

SENATE BILL No. 285

DIGEST OF INTRODUCED BILL

Citations Affected: IC 1-1; IC 2-2.1; IC 2-5-1.1-5; IC 3-9-2-12; IC 4-12-18; IC 10-14-3; IC 16-19-4-10; IC 16-20-1-24; IC 16-41-1-5; IC 34-6-2-137.

Synopsis: Powers of the general assembly. Provides that a session of the general assembly shall adjourn sine die not later than November 1 of the year in which it convenes. Provides that the sessions of the general assembly are considered to adjourn sine die, by operation of law, on November 1 of each year, if the general assembly has not adjourned sine die on an earlier date of that year. Provides that the "prohibited period" during which campaign fundraising may not occur by candidates for election to the general assembly and for state offices ends on the earlier of: (1) May 1; or (2) the date the budget bill for the following budget period is approved by the governor. (Under current law, the prohibited period ends the day the general assembly adjourns sine die in an odd-numbered year.) Provides that, unless otherwise specifically provided by a statute to the contrary, an executive order issued by the governor expires 30 calendar days after the executive order is issued. Provides that a state of disaster emergency declared by the governor may not continue for longer than 30 days unless the state of disaster emergency is specifically renewed by a statute enacted by the general assembly. Provides that certain health orders issued by political subdivisions expire 30 days after they are issued. Repeals the statutes providing for technical sessions and the emergency sessions statute.

Effective: Upon passage.

Freeman

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. 285

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

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

1 SECTION 1. IC 1-1-3-2, AS AMENDED BY P.L.133-2021,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 2. (a) ~~Except as provided in subsection (b); so~~
4 **As** soon as certificates from all the counties have been received, the
5 governor shall issue and publish the governor's proclamation in the
6 Indiana Register under IC 2-6-1.5-5, announcing the date at which the
7 latest filing took place.

8 **(b) All courts shall take notice** of the facts contained in ~~which the~~
9 ~~proclamation all courts shall take notice: issued and published under~~
10 **subsection (a).**

11 ~~(b) This subsection applies only in calendar year 2021. So soon as~~
12 ~~certificates from all the counties have been received under~~
13 ~~IC 2-6-1.5-5(f); the governor shall:~~

14 ~~(1) for the distribution under IC 2-6-1.5-5(f)(1); issue and publish~~
15 ~~a governor's proclamation in the Indiana Register under~~
16 ~~IC 2-6-1.5-5; announcing the date at which the latest filing took~~
17 ~~place; of the facts contained in which proclamation; all courts~~



1 shall take notice; and
 2 (2) for the distribution under IC 2-6-1.5-5(f)(2); issue and publish
 3 a governor's proclamation in the Indiana Register under
 4 IC 2-6-1.5-5; announcing the date at which the latest filing took
 5 place; of the facts contained in which proclamation; all courts
 6 shall take notice.

7 This subsection expires February 1, 2022.

8 SECTION 2. IC 1-1-3-3 IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) As used in this section,
 10 "regular "special session" includes a regular technical session: refers
 11 to a session called by the governor under Article 4, Section 9 of the
 12 Constitution of the State of Indiana.

13 (b) Except as otherwise provided in subsection (d), each provision
 14 of each act passed at a regular session of the general assembly takes
 15 effect on July 1 next following its enactment, unless a different time is
 16 specified in the act.

17 (c) Except as otherwise provided in subsection (d), each provision
 18 of each act passed at a special session of the general assembly takes
 19 effect on the first day of the third calendar month after the calendar
 20 month of sine die adjournment of the special session, unless a different
 21 time is specified in the act.

22 (d) If an act contains a SECTION that specifies an effective date or
 23 dates for one (1) or more other provisions of the act or declares that an
 24 emergency exists for the act, then the SECTION takes effect at the
 25 same time as the earliest date that any other provision of the act takes
 26 effect.

27 (e) This section does not apply to acts that are vetoed by the
 28 governor.

29 SECTION 3. IC 1-1-3.7 IS ADDED TO THE INDIANA CODE AS
 30 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
 31 PASSAGE]:

32 **Chapter 3.7. Governor's Executive Orders**

33 **Sec. 1. This chapter does not apply to the following executive**
 34 **orders of the governor:**

- 35 (1) An executive order establishing an agency in the executive
 36 branch of state government.
 37 (2) An executive order relating to the operation or
 38 organization of the executive branch of state government.
 39 (3) An executive order issued under IC 1-1-3.5 relating to
 40 census data.
 41 (4) An executive order issued under IC 3-3-2-2 relating to the
 42 establishment of Indiana congressional districts.



