

HOUSE BILL No. 1131

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-14-3; IC 16-18-2-200; IC 16-19-3-10; IC 16-20-1-24.

Synopsis: Emergency powers and orders. Removes specified emergency powers of the governor. Provides that an emergency order issued by: (1) the Indiana state department of health expires after 14 days unless renewal is authorized by the general assembly; and (2) a local health officer order expires after 14 days unless renewal is authorized by the local legislative body. Makes conforming amendments.

Effective: July 1, 2022.

Lucas, Prescott, Payne, Judy

January 4, 2022, read first time and referred to Committee on Rules and Legislative Procedures.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1131

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 10-14-3-7, AS AMENDED BY P.L.1-2006,
2 SECTION 175, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2022]: Sec. 7. (a) Because of the existing and
4 increasing possibility of disasters or emergencies of unprecedented size
5 and destructiveness that may result from manmade or natural causes,
6 to ensure that Indiana will be adequately prepared to deal with disasters
7 or emergencies or to prevent or mitigate those disasters where possible,
8 generally to provide for the common defense, to protect the public
9 peace, health, and safety, and to preserve the lives and property of the
10 people of the state, it is found and declared to be necessary:
11 (1) to provide for emergency management under the department
12 of homeland security;
13 (2) to create local emergency management departments and to
14 authorize and direct disaster and emergency management
15 functions in the political subdivisions of the state;
16 (3) to confer upon the ~~governor and upon the~~ executive heads or
17 governing bodies of the political subdivisions of the state the



- 1 emergency powers provided in this chapter;
 2 (4) to provide for the rendering of mutual aid among the political
 3 subdivisions of the state, with other states, and with the federal
 4 government to carry out emergency, disaster, or emergency
 5 management functions; and
 6 (5) to authorize the establishment of organizations and the
 7 implementation of steps that are necessary and appropriate to
 8 carry out this chapter.
- 9 (b) It is also the purpose of this chapter and the policy of the state
 10 to:
- 11 (1) coordinate all emergency management functions of this state
 12 to the maximum extent with the comparable functions of:
- 13 (A) the federal government, including the federal government's
 14 various departments and agencies;
 15 (B) other states and localities; and
 16 (C) private agencies of every type;
 17 so that the most effective preparation and use may be made of the
 18 nation's manpower, resources, and facilities for dealing with any
 19 disaster that may occur;
- 20 (2) prepare for prompt and efficient rescue, care, and treatment of
 21 persons victimized or threatened by disaster;
- 22 (3) provide a setting conducive to the rapid and orderly start of
 23 restoration and rehabilitation of persons and property affected by
 24 disasters;
- 25 (4) clarify and strengthen the roles of the:
- 26 (A) governor;
 27 (B) state agencies; and
 28 (C) local governments;
- 29 in the prevention of, preparation for, response to, and recovery
 30 from disasters;
- 31 (5) authorize and provide cooperation between departments of
 32 government in:
- 33 (A) disaster prevention;
 34 (B) preparedness;
 35 (C) response; and
 36 (D) recovery;
- 37 (6) authorize and provide coordination of activities relating to:
- 38 (A) disaster prevention;
 39 (B) preparedness;
 40 (C) response; and
 41 (D) recovery;
- 42 by agencies and officers of Indiana, and similar state-local,



1 interstate, federal-state, and foreign activities in which the state
 2 and its political subdivisions may participate; and
 3 (7) provide a disaster management system embodying all aspects
 4 of pre-disaster preparedness, disaster operations, and post-disaster
 5 response.

6 SECTION 2. IC 10-14-3-11, AS AMENDED BY P.L.99-2021,
 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2022]: Sec. 11. (a) The governor has general direction and
 9 control of the agency and is responsible for carrying out this chapter.
 10 In the event of disaster or emergency beyond local control, the
 11 governor may assume direct operational control over all or any part of
 12 the emergency management functions within Indiana.

