



Reprinted
February 23, 2021

SENATE BILL No. 407

DIGEST OF SB 407 (Updated February 22, 2021 4:20 pm - DI 106)

Citations Affected: IC 2-2.1; IC 4-12; IC 10-14; IC 35-52.

Synopsis: State disaster emergencies. Provides that federal economic stimulus funds (funds) disbursed to the state during a period in which the general assembly is convened in regular or special session are subject to appropriation by the general assembly, and if the funds are disbursed in a period in which the general assembly is not convened in regular or special session, then the allotment of those funds is subject to review by the state budget committee. Establishes the legislative state of disaster advisory group to: (1) consult with, receive information from, and advise the governor concerning a widespread disaster emergency; (2) review, evaluate, and make recommendations with respect to a widespread disaster emergency; and (3) inform the members of the general assembly concerning the advisory group's work and the widespread disaster emergency. Provides that a disaster emergency affecting 10 or more counties may be extended beyond its initial period, or beyond an extension authorized by the general assembly to a specified date: (1) by not more than 15 days if the general assembly is not in session and the governor does not call the general assembly into session; (2) by not more than 30 days if, during the first fifteen (15) days following the governor's renewal, the general assembly is in session or the governor calls the general assembly into session, but the general assembly does not authorize a renewal of the
(Continued next page)

Effective: Upon passage.

Glick, Messmer

January 25, 2021, read first time and referred to Committee on Rules and Legislative Procedure.

February 18, 2021, amended, reported favorably — Do Pass.

February 22, 2021, read second time, amended, ordered engrossed.

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disaster emergency; or (3) to a specified date fixed by the general assembly, if the general assembly authorizes a renewal of the disaster emergency. Prohibits the governor from declaring a new disaster emergency within 180 days of the termination of a previous disaster emergency if the: (1) new disaster emergency is based on the same or a similar cause as the previous disaster emergency; and (2) the previous disaster emergency was terminated by the general assembly or expired because the general assembly did not reauthorize it. Specifies that, during a special session called to authorize the extension of a disaster emergency, the general assembly may only consider upon issues related to the disaster. Makes a violation of the disaster law chapter or an order authorized by that chapter a Class B infraction.



Reprinted
February 23, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

SENATE BILL No. 407

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

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

1 SECTION 1. IC 2-2.1-1-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~Length and~~
3 ~~Frequency of Sessions: Special Session.~~ (a) A special session of the
4 General Assembly, called by the Governor as provided in Article 4,
5 section 9 of the Constitution of the State of Indiana, shall continue for
6 not more than thirty (30) session days nor more than forty (40) calendar
7 days following the day upon which it is commenced.

8 (b) **During a special session called to authorize the extension of**
9 **a state of disaster emergency under IC 10-14-3-12.1, the general**
10 **assembly may only consider and act upon issues related to the**
11 **disaster.**

12 SECTION 2. IC 4-12-18 IS ADDED TO THE INDIANA CODE AS
13 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
14 PASSAGE]:

15 **Chapter 18. Federal Economic Stimulus Funds**

16 **Sec. 1. As used in this chapter, "federal economic stimulus**
17 **funds" means federal money received by the state pursuant to**

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1 federal legislation enacted for the purpose of reviving the economy
2 of the United States.

3 **Sec. 2. When federal economic stimulus funds are disbursed**
4 **during a period in which the general assembly is convened in**
5 **regular or special session, those funds shall be subject to**
6 **appropriation by the general assembly.**

7 **Sec. 3. When federal economic stimulus funds are disbursed**
8 **during a period in which the general assembly is not convened in**
9 **regular or special session, the allotment of those funds to state**
10 **agencies or instrumentalities shall be subject to review by the state**
11 **budget committee.**

12 SECTION 3. IC 10-14-3-7, AS AMENDED BY P.L.1-2006,
13 SECTION 175, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Because of the existing
15 and increasing possibility of disasters or emergencies of unprecedented
16 size and destructiveness that may result from manmade or natural
17 causes, to ensure that Indiana will be adequately prepared to deal with
18 disasters or emergencies or to prevent or mitigate those disasters where
19 possible, generally to provide for the common defense, to protect the
20 public peace, health, and safety, and to preserve the lives and property
21 of the people of the state, it is found and declared to be necessary:

22 (1) to provide for emergency management under the department
23 of homeland security;

24 (2) to create local emergency management departments and to
25 authorize and direct disaster and emergency management
26 functions in the political subdivisions of the state;

27 (3) to confer upon the governor and upon the executive heads or
28 governing bodies of the political subdivisions of the state the
29 emergency powers provided in this chapter;

30 (4) to provide for the rendering of mutual aid among the political
31 subdivisions of the state, with other states, and with the federal
32 government to carry out emergency, disaster, or emergency
33 management functions; ~~and~~

34 (5) to authorize the establishment of organizations and the
35 implementation of steps that are necessary and appropriate to
36 carry out this chapter; **and**

37 **(6) to ensure that the exercise of emergency powers provided**
38 **under this chapter is taken with due regard to both:**

39 **(A) the need to respond to the disaster or emergency in an**
40 **effective and timely manner; and**

41 **(B) the consequences that the exercise of emergency**
42 **powers may have on businesses and citizens in Indiana.**



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

40 SECTION 4. IC 10-14-3-11.5 IS ADDED TO THE INDIANA
 41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. (a) The following**

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- 1 definitions apply throughout this section:
- 2 (1) "Advisory group" refers to the legislative state of disaster
- 3 emergency advisory group established by subsection (b).
- 4 (2) "Records" means any writing, paper, report, study, map,
- 5 photograph, book, card, tape recording, or other material that
- 6 is created, received, retained, maintained, or filed by or with
- 7 the advisory group and which is generated on paper, paper
- 8 substitutes, photographic media, chemically based media,
- 9 magnetic or machine readable media, electronically stored
- 10 data, or any other material, regardless of form or
- 11 characteristics.
- 12 (b) The legislative state of disaster emergency advisory group is
- 13 established. The advisory group consists of the following members:
- 14 (1) The president pro tempore of the senate or the president
- 15 pro tempore's designee, who must be a member of the general
- 16 assembly.
- 17 (2) The senate minority leader or the senate minority leader's
- 18 designee, who must be a member of the general assembly.
- 19 (3) The speaker of the house of representatives or the
- 20 speaker's designee, who must be a member of the general
- 21 assembly.
- 22 (4) The minority leader of the house of representatives or the
- 23 minority leader's designee, who must be a member of the
- 24 general assembly.
- 25 (5) A member of the general assembly appointed by the
- 26 chairperson of the legislative council.
- 27 If a member is absent or incapacitated, the floor leader of the
- 28 member's party, or the floor leader's designee, who must be a
- 29 member of the general assembly, shall serve as a member. When
- 30 a member is no longer absent or incapacitated, the member shall
- 31 resume the member's role as a member of the advisory group.
- 32 (c) The chairperson of the legislative council shall select a
- 33 member of the advisory group, including the chairperson of the
- 34 legislative council, to serve as the chairperson of the advisory
- 35 group. The advisory group shall meet:
- 36 (1) when activated under IC 10-14-3-12; and
- 37 (2) upon the call of the chairperson.
- 38 The advisory group may meet in any location, including
- 39 electronically or remotely, as determined by the chairperson of the
- 40 advisory group.
- 41 (d) A majority of the members appointed to the advisory group
- 42 constitutes a quorum. Any formal recommendation made by the



1 **advisory group:**

2 **(1) must be in writing; and**

3 **(2) requires the affirmative vote of a majority of the members**
4 **of the advisory group.**

5 **Except for any formal written recommendation made by the**
6 **advisory group, all records of the advisory group are confidential.**

7 **(e) Due to the advisory group's role in responding to a disaster**
8 **emergency, IC 5-14 does not apply to the advisory group.**