1 (5) An executive order issued under either of the following
 2 statutes to extend the expiration date of an administrative
 3 rule:

4 (A) IC 4-22-2.5-5.

5 (B) IC 13-14-9.5-5.

6 (6) An executive order relating to the issuance of bonds under
 7 IC 5-1.2-16-4.

8 (7) An executive order relating to state employee benefits
 9 issued under IC 5-10-6-1(a).

10 (8) An executive order relating to relocation assistance under
 11 IC 8-23-17-20.

12 (9) An executive order relating to an interjurisdictional
 13 arrangement for disaster agencies and services under
 14 IC 10-14-3-16(c).

15 (10) An executive order relating to the establishment of
 16 military awards and decorations under IC 10-16-12-1.

17 (11) An executive order relating to a health benefit exchange
 18 under IC 27-19-1-3.

19 (12) An executive order relating to immunity from civil
 20 liability issued under IC 34-30-27-2.

21 **Sec. 2. Unless otherwise specifically provided by a statute to the**
 22 **contrary, an executive order issued by the governor expires thirty**
 23 **(30) calendar days after the executive order is issued.**

24 SECTION 4. IC 2-2.1-1-1, AS AMENDED BY P.L.64-2021,
 25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: Sec. 1. The following definitions apply throughout
 27 this chapter:

28 (1) "Bill" includes a bill and a joint resolution.

29 (2) "Term of the general assembly" means that two (2) year period
 30 of time extending from the first Wednesday after the first Monday
 31 in November of any even-numbered year until, but not including,
 32 the first Wednesday after the first Monday in November of the
 33 next even-numbered year.

34 (3) "Session" refers to any of the following:

35 (A) A regular session of the general assembly.

36 (B) A regular technical session of the general assembly.

37 (C) An emergency session of the general assembly convened
 38 under IC 2-2.1-1.2.

39 (D) A special session of the general assembly: session of the
 40 general assembly not described in subdivision (4).

41 (4) "Special session" means that period of time during which the
 42 general assembly is convened in session upon the proclamation



- 1 and call of the governor under Article 4, Section 9 of the
 2 Constitution of the State of Indiana.
- 3 SECTION 5. IC 2-2.1-1-2, AS AMENDED BY P.L.133-2021,
 4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]: Sec. 2. (a) The ~~first regular session of each term of~~
 6 ~~the~~ general assembly shall **first** convene **after an election for**
 7 **members of the general assembly** on the third Tuesday after the first
 8 Monday of November of each even-numbered year to do the following:
- 9 (1) Organize itself.
 - 10 (2) Elect its officers.
 - 11 (3) Receive the oath of office.
- 12 (b) If a special session is called before the date set in subsection (a),
 13 then the organization, election, and receiving the oath of office shall be
 14 held on the first day of the special session.
- 15 (c) The general assembly shall then adjourn until a day:
- 16 (1) certain fixed by a concurrent resolution; or
 - 17 (2) when the gavel of each house falls in the presence of a quorum
 18 whether or not a day certain to reconvene in session has been
 19 fixed.
- 20 (d) The general assembly shall reconvene in session ~~no~~ **not** later
 21 than the second Monday in January of the following year.
- 22 (e) The ~~first regular session of each term of~~ the general assembly
 23 **that convenes under this section** shall adjourn sine die as follows:
- 24 (1) ~~Not later than November 15 in calendar year 2021;~~
 - 25 (2) ~~not later than April 29 in any odd-numbered year beginning~~
 26 ~~after December 31, 2022;~~ **November 1 of the year the general**
 27 **assembly reconvenes under subsection (d).**
- 28 (f) **The session of the general assembly that convenes under this**
 29 **section is considered to adjourn sine die, by operation of law, on**
 30 **November 1 of the year the general assembly reconvenes under**
 31 **subsection (d), if the general assembly has not adjourned sine die**
 32 **on an earlier date of that year.**
- 33 SECTION 6. IC 2-2.1-1-2.5 IS REPEALED [EFFECTIVE UPON
 34 PASSAGE]. Sec. 2.5: (a) ~~This section does not apply in calendar year~~
 35 ~~2021:~~
- 36 (b) ~~Before the first regular session adjourns sine die, the general~~
 37 ~~assembly may adopt a concurrent resolution to fix a day to convene the~~
 38 ~~first regular technical session of the general assembly. The day fixed~~
 39 ~~under this subsection may not be earlier than thirty (30) days after the~~
 40 ~~first regular session adjourns sine die.~~
- 41 (c) ~~Only the following may be considered and acted upon during a~~
 42 ~~first regular technical session:~~