13 (b) In performing the governor's duties under this chapter, the
 14 governor may, subject to ~~sections 12.5 and section~~ 12.7 of this chapter,
 15 do the following:

16 (1) Make, amend, and rescind the necessary orders, rules, and
 17 regulations to carry out this chapter with due consideration of the
 18 plans of the federal government.

19 (2) Cooperate with the President of the United States and the
 20 heads of the armed forces, the Federal Emergency Management
 21 Agency, and the officers and agencies of other states in matters
 22 pertaining to emergency management and disaster preparedness,
 23 response, and recovery of the state and nation. In cooperating
 24 under this subdivision, the governor may take any measures that
 25 the governor considers proper to carry into effect any request of
 26 the President of the United States and the appropriate federal
 27 officers and agencies for any emergency management action,
 28 including the direction or control of disaster preparations,
 29 including the following:

30 (A) Mobilizing emergency management forces and other tests
 31 and exercises.

32 (B) Providing warnings and signals for drills, actual
 33 emergencies, or disasters.

34 (C) Shutting off water mains, gas mains, and electric power
 35 connections and suspending any other utility service.

36 (D) Conducting civilians and the movement and cessation of
 37 movement of pedestrians and vehicular traffic during, before,
 38 and after drills, actual emergencies, or other disasters.

39 (E) Holding public meetings or gatherings.

40 (F) Evacuating and receiving the civilian population.

41 (3) Take any action and give any direction to state and local law
 42 enforcement officers and agencies as may be reasonable and



1 necessary for securing compliance with this chapter and with any
2 orders, rules, and regulations made under this chapter.

3 (4) Employ any measure and give any direction to the state
4 department of health or local boards of health as is reasonably
5 necessary for securing compliance with this chapter or with the
6 findings or recommendations of the state department of health or
7 local boards of health because of conditions arising from actual
8 or threatened:

9 (A) national security emergencies; or

10 (B) manmade or natural disasters or emergencies.

11 (5) Use the services and facilities of existing officers, agencies of
12 the state, and of political subdivisions. All officers and agencies
13 of the state and of political subdivisions shall cooperate with and
14 extend services and facilities to the governor as the governor may
15 request.

16 (6) Establish agencies and offices and appoint executive,
17 technical, clerical, and other personnel necessary to carry out this
18 chapter, including the appointment of full-time state and area
19 directors.

20 SECTION 3. IC 10-14-3-12, AS AMENDED BY P.L.99-2021,
21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2022]: Sec. 12. (a) The governor shall declare a disaster
23 emergency by executive order or proclamation if the governor
24 determines that a disaster has occurred or that the occurrence or the
25 threat of a disaster is imminent. The state of disaster emergency
26 continues until: ~~the governor:~~

27 (1) ~~the governor:~~

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

31 ~~(2) (B) terminates the state of disaster emergency by executive~~
32 ~~order or proclamation; or~~

33 **(2) the fourteen (14) day period described in this subsection**
34 **expires and a renewal is not authorized by the general**
35 **assembly and implemented by the governor.**

36 A state of disaster emergency may not continue for longer than ~~thirty~~
37 ~~(30)~~ **fourteen (14)** days unless the **general assembly specifically**
38 **authorizes a renewal of the** state of disaster emergency **and the state**
39 **of disaster emergency** is renewed by the governor. The general
40 assembly, by concurrent resolution, may terminate a state of disaster
41 emergency at any time. If the general assembly terminates a state of
42 disaster emergency under this subsection, the governor shall issue an



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

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

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

18 (2) is authority for:

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

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

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

33 (d) ~~In addition to the governor's other powers, and subject to~~
 34 ~~sections 12.5 and 12.7 of this chapter,~~ The governor may do the
 35 following while the state of emergency exists:

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

41 (2) Use all available resources of the state government and of
 42 each political subdivision of the state reasonably necessary to



1 cope with the disaster emergency.

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

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

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

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

15 (7) Control ingress to and egress from a disaster area, the
16 movement of persons within the area, and the occupancy of
17 premises in the area.