9 **(f) The advisory group has the following duties:**

10 **(1) The advisory group shall make itself available to consult**
11 **with, receive information from, and advise the governor**
12 **concerning the state of disaster emergency and any executive**
13 **orders issued in response to the state of disaster emergency.**

14 **(2) The advisory group shall review, evaluate, and make**
15 **recommendations with respect to a state of disaster**
16 **emergency and any executive orders issued in response to the**
17 **state of disaster emergency.**

18 **(3) The advisory group shall inform the members of the**
19 **general assembly concerning its work, the state of disaster**
20 **emergency, and executive orders issued in response to the**
21 **state of disaster emergency.**

22 **(g) Each member of the advisory group is entitled to receive the**
23 **same per diem, mileage, and travel allowances paid to individuals**
24 **who serve as legislative members of interim study committees**
25 **established by the legislative council.**

26 **(h) All funds necessary for the advisory group to carry out its**
27 **functions shall be paid from appropriations to the legislative**
28 **council and the legislative services agency.**

29 SECTION 5. IC 10-14-3-12, AS AMENDED BY P.L.90-2010,
30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 UPON PASSAGE]: Sec. 12. (a) The governor shall declare a disaster
32 emergency by executive order or proclamation if the governor
33 determines that a disaster has occurred or that the occurrence or the
34 threat of a disaster is imminent. The state of disaster emergency
35 continues until the governor:

36 **(1) determines that the threat or danger has passed or the disaster**
37 **has been dealt with to the extent that emergency conditions no**
38 **longer exist; and**

39 **(2) terminates the state of disaster emergency by executive order**
40 **or proclamation.**

41 A state of disaster emergency may not continue for longer than thirty
42 **(30) days unless the state of disaster emergency is renewed by the**



1 ~~governor~~: **in accordance with section 12.1 of this chapter.** The
 2 general assembly, by concurrent resolution, may terminate a state of
 3 disaster emergency at any time. If the general assembly terminates a
 4 state of disaster emergency under this subsection, the governor shall
 5 issue an executive order or proclamation ending the state of disaster
 6 emergency, **and the governor may not call another state of disaster**
 7 **emergency based on the same or a similar cause for one hundred**
 8 **eighty (180) days.** All executive orders or proclamations issued under
 9 this subsection must indicate the nature of the disaster, the area or areas
 10 threatened, and the conditions which have brought the disaster about
 11 or that make possible termination of the state of disaster emergency. An
 12 executive order or proclamation under this subsection shall be
 13 disseminated promptly by means calculated to bring the order's or
 14 proclamation's contents to the attention of the general public. Unless
 15 the circumstances attendant upon the disaster prevent or impede, an
 16 executive order or proclamation shall be promptly filed with the
 17 secretary of state and with the clerk of the city or town affected or with
 18 the clerk of the circuit court.

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

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

24 (2) is authority for:

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

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

31 **(3) activates the legislative state of disaster emergency**
 32 **advisory group (as established by section 11.5 of this chapter),**
 33 **if the declaration relates to a widespread disaster emergency**
 34 **(as defined in section 12.1 of this chapter).**

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



1 (d) In addition to the governor's other powers, the governor may do
2 the following while the state of emergency exists:

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

8 (2) Use all available resources of the state government and of
9 each political subdivision of the state reasonably necessary to
10 cope with the disaster emergency.

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

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

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

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

24 (7) Control ingress to and egress from a disaster area, the
25 movement of persons within the area, and the occupancy of
26 premises in the area.

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

29 (9) Make provision for the availability and use of temporary
30 emergency housing.