- 1 (1) Bills enacted during the first regular session vetoed by the
2 governor:
- 3 (2) Bills to correct conflicts among bills enacted during the first
4 regular session:
- 5 (3) Bills to correct technical errors in bills enacted during the first
6 regular session:
- 7 (d) The first regular technical session must adjourn sine die before
8 midnight after it convenes:
- 9 (e) The concurrent resolution adopted under subsection (b) may
10 provide that the first regular technical session is not required to
11 convene if the speaker of the house of representatives and the president
12 pro tempore of the senate jointly issue an order finding that the
13 purposes for which a regular technical session may meet under
14 subsection (c) do not justify the cost and inconvenience of meeting in
15 a regular technical session:
- 16 (f) If the general assembly does not meet in a regular technical
17 session under this section, the general assembly shall consider and act
18 upon vetoes of bills enacted during the first regular session at the next
19 second regular session:
- 20 (g) For purposes of Article 5, Section 14 of the Constitution of the
21 State of Indiana, the first regular technical session is not considered a
22 regular session if the general assembly does not consider or act upon
23 vetoes of bills enacted during the first regular session under this
24 section:
- 25 SECTION 7. IC 2-2.1-1-3 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The ~~second~~
27 ~~regular session of each term of the~~ general assembly shall convene **for**
28 **each even-numbered year** on the third Tuesday after the first Monday
29 of November of ~~each the immediately preceding~~ odd-numbered year.
30 The general assembly shall then adjourn until a day:
31 (1) certain fixed by a concurrent resolution; or
32 (2) when the gavel of each house falls in the presence of a quorum
33 whether or not a day certain to reconvene in session has been
34 fixed.
- 35 (b) The general assembly shall reconvene in session ~~no~~ **not** later
36 than the second Monday in January of the following year. The ~~second~~
37 ~~regular session of each term of the~~ general assembly **that convenes**
38 **under this section** shall adjourn sine die not later than ~~March 14 in any~~
39 **November 1 of that** even-numbered year.
- 40 (c) **The session of the general assembly held in an**
41 **even-numbered year is considered to adjourn sine die, by operation**
42 **of law, on November 1 of the even-numbered year, if the general**



1 **assembly has not adjourned sine die on an earlier date of that**
 2 **even-numbered year.**

3 SECTION 8. IC 2-2.1-1-3.5 IS REPEALED [EFFECTIVE UPON
 4 PASSAGE]. Sec. 3.5. (a) Before the second regular session adjourns
 5 sine die, the general assembly may adopt a concurrent resolution to fix
 6 a day to convene the second regular technical session of the general
 7 assembly. The day fixed under this subsection may not be earlier than
 8 thirty (30) days after the second regular session adjourns sine die.

9 (b) Only the following may be considered and acted upon during a
 10 second regular technical session:

11 (1) Bills enacted during the second regular session vetoed by the
 12 governor.

13 (2) Bills to correct conflicts among bills enacted during the
 14 second regular session.

15 (3) Bills to correct technical errors in bills enacted during the
 16 second regular session.

17 (c) The second regular technical session must adjourn sine die
 18 before midnight after it convenes.

19 (d) The concurrent resolution adopted under subsection (a) may
 20 provide that the second regular technical session is not required to
 21 convene if the speaker of the house of representatives and the president
 22 pro tempore of the senate jointly issue an order finding that the
 23 purposes for which a regular technical session may meet under
 24 subsection (b) do not justify the cost and inconvenience of meeting in
 25 a regular technical session.

26 (e) If the general assembly does not meet in a regular technical
 27 session under this section, the general assembly may consider and act
 28 upon vetoes of bills enacted during the second regular session at the
 29 next first regular session.

30 (f) For purposes of Article 5, Section 14 of the Constitution of the
 31 State of Indiana, the second regular technical session is not considered
 32 a regular session if the general assembly does not consider or act upon
 33 vetoes of bills enacted during the second regular session under this
 34 section.