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

20 (9) Make provision for the availability and use of temporary
21 emergency housing.

22 (10) Allow persons who:

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

25 (B) hold a license to practice:

26 (i) medicine;

27 (ii) dentistry;

28 (iii) pharmacy;

29 (iv) nursing;

30 (v) engineering;

31 (vi) veterinary medicine;

32 (vii) mortuary service; and

33 (viii) similar other professions as may be specified by the
34 governor;

35 to practice their respective profession in Indiana during the period
36 of the state of emergency if the state in which a person's license
37 or registration was issued has a mutual aid compact for
38 emergency management with Indiana.

39 (11) Give specific authority to allocate drugs, foodstuffs, and
40 other essential materials and services.

41 SECTION 4. IC 10-14-3-12.5 IS REPEALED [EFFECTIVE JULY
42 1, 2022]. Sec. 12.5: (a) The following definitions apply throughout this



- 1 section:
- 2 (1) "Disaster emergency" means:
- 3 (A) a state or local disaster emergency declared under
- 4 IC 10-14-3; and
- 5 (B) an epidemic described in IC 16-19-3-10.
- 6 (2) "Religious organization" means an organization; a religious
- 7 society; a church or other house of worship; a body of
- 8 communicants; an educational institution; or a group organized
- 9 and operated for religious purposes; regardless of whether it is
- 10 integrated or affiliated with a church or other house of worship.
- 11 The term includes an officer; owner; employee; manager;
- 12 religious leader; clergy; or minister of an organization described
- 13 in this subdivision.
- 14 (3) "Religious service" means a meeting; a gathering; or an
- 15 assembly of two (2) or more persons organized by a religious
- 16 organization for the purpose of worship; teaching; training;
- 17 providing educational services; conducting religious rituals; or
- 18 other activities undertaken by the religious organization for the
- 19 exercise of religion.
- 20 (b) Religious organizations provide essential services that are
- 21 necessary for the health and welfare of the public during a disaster
- 22 emergency. Subject to section 12.7 of this chapter; the state and a
- 23 political subdivision may not impose restrictions on:
- 24 (1) the operation of a religious organization; or
- 25 (2) religious services;
- 26 that are more restrictive than the restrictions imposed on other
- 27 businesses and organizations that provide essential services to the
- 28 public.
- 29 (c) This section does not prohibit the state or a political subdivision
- 30 from requiring a religious organization to comply with a generally
- 31 applicable health, safety, or occupancy requirement that is neutral
- 32 towards religious organizations and equally applicable to any
- 33 organization or business that provides essential services. However; the
- 34 state or political subdivision may not enforce any health, safety; or
- 35 occupancy requirement that imposes a substantial burden on a religious
- 36 service unless the state or political subdivision demonstrates that
- 37 applying the burden to the religious service in this particular instance
- 38 is essential to further a compelling governmental interest and is the
- 39 least restrictive means of furthering that compelling governmental
- 40 interest.
- 41 (d) A person may assert a violation of this section as a claim against
- 42 the state or a political subdivision in any judicial or administrative



1 proceeding, or as a defense in any judicial or administrative
 2 proceeding, without regard to whether the proceeding is brought by or
 3 in the name of the state, political subdivision, or any other party.

4 SECTION 5. IC 10-14-3-12.7, AS ADDED BY P.L.99-2021,
 5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2022]: Sec. 12.7. (a) As used in this section, "disaster
 7 emergency" has the meaning set forth in section 12.5 of this chapter.
 8 **means:**

9 (1) a state or local disaster emergency declared under this
 10 chapter; and

11 (2) an epidemic described in IC 16-19-3-10.

