

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.

SENATE ENROLLED ACT No. 190

AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 10-14-4-4 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 4. ~~As used in this chapter, "public facility" means any:~~

- ~~(1) building or structure;~~
- ~~(2) bridge, road, highway, or public way;~~
- ~~(3) park or recreational facility;~~
- ~~(4) sanitary sewer system or wastewater treatment facility;~~
- ~~(5) drainage or flood control facility;~~
- ~~(6) water treatment, water storage, or water distribution facility;~~
- ~~or~~
- ~~(7) other improvement or infrastructure;~~

~~owned by, maintained by, or operated by or on behalf of an eligible entity.~~

SECTION 2. IC 10-14-4-5, AS AMENDED BY P.L.57-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. (a) The state disaster relief fund is established to provide financial assistance to:

- (1) assist eligible entities in paying for:
 - (A) the costs of repairing, replacing, or restoring public facilities **property** or individual residential real or personal property damaged or destroyed by a disaster; or
 - (B) response costs incurred by an **eligible entity** during a disaster; **and**

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(2) allow the agency to pay for response costs incurred by the state or a local unit of government at the direction of the agency;
and

(3) fund disaster mitigation projects.

The agency may provide financial assistance in response to a disaster only from the balance in the fund that is unobligated. ~~on the date the disaster occurs:~~

(b) The fund consists of the following:

- (1) Money appropriated by the general assembly.
- (2) Money deposited under IC 22-11-14-12(c)(2).

(c) The agency shall administer the fund. Expenses of administering the fund shall be paid from money in the fund. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 3. IC 10-14-4-6, AS AMENDED BY P.L.71-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. Subject to the restrictions under this chapter, the agency may use money in the fund to provide financial assistance ~~as follows:~~ **under section 5(a)(1) of this chapter to an eligible entity that:**

- (1) has incurred a loss or response cost;**
 - (2) is located in a jurisdiction that:**
 - (A) has declared a local disaster emergency;**
 - (B) requires state assistance to supplement local resources to effectively respond to the disaster; and**
 - (C) contains territory for which a disaster emergency has been declared by the governor, if the eligible entity is not an individual;**
 - (3) has applied to the agency for financial assistance in the form of a grant; and**
 - (4) complies with all other requirements established by the agency.**
- (†) To an eligible entity that:
- (A) is not an individual;
 - (B) contains territory for which a disaster emergency has been declared by the governor;
 - (C) has suffered damage to the entity's public facilities because of the disaster for which the disaster emergency was declared;
 - (D) has applied to the department for financial assistance in



the form of a grant; and

(E) complies with all other requirements established by the agency.

(2) To an eligible entity that:

(A) is not an individual;

(B) contributes personnel to a mobile support unit deployed to assist another political subdivision in responding to a disaster emergency that has been declared by the governor;

(C) incurs the cost of one (1) or more backfill employees that are necessary to fill the position and perform the duties of an employee deployed on a mobile support unit;

(D) has applied to the department for financial assistance in the form of a grant; and

(E) complies with all other requirements established by the agency.

(3) To an eligible entity:

(A) who is an individual;

(B) whose primary residence is located in territory for which:

(i) the United States Small Business Administration declares a disaster; and

(ii) there has been no disaster declaration issued by the President of the United States;

(C) who has suffered damage to the entity's primary residence or individual property because of a disaster described in clause (B); and

(D) who complies with all other requirements established by the agency.

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

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

(c) ~~Except as provided in subsection (d),~~ a grant to an eligible entity under ~~this subsection~~ **section 5(a)(1) of this chapter** may not exceed an amount equal to:

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

(2) the result of

(A) the total cost of the damage to the ~~entity's public facilities~~



eligible entity caused by the disaster. ~~minus~~

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

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

(1) adopts a hazard mitigation plan;

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

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

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

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

~~(1) the product of:~~

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

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

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

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

SECTION 7. IC 10-14-4-9, AS AMENDED BY P.L.107-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. ~~This section does not apply to an eligible entity that is an individual.~~ To qualify for a grant under **section 6** of this chapter, the ~~executive of an~~ eligible entity must apply to the agency on forms provided by the agency. The application must include the



following:

- (1) A description and estimated cost of the damage caused by the disaster to the ~~entity's public facilities:~~ **entity.**
- (2) The manner in which the entity intends to use the grant money.
- (3) Any other information required by the agency.

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

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

- ~~(1) A description and estimated cost of the damage caused by the disaster to the individual's property.~~
- ~~(2) The manner in which the individual intends to use the financial assistance.~~
- ~~(3) Any other information required by the agency.~~

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

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

- (1) must be at least five hundred dollars (\$500); and
- (2) may not be more than ~~ten thousand dollars (\$10,000):~~ **twenty-five thousand dollars (\$25,000).**

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



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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