35 SECTION 9. IC 2-2.1-1-12, AS AMENDED BY P.L.137-2021,
 36 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 UPON PASSAGE]: Sec. 12. (a) This section applies only to those bills
 38 or joint resolutions which pass

39 (1) after April 19, 2021, and before April 30, 2021; or

40 (2) during the two (2) days before the sine die adjournment of a
 41 session of the general assembly.

42 This section does not apply to bills passed during a regular technical



1 session:

2 (b) The presiding officers of the house of representatives and the
3 senate shall sign each bill or joint resolution passed under Article 4,
4 Section 25 of the Constitution of the State of Indiana as soon as
5 practicable, but not later than seven (7) calendar days after

6 (1) the date of passage with respect to a bill or joint resolution
7 passed during the period described in subsection (a)(1); or

8 (2) sine die adjournment of the session of the general assembly at
9 which the bill or joint resolution was passed with respect to a bill
10 or joint resolution passed during the two (2) days before the sine
11 die adjournment of a regular or special session of the general
12 assembly.

13 (c) A bill that has been signed under subsection (b) must be
14 presented to the governor as soon as practicable, but not later than
15 seven (7) calendar days after

16 (1) the date of passage with respect to a bill described in
17 subsection (b)(1); or

18 (2) sine die adjournment of the session of the general assembly at
19 which the bill was passed. with respect to a bill described in
20 subsection (b)(2):

21 SECTION 10. IC 2-2.1-1-13 IS REPEALED [EFFECTIVE UPON
22 PASSAGE]. Sec. 13: (a) This section does not apply in calendar year
23 2021.

24 (b) This section applies only to bills passed during a regular
25 technical session:

26 (c) The presiding officers of the house and senate shall sign each
27 bill passed under Article 4, Section 25 of the Constitution of the State
28 of Indiana as soon as practicable, but not later than the next business
29 day after sine die adjournment of the regular technical session at which
30 the bill was passed:

31 (d) A bill that has been signed under subsection (c) must be
32 presented to the governor as soon as practicable, but not later than the
33 second business day after sine die adjournment of the regular technical
34 session at which the bill was passed:

35 SECTION 11. IC 2-2.1-1.2 IS REPEALED [EFFECTIVE UPON
36 PASSAGE]. (Emergency Sessions).

37 SECTION 12. IC 2-5-1.1-5, AS AMENDED BY P.L.64-2021,
38 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 UPON PASSAGE]: Sec. 5. (a) The council may do any of the
40 following:

41 (1) On its own initiative or at the direction of the general
42 assembly or of the senate or house of representatives, study



- 1 subjects of interest and concern, and based on such a study,
 2 recommend such legislation as the welfare of the state may
 3 require.
- 4 (2) Direct standing committees of the senate or house of
 5 representatives, or appoint committees and subcommittees subject
 6 to the authority of the council, to carry out studies on subjects of
 7 interest and concern.
- 8 (3) Recommend such codification and general revision of the
 9 constitution and the laws of the state as may from time to time be
 10 necessary.
- 11 (4) Require any officer or agency, board, commission, committee
 12 or other instrumentality of the state or of a political subdivision of
 13 the state to provide information bearing on subjects under
 14 consideration by the council or by standing committee or any of
 15 its committees or subcommittees.
- 16 (5) By an affirmative vote of two-thirds (2/3) of its members
 17 present and voting:
- 18 (A) administer oaths, issue subpoenas, compel the attendance
 19 of witnesses and the production of papers, books, accounts,
 20 documents and testimony and have the deposition of witnesses
 21 taken in the manner prescribed by law for taking depositions
 22 in civil actions bearing on subjects under consideration by the
 23 council or by any of its committees or subcommittees; and
- 24 (B) petition, through the presiding officer of the council, any
 25 circuit court, superior court, or probate court of the appropriate
 26 county for an order for compliance with any order or
 27 subpoenas issued under this section.
- 28 (6) Adopt such rules and procedures and organize such agencies
 29 as may be necessary or appropriate to carry out its duties.
- 30 (7) Receive appropriations and make allocations for the
 31 reasonable and necessary expenditures of the council and the
 32 standing and interim committees of the house of representatives,
 33 senate and general assembly.
- 34 (8) Enter into whatever contracts or other arrangements deemed
 35 by it to be necessary or appropriate to exercising its rights,
 36 privileges, and powers and performing its duties under this
 37 chapter and IC 2-6-1.5 and to carrying out the intent, purposes,
 38 and provisions of this chapter and IC 2-6-1.5.
- 39 ~~(9) Initiate sessions of the general assembly under IC 2-2-1-1.2.~~
 40 ~~(+)~~ (9) Do all other things necessary and proper to perform the
 41 functions of the legislative department of government and to carry
 42 out the intent, purposes and provisions of this chapter.