12 (b) The state, a political subdivision, or an officer or employee of
 13 the state or a political subdivision may **not violate the rights of the**
 14 **people guaranteed by the Constitution of the State of Indiana and**
 15 **the Constitution of the United States. In accordance with Article 1,**
 16 **Section 3 of the Constitution of the State of Indiana the state, a**
 17 **political subdivision, or an officer or employee of the state or a**
 18 **political subdivision may not restrict the right of the people to worship**
 19 **or to worship in person during a disaster emergency.**

20 SECTION 6. IC 10-14-3-13 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 13. (a) ~~In addition to~~
 22 ~~the governor's existing powers and duties, the governor has the duties~~
 23 ~~and special energy emergency powers set forth in this section, subject~~
 24 ~~to the limitations in this chapter.~~

25 (b) (a) The governor may, upon finding that an energy emergency
 26 exists, proclaim a state of energy emergency, at which time all the
 27 ~~general and specific emergency powers specified in this section and~~
 28 ~~section 14 of this chapter become effective.~~

29 (c) (b) A proclamation issued under this section and any order or
 30 rule issued as a result of the proclamation continues in effect until sixty
 31 (60) days after the date of the proclamation of the energy emergency
 32 unless the governor rescinds the proclamation and declares the energy
 33 emergency ended before the expiration of the sixty (60) day period.

34 (d) (c) The governor may not renew or extend a proclamation more
 35 than once without approval of the general assembly.

36 (e) (d) The conditions of an energy emergency cease when the
 37 governor declares the end of an energy emergency.

38 (f) ~~In a declared state of energy emergency, the governor may do the~~
 39 ~~following:~~

40 (1) ~~Implement programs, controls, standards, priorities, and~~
 41 ~~quotas for the conservation and consumption of energy, including~~
 42 ~~plans and commission regulations for the curtailment of energy if~~



1 the governor imposes controls, quotas, or curtailments according
 2 to the nature of the end use to be made of the energy consistent
 3 with existing transmission and distribution systems serving the
 4 geographic area affected by the energy emergency.

5 (2) Suspend and modify state pollution control standards and
 6 requirements affecting or affected by the use of energy, including
 7 standards or requirements relating to air or water quality control.

8 (3) Establish and implement intrastate regional programs and
 9 agreements for the purposes of coordinating the energy program
 10 and actions of the state with the federal government and other
 11 states, localities, and other persons.

12 (4) Designate the execution and enforcement of emergency orders
 13 to a state agency that regulates the energy form, resource, or
 14 suppliers that are the subject of the proclaimed emergency.

15 (5) Suspend the provisions of any state statute regulating
 16 transportation or the orders or rules of any state agency if strict
 17 compliance with any of the provisions would prevent, hinder, or
 18 delay necessary action in coping with the energy emergency.

19 (g) Restrictions, curtailments, or adjustments under subsection (f)
 20 must:

21 (1) be ordered and continue only as long as demonstrably
 22 necessary for the maintenance of essential services or
 23 transportation or for the continued operation of the economy but
 24 not longer than the proclamation's duration;

25 (2) be applied as uniformly as practicable within each class of
 26 suppliers and consumers and without discrimination within a
 27 class; and

28 (3) give due consideration to:

29 (A) the implementation of involuntary measures only after
 30 voluntary measures have been determined to be ineffective;

31 (B) protection of public health and safety;

32 (C) maintenance of vital activities, including but not limited to
 33 food, shelter, fuel, and medical care;

34 (D) minimization of economic impact on commercial, retail,
 35 professional, agricultural, and service establishments;

36 (E) cooperation with other state, local, and federal
 37 governments to avoid duplicating efforts; and

38 (F) maintenance of public information channels.

39 (h) This section does not mean that any program, control, standard,
 40 priority quota, or other policy created under the authority of the
 41 emergency powers authorized by this section has any continuing legal
 42 effect after the cessation of a declared state of energy emergency.



1 (i) Except as provided in this section, this chapter does not exempt
 2 a person from compliance with the provisions of any other law, rule, or
 3 directive unless:

- 4 (1) specifically ordered by the governor; or
 5 (2) impossibility of compliance is a direct result of the governor's
 6 order.

7 (j) (e) A proclamation issued under this section shall be:

- 8 (1) disseminated promptly and in a manner calculated to inform
 9 the general public of its contents; and
 10 (2) filed promptly with the secretary of state and the clerk of each
 11 circuit court of Indiana.