31 (10) Allow persons who:

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

34 (B) hold a license to practice:

35 (i) medicine;

36 (ii) dentistry;

37 (iii) pharmacy;

38 (iv) nursing;

39 (v) engineering;

40 (vi) veterinary medicine;

41 (vii) mortuary service; and

42 (viii) similar other professions as may be specified by the



- 1 governor;
 2 to practice their respective profession in Indiana during the period
 3 of the state of emergency if the state in which a person's license
 4 or registration was issued has a mutual aid compact for
 5 emergency management with Indiana.
 6 (11) Give specific authority to allocate drugs, foodstuffs, and
 7 other essential materials and services.
- 8 SECTION 6. IC 10-14-3-12.1 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE UPON PASSAGE]: **Sec. 12.1. (a) This section applies**
 11 **to a state of disaster emergency declared or renewed after March**
 12 **1, 2021.**
- 13 **(b) The following definitions apply throughout this section:**
 14 **(1) "Localized disaster emergency" means one (1) or more**
 15 **states of disaster emergency that apply, in aggregate, to less**
 16 **than ten (10) counties in any one hundred eighty (180) day**
 17 **period. The term does not include a widespread disaster**
 18 **emergency.**
 19 **(2) "Widespread disaster emergency" means one (1) or more**
 20 **states of disaster emergency that apply, in aggregate, to ten**
 21 **(10) or more counties in any one hundred eighty (180) day**
 22 **period. The term includes multiple localized disaster**
 23 **emergencies that apply, in aggregate, to ten (10) or more**
 24 **counties in any one hundred eighty (180) day period, unless**
 25 **each localized disaster emergency has a separate and**
 26 **unrelated cause.**
- 27 **(c) A disaster emergency that is a localized disaster emergency**
 28 **may not continue for more than thirty (30) days unless the disaster**
 29 **emergency is renewed by the governor.**
- 30 **(d) A disaster emergency that is a widespread disaster**
 31 **emergency:**
 32 **(1) begins on the day that the disaster emergency applies to**
 33 **the tenth county in the one hundred eighty (180) day period;**
 34 **and**
 35 **(2) may not continue for longer than thirty (30) days unless**
 36 **the state of disaster emergency is renewed in accordance with**
 37 **this section.**
- 38 **(e) If the governor renews a widespread disaster emergency**
 39 **beyond the initial period of up to thirty (30) days described in**
 40 **section 12(a) of this chapter, or following the date specified by the**
 41 **general assembly under subdivision (3), the period of disaster**
 42 **emergency is extended as follows:**



1 (1) A widespread disaster emergency may continue for not
2 more than an additional fifteen (15) days if:

3 (A) the general assembly is not in session during any part
4 of the fifteen (15) day period; and

5 (B) the governor does not call the general assembly into
6 session.

7 (2) A widespread disaster emergency may continue for not
8 more than an additional thirty (30) days beyond the initial
9 period of up to thirty (30) days described in section 12(a) of
10 this chapter, or following the date specified by the general
11 assembly under subdivision (3), if, during the first fifteen (15)
12 days following the governor's renewal, the:

13 (A) governor calls the general assembly into session; or

14 (B) general assembly is in session; and

15 the general assembly does not adopt a concurrent resolution
16 authorizing renewal of the disaster emergency.

17 (3) A widespread disaster emergency may be extended to a
18 date fixed by the general assembly if the general assembly
19 adopts a concurrent resolution authorizing a renewal of the
20 disaster emergency until a specified date. The general
21 assembly may authorize the extension of a state of disaster
22 emergency under this subdivision even if the disaster
23 emergency has been terminated due to the expiration of a time
24 period described in subdivision (1) or (2).

25 This subsection does not affect the ability of the general assembly
26 to terminate a state of disaster emergency at any time as provided
27 in section 12 of this chapter.

28 (f) If the general assembly does not renew a widespread disaster
29 emergency under this section, the governor may not declare a new
30 widespread or localized disaster emergency based on the same or
31 similar cause until one hundred eighty (180) days have elapsed
32 from the date that the widespread disaster emergency expires
33 under subsection (e).

34 SECTION 7. IC 10-14-3-34 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. A person who
36 knowingly, intentionally, or recklessly violates this chapter **or an order**
37 **authorized by this chapter** commits a ~~Class B misdemeanor~~. **Class B**
38 **infraction.**

39 SECTION 8. IC 35-52-10-4 IS REPEALED [EFFECTIVE UPON
40 PASSAGE]. Sec. 4. ~~IC 10-14-3-34~~ defines a crime concerning
41 emergency management.