1 (b) The council may authorize its executive director to act on its
 2 behalf and with its authority on any matter of administration under this
 3 chapter and under IC 2-6-1.5, including executing and implementing
 4 any contract or other arrangement under which it agrees to be bound.

5 SECTION 13. IC 3-9-2-12, AS AMENDED BY P.L.133-2021,
 6 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: Sec. 12. (a) This section does not apply to:

8 (1) a member of the general assembly; or

9 (2) a candidate's committee of a member of the general assembly;
 10 with respect to an office other than a legislative office or a state office
 11 to which the member seeks election.

12 (b) As used in this section, "affected person" refers to any of the
 13 following:

14 (1) An individual who holds a legislative office.

15 (2) A candidate for a legislative office.

16 (3) An individual who holds a state office.

17 (4) A candidate for a state office.

18 (c) As used in this section, "prohibited period" means the period:

19 (1) beginning on the day in January in each odd-numbered year
 20 the general assembly reconvenes under IC 2-2.1-1-2; and

21 (2) through ~~either the earlier~~ of the following:

22 (A) ~~April 29 in calendar year 2021.~~ **May 1.**

23 (B) ~~The day the general assembly adjourns sine die under~~
 24 ~~IC 2-2.1-1-2 in an odd-numbered year beginning after~~
 25 ~~December 31, 2022. The date the budget bill (as defined in~~
 26 **IC 4-12-1-2(e)) for the following budget period (as defined**
 27 **by IC 4-12-1-2(g)) enacted by the general assembly is**
 28 **approved by the governor.**

29 (d) During the prohibited period, an affected person, an affected
 30 person's candidate's committee, and a legislative caucus committee may
 31 not do any of the following:

32 (1) Solicit campaign contributions.

33 (2) Accept campaign contributions.

34 (3) Conduct other fundraising activities. This subdivision does not
 35 prohibit an affected person from participating in party activities
 36 conducted by a regular party committee.

37 SECTION 14. IC 4-12-18-5, AS AMENDED BY P.L.174-2022,
 38 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: Sec. 5. Discretionary funds deposited into an
 40 economic stimulus fund during a period in which the general assembly
 41 is convened in a ~~regular session an emergency session under~~
 42 ~~IC 2-2.1-1-2~~; or a special session may not be allotted or expended



1 unless appropriated by the general assembly or reviewed by the budget
2 committee. Appropriations made by the general assembly do not revert
3 until the end of the biennium in which they are appropriated.

4 SECTION 15. IC 4-12-18-6, AS AMENDED BY P.L.174-2022,
5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 UPON PASSAGE]: Sec. 6. Before discretionary funds deposited into
7 an economic stimulus fund during a period in which the general
8 assembly is not convened in a ~~regular session~~ **an emergency session**
9 ~~under IC 2-2.1-1.2;~~ or a special session may be allotted to or expended
10 by a state agency or instrumentality, the allotment or expenditure must
11 be reviewed by the budget committee. Money is considered
12 continuously appropriated for the period of the federal award after
13 budget committee review.

14 SECTION 16. IC 10-14-3-12, AS AMENDED BY P.L.99-2021,
15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: Sec. 12. (a) The governor shall declare a disaster
17 emergency by executive order ~~or proclamation~~ if the governor
18 determines that a disaster has occurred or that the occurrence or the
19 threat of a disaster is imminent. **Subject to subsection (b)**, the state of
20 disaster emergency continues until the governor:

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

26 **(b)** A state of disaster emergency may not continue for longer than
27 thirty (30) days unless the state of disaster emergency is **specifically**
28 renewed by the governor. ~~The general assembly; by concurrent~~
29 ~~resolution; may terminate a state of disaster emergency at any time. If~~
30 ~~the general assembly terminates a state of disaster emergency under~~
31 ~~this subsection; the governor shall issue an executive order or~~
32 ~~proclamation ending the state of disaster emergency. All executive~~
33 ~~orders or proclamations issued under this subsection must indicate the~~
34 ~~nature of the disaster; the area or areas threatened; and the conditions~~
35 ~~which have brought the disaster about or that make possible~~
36 ~~termination of the state of disaster emergency. An executive order or~~
37 ~~proclamation under this subsection shall be disseminated promptly by~~
38 ~~means calculated to bring the order's or proclamation's contents to the~~
39 ~~attention of the general public. Unless the circumstances attendant~~
40 ~~upon the disaster prevent or impede; an executive order or~~
41 ~~proclamation shall be promptly filed with the secretary of state and~~
42 ~~with the clerk of the city or town affected or with the clerk of the circuit~~



1 ~~court~~: a statute enacted by the general assembly.