12 SECTION 7. IC 10-14-3-14 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 14. (a) In determining
 14 whether to declare an energy emergency under section 13 of this
 15 chapter, the governor shall consider:

- 16 (1) the availability of regional and national energy resources;
 17 (2) local, state, regional, and national energy needs and shortages;
 18 (3) the availability of short term alternative supplies on a local,
 19 state, regional, and national basis;
 20 (4) the economic effect of the declaration and the implementation
 21 of any curtailment or conservation plans; and
 22 (5) any other relevant factors.

23 (b) To protect the public welfare during conditions of energy
 24 emergencies proclaimed under section 13 of this chapter, the governing
 25 body of each city, town, or political subdivision of the state and each
 26 state agency (including the utility regulatory commission) shall carry
 27 out in the body's or agency's jurisdiction energy supply emergency
 28 measures ordered by the governor.

29 (c) To attain uniformity throughout the country in measures taken
 30 to aid in energy crisis management, all:

- 31 (1) action taken under this section and section 13 of this chapter;
 32 and
 33 (2) orders and rules made under this section and section 13 of this
 34 chapter;

35 must be taken or made consistent with federal orders, rules, actions,
 36 recommendations, and requests.

37 (d) A person shall comply with a specific order issued or action
 38 taken by the governor under this section or section 13 of this chapter.

39 (e) During a state of energy emergency proclaimed under section 13
 40 of this chapter, the governor may:

- 41 (1) subpoena:
 42 (A) witnesses;



- 1 (B) material;
- 2 (C) relevant books;
- 3 (D) papers;
- 4 (E) accounts;
- 5 (F) records; and
- 6 (G) memoranda;
- 7 (2) administer oaths; and
- 8 (3) cause the depositions of persons residing within or outside
- 9 Indiana to be taken in the manner prescribed for depositions in
- 10 civil actions;
- 11 to obtain information relevant to energy resources that are the subject
- 12 of the proclaimed emergency:
- 13 (f) In obtaining information under subsection (e), the governor shall:
- 14 (1) avoid eliciting information already furnished by a person or
- 15 political subdivision in Indiana to a federal, state, or local
- 16 regulatory authority that is available for the governor's study; and
- 17 (2) cause reporting procedures, including forms, to conform to
- 18 existing requirements of federal, state, and local regulatory
- 19 authorities wherever possible.
- 20 (g) Information obtained under this section from a person who
- 21 designates that information as confidential shall be maintained as
- 22 confidential by the governor and by any person who obtains
- 23 information that the person knows to be confidential under this chapter.
- 24 The governor may not make known in any manner any particulars of
- 25 information to persons other than those specified in subsection (j):
- 26 (h) This section does not prohibit the use of confidential information
- 27 to prepare statistics or other general data for publication if the
- 28 information is presented in a manner that prevents identification of the
- 29 particular persons:
- 30 (i) A person who is served with a subpoena to:
- 31 (1) give testimony orally or in writing; or
- 32 (2) produce books, papers, correspondence, memoranda,
- 33 agreements; or other documents or records;
- 34 under this chapter may apply to an Indiana court for protection against
- 35 abuse or hardship in the manner provided by law.
- 36 (j) For purposes of this section, references to the governor in this
- 37 section include any other individual designated in writing by the
- 38 governor. A person designated by the governor shall preserve the
- 39 confidentiality of information in accordance with subsection (g):
- 40 (k) The powers vested in the governor under this section and section
- 41 13 of this chapter are in addition to and not instead of emergency
- 42 powers vested in the governor under this chapter or any other state law:



1 (†) (b) The governor may authorize the incurring of liabilities and
 2 expenses to be paid as other claims against the state from the general
 3 fund in the amount necessary if:

4 (1) an energy emergency is declared by the governor; and

5 (2) the energy emergency justifies the expenditure;

6 in accordance with section 28 of this chapter for other emergency or
 7 disaster expenditures.

