

SENATE BILL No. 479

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-14-3-12.

Synopsis: Disaster emergency duration. Provides that a state of disaster emergency declared by the governor expires after 60 days unless the general assembly adopts a concurrent resolution authorizing the governor to extend the state of disaster emergency.

Effective: July 1, 2023.

Raatz

January 19, 2023, read first time and referred to Committee on Rules and Legislative Procedure.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 479

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 JULY 1, 2023]: 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. The state of disaster emergency
7 continues until **it expires under subsection (b) or 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 may not continue for longer than**
14 **thirty (30) days unless the state of disaster emergency is renewed by the**
15 **governor. The governor may renew the state of disaster emergency**
16 **for one (1) additional thirty (30) day period. The governor may not**
17 **renew the state of disaster emergency beyond one (1) additional**



1 **thirty (30) day period unless the general assembly adopts a**
 2 **concurrent resolution authorizing the governor to renew the state**
 3 **of disaster emergency for a specified period. The general assembly**
 4 **may adopt additional concurrent resolutions to permit further**
 5 **renewals of the state of disaster emergency for a specified period.**
 6 **At the expiration of the final specified period, or if the governor**
 7 **does not or may not renew the state of disaster emergency, the**
 8 **state of disaster emergency expires.**

9 (c) The general assembly, by concurrent resolution, may terminate
 10 a state of disaster emergency at any time. If the general assembly
 11 terminates a state of disaster emergency under this subsection, **or if the**
 12 **state of disaster emergency expires under subsection (b)**, 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~~ **section** must indicate the nature of the disaster, the area or
 17 areas threatened, and the conditions which have brought the disaster
 18 about or that make possible termination of the state of disaster
 19 emergency. An executive order or proclamation under this ~~subsection~~
 20 **section** shall be disseminated promptly by means calculated to bring
 21 the order's or proclamation's contents to the attention of the general
 22 public. Unless the circumstances attendant upon the disaster prevent or
 23 impede, an executive order or proclamation shall be promptly filed
 24 with the secretary of state and with the clerk of the city or town affected
 25 or with 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.