2 (c) An executive order issued under this section must indicate
3 the nature of the disaster, the area or areas threatened, and the
4 conditions which have brought the disaster about or that make
5 possible termination of the state of disaster emergency. An
6 executive order under this section shall be disseminated promptly
7 by means calculated to bring the order's contents to the attention
8 of the general public. Unless the circumstances attendant upon the
9 disaster prevent or impede, an executive order shall be promptly
10 filed with:

11 (1) the secretary of state; and

12 (2) the clerk of the city or town affected or with the circuit
13 court clerk of the county affected.

14 ~~(b)~~ (d) An executive order or ~~proclamation~~ of a state of disaster
15 emergency:

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

19 (2) is authority for:

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

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

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

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

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

42 (2) Use all available resources of the state government and of



- 1 each political subdivision of the state reasonably necessary to
 2 cope with the disaster emergency.
- 3 (3) Transfer the direction, personnel, or functions of state
 4 departments and agencies or units for performing or facilitating
 5 emergency services.
- 6 (4) Subject to any applicable requirements for compensation
 7 under section 31 of this chapter, commandeer or use any private
 8 property if the governor finds this action necessary to cope with
 9 the disaster emergency.
- 10 (5) Assist in the evacuation of all or part of the population from
 11 any stricken or threatened area in Indiana if the governor
 12 considers this action necessary for the preservation of life or other
 13 disaster mitigation, response, or recovery.
- 14 (6) Prescribe routes, modes of transportation, and destinations in
 15 connection with evacuation.
- 16 (7) Control ingress to and egress from a disaster area, the
 17 movement of persons within the area, and the occupancy of
 18 premises in the area.
- 19 (8) Suspend or limit the sale, dispensing, or transportation of
 20 alcoholic beverages, explosives, and combustibles.
- 21 (9) Make provision for the availability and use of temporary
 22 emergency housing.
- 23 (10) Allow persons who:
 24 (A) are registered as volunteer health practitioners by an
 25 approved registration system under IC 10-14-3.5; or
 26 (B) hold a license to practice:
 27 (i) medicine;
 28 (ii) dentistry;
 29 (iii) pharmacy;
 30 (iv) nursing;
 31 (v) engineering;
 32 (vi) veterinary medicine;
 33 (vii) mortuary service; and
 34 (viii) similar other professions as may be specified by the
 35 governor;
- 36 to practice their respective profession in Indiana during the period
 37 of the state of emergency if the state in which a person's license
 38 or registration was issued has a mutual aid compact for
 39 emergency management with Indiana.
- 40 (11) Give specific authority to allocate drugs, foodstuffs, and
 41 other essential materials and services.
- 42 SECTION 17. IC 10-14-3-13 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) In addition
 2 to the governor's existing powers and duties, the governor has the
 3 duties and special energy emergency powers set forth in this section,
 4 subject to the limitations in this chapter.

5 (b) The governor may, upon finding that an energy emergency
 6 exists, proclaim, **by executive order**, a state of energy emergency at
 7 which time all the general and specific emergency powers specified in
 8 this section and section 14 of this chapter become effective.

9 (c) ~~A proclamation~~ **An executive order** issued under this section
 10 and any order or rule issued as a result of the ~~proclamation~~ **executive**
 11 **order** continues in effect until ~~sixty (60)~~ **thirty (30)** days after the date
 12 of the ~~proclamation of the energy emergency~~ **executive order** unless
 13 the governor rescinds the ~~proclamation~~ **executive order** and declares
 14 the energy emergency ended before the expiration of the ~~sixty (60)~~
 15 **thirty (30)** day period.

16 (d) The governor may not renew or extend ~~a proclamation more than~~
 17 ~~once~~ **an executive order under this section** without approval of the
 18 general assembly.

19 (e) The conditions of an energy emergency cease when the governor
 20 declares the end of an energy emergency.