8 SECTION 8. IC 10-14-3-20 IS REPEALED [EFFECTIVE JULY 1,
 9 2022]. ~~Sec. 20. The governor may:~~

10 (†) formulate and execute plans and regulations for the control of
 11 traffic in order to provide for the rapid and safe movement of
 12 evacuation over public highways and streets of:

13 (A) people;

14 (B) troops; or

15 (C) vehicles and materials;

16 for national defense or for use in any defense industry; and

17 (2) coordinate the activities of the departments or agencies of the
 18 state and political subdivisions of the state concerned directly or
 19 indirectly with public highways and streets in a manner that will
 20 best effectuate the plans:

21 SECTION 9. IC 10-14-3-22, AS AMENDED BY P.L.156-2020,
 22 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2022]: Sec. 22. (a) The political subdivisions ~~and agencies~~
 24 ~~designated or appointed by the governor~~ may make, amend, and rescind
 25 orders, rules, and regulations as necessary for emergency management
 26 purposes and to supplement the carrying out of this chapter that are not
 27 inconsistent with

28 (†) orders, rules, or regulations adopted by the governor or by a
 29 state agency exercising a power delegated to it by the governor;
 30 and

31 (2) the:

32 (A) (1) emergency management program; and

33 (B) (2) emergency operations plan;

34 of the county in which the political subdivision is located.

35 (b) Orders, rules, and regulations have the full force and effect of
 36 law when

37 (†) adopted by the governor or any state agency and a copy is
 38 filed:

39 (A) in the office of the secretary of state; or

40 (B) with the publisher (as defined in IC 4-22-2-3(f)) under
 41 IC 4-22-2; and

42 mailed to all members of the county emergency management



1 advisory council at their last known addresses; or
 2 (2) filed in the office of the clerk of the adopting or promulgating
 3 political subdivision ~~or agency of the state~~ if adopted by a
 4 political subdivision ~~or agency~~ authorized by this chapter to make
 5 orders, rules, and regulations.

6 SECTION 10. IC 10-14-3-29, AS AMENDED BY P.L.99-2021,
 7 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2022]: Sec. 29. (a) A local disaster emergency:

9 (1) may be declared only by the principal executive officer of a
 10 political subdivision; and

11 (2) may not be continued or renewed for more than seven (7) days
 12 except by or with the consent of the governing board of the
 13 political subdivision.

14 Any order or proclamation declaring, continuing, or terminating a local
 15 disaster emergency shall be given prompt and general publicity and
 16 shall be filed promptly in the office of the clerk of the political
 17 subdivision.

18 (b) The effect of a declaration of a local disaster emergency is to:

19 (1) activate the response and recovery aspects of all applicable
 20 local or interjurisdictional disaster emergency plans; and

21 (2) authorize the furnishing of aid and assistance under the plans.

22 (c) An interjurisdictional agency or official may not declare a local
 23 disaster emergency unless expressly authorized by the agreement under
 24 which the agency functions. However, an interjurisdictional disaster
 25 agency shall provide aid and services according to the agreement.

26 (d) If a local disaster emergency is declared under this section, the
 27 political subdivision may not prohibit individuals engaged in
 28 employment necessary to:

29 (1) maintain a safe rail system;

30 (2) restore utility service; or

31 (3) provide any other emergency public service;

32 from traveling on the highways within the political subdivision during
 33 the local disaster emergency.

34 (e) If a local disaster emergency is declared under this section, the
 35 political subdivision may not prohibit individuals trained and certified
 36 as first response broadcasters, as set forth in section 22.5 of this
 37 chapter, from traveling on the highways within the political subdivision
 38 during the local disaster emergency.

39 (f) If a local emergency is declared under this section, the political
 40 subdivision may not prohibit individuals trained and certified as first
 41 response communications service providers, as set forth in section 22.6
 42 of this chapter, from traveling on the highways within the political



1 subdivision during the local disaster emergency.

