order or proclamation.

(b) A state of disaster emergency:

(1) that applies to the entire state may not continue for longer than ~~thirty (30)~~ **sixty (60)** days unless:

- (A)** the general assembly, by concurrent resolution, authorizes a renewal of the state of disaster emergency; and
- (B)** the state of disaster emergency is renewed by the governor; or

(2) that applies to one (1) or more specified counties, but that does not apply to the entire state, may not continue for longer than ~~thirty (30)~~ **thirty (30)** days unless the governor renews the state of disaster emergency.

Whenever the general assembly authorizes a renewal of a statewide disaster emergency under subdivision (1), the governor may renew the state of disaster emergency for not more than sixty (60) days.

(c) The general assembly, by concurrent resolution, may terminate a state of disaster emergency at any time. If the general assembly terminates a state of disaster emergency under this subsection, the

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governor shall issue an executive order or proclamation ending the state of disaster emergency.

(d) All executive orders or proclamations issued under this subsection must indicate the nature of the disaster, the area or areas threatened, and the conditions which have brought the disaster about or that make possible termination of the state of disaster emergency. An executive order or proclamation under this subsection shall be disseminated promptly by means calculated to bring the order's or proclamation's contents to the attention of the general public. Unless the circumstances attendant upon the disaster prevent or impede, an executive order or proclamation shall be promptly filed with the secretary of state and with the clerk of the city or town affected or with the clerk of the circuit court.

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

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

(2) is authority for:

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

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

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

Page 2, delete lines 1 through 32.

Page 2, line 33, strike "(d)" and insert "(g)".

Page 3, delete lines 41 through 42, begin a new paragraph and insert:

"(h) If a state of disaster emergency that applies to the entire state has ended, the governor may not call a new state of disaster emergency that applies to the entire state unless the new disaster is wholly unrelated to the earlier disaster. For purposes of this subsection, a new disaster is "wholly unrelated" to an earlier



disaster if:

- (1) the new disaster did not result, directly or indirectly, from the earlier disaster; or**
- (2) the earlier disaster did not cause, directly or indirectly, the new disaster."**

Page 4, delete lines 1 through 16.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 234 as reprinted January 23, 2024.)

BARRETT

Committee Vote: yeas 10, nays 1.