21 (f) In a declared state of energy emergency, the governor may do the
 22 following:

23 (1) Implement programs, controls, standards, priorities, and
 24 quotas for the conservation and consumption of energy, including
 25 plans and commission regulations for the curtailment of energy if
 26 the governor imposes controls, quotas, or curtailments according
 27 to the nature of the end use to be made of the energy consistent
 28 with existing transmission and distribution systems serving the
 29 geographic area affected by the energy emergency.

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

33 (3) Establish and implement intrastate regional programs and
 34 agreements for the purposes of coordinating the energy program
 35 and actions of the state with the federal government and other
 36 states, localities, and other persons.

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

40 (5) Suspend the provisions of any state statute regulating
 41 transportation or the orders or rules of any state agency if strict
 42 compliance with any of the provisions would prevent, hinder, or



1 delay necessary action in coping with the energy emergency.

2 (g) Restrictions, curtailments, or adjustments under subsection (f)
3 must:

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

8 (2) be applied as uniformly as practicable within each class of
9 suppliers and consumers and without discrimination within a
10 class; and

11 (3) give due consideration to:

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

14 (B) protection of public health and safety;

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

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

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

21 (F) maintenance of public information channels.

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

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

29 (1) specifically ordered by the governor; or

30 (2) impossibility of compliance is a direct result of the governor's
31 order.

32 (j) ~~A proclamation~~ **An executive order** issued under this section
33 shall be:

34 (1) disseminated promptly and in a manner calculated to inform
35 the general public of its contents; and

36 (2) filed promptly with the secretary of state and the clerk of each
37 circuit court of Indiana.

38 SECTION 18. IC 10-14-3-22, AS AMENDED BY P.L.156-2020,
39 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 UPON PASSAGE]: Sec. 22. (a) The political subdivisions and
41 agencies designated or appointed by the governor may make, amend,
42 and rescind orders, rules, and regulations as necessary for emergency



1 management purposes and to supplement the carrying out of this
 2 chapter that are not inconsistent with:
 3 (1) orders, rules, or regulations adopted by the governor or by a
 4 state agency exercising a power delegated to it by the governor;
 5 and
 6 (2) the:
 7 (A) emergency management program; and
 8 (B) emergency operations plan;
 9 of the county in which the political subdivision is located.
 10 (b) Orders, rules, and regulations have the full force and effect of
 11 law when:
 12 (1) adopted by the governor or any state agency and a copy is
 13 filed:
 14 (A) in the office of the secretary of state; or
 15 (B) with the publisher (as defined in IC 4-22-2-3(f)) under
 16 IC 4-22-2; and
 17 mailed to all members of the county emergency management
 18 advisory council at their last known addresses; or
 19 (2) filed in the office of the clerk of the adopting or promulgating
 20 political subdivision or agency of the state if adopted by a
 21 political subdivision or agency authorized by this chapter to make
 22 orders, rules, and regulations.
 23 **(c) An order, rule, or regulation adopted or promulgated under**
 24 **this section expires thirty (30) days after the order, rule, or**
 25 **regulation is first adopted or promulgated.**
 26 SECTION 19. IC 10-14-3-29, AS AMENDED BY P.L.99-2021,
 27 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 UPON PASSAGE]: Sec. 29. (a) A local disaster emergency:
 29 (1) may be declared only by the principal executive officer of a
 30 political subdivision; and
 31 (2) may not be continued or renewed for more than ~~seven (7)~~
 32 **thirty (30)** days except by or with the consent of the ~~governing~~
 33 **board legislative body (as defined in IC 36-1-2-9)** of the
 34 political subdivision.
 35 Any order ~~or proclamation~~ declaring, continuing, or terminating a local
 36 disaster emergency shall be given prompt and general publicity and
 37 shall be filed promptly in the office of the clerk of the political
 38 subdivision.
 39 (b) The effect of a declaration of a local disaster emergency is to:
 40 (1) activate the response and recovery aspects of all applicable
 41 local or interjurisdictional disaster emergency plans; and
 42 (2) authorize the furnishing of aid and assistance under the plans.



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

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

8 (1) maintain a safe rail system;

9 (2) restore utility service; or

10 (3) provide any other emergency public service;

11 from traveling on the highways within the political subdivision during
 12 the local disaster emergency.

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

18 (f) If a local emergency is declared under this section, the political
 19 subdivision may not prohibit individuals trained and certified as first
 20 response communications service providers, as set forth in section 22.6
 21 of this chapter, from traveling on the highways within the political
 22 subdivision during the local disaster emergency.

23 (g) If a local emergency is declared under this section, the political
 24 subdivision must comply with sections 12.5 and 12.7 of this chapter.