2 (g) If a local emergency is declared under this section, the political
3 subdivision must comply with ~~sections 12.5 and~~ **section** 12.7 of this
4 chapter.

5 SECTION 11. IC 10-14-3-29.5, AS AMENDED BY P.L.99-2021,
6 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2022]: Sec. 29.5. (a) If the principal executive officer of a
8 political subdivision issues a local travel advisory as part of an
9 emergency declaration under section 29 of this chapter, the principal
10 executive officer shall designate the travel advisory as falling into one
11 (1) of the following categories:

12 (1) "Advisory", the lowest level of local travel advisory, means
13 that routine travel or activities may be restricted in areas because
14 of a hazardous situation, and individuals should use caution or
15 avoid those areas.

16 (2) "Watch" means that conditions are threatening to the safety of
17 the public. During a "watch" local travel advisory, only essential
18 travel, such as to and from work or in emergency situations, is
19 recommended, and emergency action plans should be
20 implemented by businesses, schools, government agencies, and
21 other organizations.

22 (3) "Warning", the highest level of local travel advisory, means
23 that travel may be restricted to emergency management workers
24 only. During a "warning" local travel advisory, individuals are
25 directed to:

26 (A) refrain from all travel;

27 (B) comply with necessary emergency measures;

28 (C) cooperate with public officials and disaster services forces
29 in executing emergency operations plans; and

30 (D) obey and comply with the lawful directions of properly
31 identified officers.

32 Further and more specific restrictions, including parking
33 restrictions, may be included in a "warning" local travel advisory.

34 (b) If the emergency management agency director or the principal
35 executive officer of a political subdivision determines that conditions
36 within the political subdivision have created the need for travel
37 advisory restrictions without a local disaster emergency declaration
38 under section 29 of this chapter, the emergency management agency
39 director or the principal executive officer may issue an "advisory" or a
40 "watch" level travel advisory.

41 (c) A "warning" level travel advisory may be issued only after a
42 local disaster emergency is declared under section 29 of this chapter.



1 (d) An advisory issued under this section is subject to ~~sections 12.5~~
2 ~~and section~~ 12.7 of this chapter.

3 SECTION 12. IC 16-18-2-200, AS AMENDED BY P.L.219-2021,
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2022]: Sec. 200. (a) Except as provided in subsections (b) and
6 (c), "legislative body" has the meaning set forth in IC 36-1-2-9.

7 (b) For purposes of IC 16-20-1-21.5 ~~and IC 16-20-1-24~~, "legislative
8 body" has the meaning set forth in IC 16-20-1-21.5(c).

9 (c) For purposes of IC 16-20-5.5, "legislative body" has the meaning
10 set forth in IC 16-20-5.5-1.

11 SECTION 13. IC 16-19-3-10, AS AMENDED BY P.L.99-2021,
12 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2022]: Sec. 10. (a) The state department may order schools
14 closed and forbid public gatherings when considered necessary to
15 prevent and stop epidemics.

16 (b) The state department may order a religious organization closed
17 only if the order complies with ~~IC 10-14-3-12.5 through~~
18 IC 10-14-3-12.7.

19 (c) **An order issued under this section expires after fourteen (14)**
20 **days, unless the general assembly specifically authorizes a renewal**
21 **of the order and the state department renews the order in**
22 **accordance with the general assembly's authorization.**

23 SECTION 14. IC 16-20-1-24, AS AMENDED BY P.L.99-2021,
24 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2022]: Sec. 24. (a) Local health officers may order schools
26 closed and forbid public gatherings when considered necessary to
27 prevent and stop epidemics.

28 (b) A local health officer may order a religious organization closed
29 only if the order complies with ~~IC 10-14-3-12.5 through~~
30 IC 10-14-3-12.7.

31 (c) An individual who takes action under this section shall comply
32 with state laws and rules.

33 (d) **An order issued under this section expires after fourteen (14)**
34 **days, unless the legislative body specifically authorizes a renewal**
35 **of the order and the local health officer renews the order in**
36 **accordance with the legislative body's authorization.**