25 SECTION 20. IC 10-14-3-30 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. (a) In addition
 27 to disaster prevention measures as included in the state, local, and
 28 interjurisdictional disaster plans, the governor shall consider on a
 29 continuing basis steps that could be taken to prevent or reduce the
 30 harmful consequences of disasters. At the governor's direction, and
 31 under any other authority state agencies have, state agencies, including
 32 those charged with responsibilities in connection with:

33 (1) flood plain management;

34 (2) stream encroachment and flow regulation;

35 (3) fire prevention and control;

36 (4) air quality;

37 (5) public works; and

38 (6) use and land use planning and construction standards;

39 shall make studies of disaster prevention related matters. The governor
 40 shall make recommendations to the general assembly, local
 41 governments, and other appropriate public and private entities to
 42 facilitate measures for prevention or reduction of the harmful



- 1 consequences of disasters.
- 2 (b) In conjunction with the agency, an appropriate state agency shall
- 3 keep land uses and construction of structures and other facilities under
- 4 continuing study and identify areas that are particularly susceptible to:
- 5 (1) severe land shifting;
- 6 (2) subsidence;
- 7 (3) flood; or
- 8 (4) other catastrophic occurrence.
- 9 The studies under this subsection must concentrate on means of
- 10 reducing or avoiding the dangers caused by this occurrence or its
- 11 consequences.
- 12 (c) If the agency believes on the basis of the studies or other
- 13 competent evidence:
- 14 (1) that an area is susceptible to a disaster of catastrophic
- 15 proportions without adequate warning;
- 16 (2) that existing building standards and land use controls in that
- 17 area are inadequate and could add substantially to the magnitude
- 18 of the disaster; and
- 19 (3) that changes in zoning regulations, other land use regulations,
- 20 or building requirements are essential in order to further the
- 21 purposes of this section;
- 22 the agency shall specify the essential changes to the governor. The
- 23 governor shall recommend changes to the agencies or local
- 24 governments with jurisdiction over the area and subject matter that the
- 25 governor finds to be essential upon review of the specified changes and
- 26 a public hearing. If no action or insufficient action under the governor's
- 27 recommendations is taken within the time specified by the governor,
- 28 the governor shall inform the general assembly and request legislative
- 29 action appropriate to mitigate the effect of disaster.
- 30 (d) The governor, at the same time that the governor makes
- 31 recommendations under subsection (c), may:
- 32 (1) suspend the standard or control that the governor finds to be
- 33 inadequate to protect the public safety; and
- 34 (2) by rule place a new standard or control in effect.
- 35 The new standard or control ~~remains in effect until rejected by~~
- 36 ~~concurrent resolution of both houses of the expires thirty (30) days~~
- 37 ~~after it becomes effective unless the general assembly or amended by~~
- 38 ~~the governor: enacts the new standard or control by law.~~ When it is
- 39 in effect, the standard or control contained in the governor's regulation
- 40 is administered and given full effect by all relevant regulatory agencies
- 41 of the state and local governments to which it applies. Any action taken
- 42 by the governor under this section is subject to judicial review, but no



1 court has jurisdiction to stay or restrain that action before a hearing on
2 the merits.

3 SECTION 21. IC 16-19-4-10, AS ADDED BY P.L.208-2015,
4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 10. (a) For purposes of IC 16-41-7.5, the
6 commissioner is authorized to declare a public health emergency.

7 **(b) A public health emergency declared under this section**
8 **expires thirty (30) days after it is declared.**

9 SECTION 22. IC 16-20-1-24, AS AMENDED BY P.L.99-2021,
10 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 UPON PASSAGE]: Sec. 24. (a) Local health officers may order
12 schools closed and forbid public gatherings when considered necessary
13 to prevent and stop epidemics.

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

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

19 **(d) An order made under this section expires thirty (30) days**
20 **after it is issued.**

21 SECTION 23. IC 16-41-1-5 IS ADDED TO THE INDIANA CODE
22 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
23 UPON PASSAGE]: **Sec. 5. A quarantine or other order issued**
24 **under this article expires thirty (30) days after it is issued.**

25 SECTION 24. IC 34-6-2-137 IS REPEALED [EFFECTIVE UPON
26 PASSAGE]. ~~Sec. 137. "Session of the general assembly", for purposes~~
27 ~~of IC 34-13-1-6, does not include a regular technical session.~~

28 SECTION 25. **An emergency is declared for this act.**