42 SECTION 9. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 407, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective date in SECTION 2 with "[EFFECTIVE UPON PASSAGE]".

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 2.

Page 2, delete lines 20 through 42, begin a new paragraph and insert:

"SECTION 2. IC 10-14-3-7, AS AMENDED BY P.L.1-2006, SECTION 175, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Because of the existing and increasing possibility of disasters or emergencies of unprecedented size and destructiveness that may result from manmade or natural causes, to ensure that Indiana will be adequately prepared to deal with disasters or emergencies or to prevent or mitigate those disasters where possible, generally to provide for the common defense, to protect the public peace, health, and safety, and to preserve the lives and property of the people of the state, it is found and declared to be necessary:

- (1) to provide for emergency management under the department of homeland security;
- (2) to create local emergency management departments and to authorize and direct disaster and emergency management functions in the political subdivisions of the state;
- (3) to confer upon the governor and upon the executive heads or governing bodies of the political subdivisions of the state the emergency powers provided in this chapter;
- (4) to provide for the rendering of mutual aid among the political subdivisions of the state, with other states, and with the federal government to carry out emergency, disaster, or emergency management functions; **and**
- (5) to authorize the establishment of organizations and the implementation of steps that are necessary and appropriate to carry out this chapter; **and**
- (6) to ensure that the exercise of emergency powers provided under this chapter is taken with due regard to both:**
 - (A) the need to respond to the disaster or emergency in an effective and timely manner; and**



(B) the consequences that the exercise of emergency powers may have on businesses and citizens in Indiana.

(b) It is also the purpose of this chapter and the policy of the state to:

(1) coordinate all emergency management functions of this state to the maximum extent with the comparable functions of:

(A) the federal government, including the federal government's various departments and agencies;

(B) other states and localities; and

(C) private agencies of every type;

so that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur;

(2) prepare for prompt and efficient rescue, care, and treatment of persons victimized or threatened by disaster;

(3) provide a setting conducive to the rapid and orderly start of restoration and rehabilitation of persons and property affected by disasters;

(4) clarify and strengthen the roles of the:

(A) governor;

(B) state agencies; and

(C) local governments;

in the prevention of, preparation for, response to, and recovery from disasters;

(5) authorize and provide cooperation between departments of government in:

(A) disaster prevention;

(B) preparedness;

(C) response; and

(D) recovery;

(6) authorize and provide coordination of activities relating to:

(A) disaster prevention;

(B) preparedness;

(C) response; and

(D) recovery;

by agencies and officers of Indiana, and similar state-local, interstate, federal-state, and foreign activities in which the state and its political subdivisions may participate; and

(7) provide a disaster management system embodying all aspects of pre-disaster preparedness, disaster operations, and post-disaster response.

SECTION 3. IC 10-14-3-11.5 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. (a) The following definitions apply throughout this section:**

(1) "Advisory group" refers to the legislative state of disaster emergency advisory group established by subsection (b).

(2) "Records" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with the advisory group and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

(b) The legislative state of disaster emergency advisory group is established. The advisory group consists of the following members:

(1) The president pro tempore of the senate or the president pro tempore's designee, who must be a member of the general assembly.

(2) The senate minority leader or the senate minority leader's designee, who must be a member of the general assembly.

(3) The speaker of the house of representatives or the speaker's designee, who must be a member of the general assembly.

(4) The minority leader of the house of representatives or the minority leader's designee, who must be a member of the general assembly.

(5) A member of the general assembly appointed by the chairperson of the legislative council.

If a member is absent or incapacitated, the floor leader of the member's party, or the floor leader's designee, who must be a member of the general assembly, shall serve as a member. When a member is no longer absent or incapacitated, the member shall resume the member's role as a member of the advisory group.

(c) The chairperson of the legislative council shall select a member of the advisory group, including the chairperson of the legislative council, to serve as the chairperson of the advisory group. The advisory group shall meet:

(1) when activated under IC 10-14-3-12; and

(2) upon the call of the chairperson.

The advisory group may meet in any location, including electronically or remotely, as determined by the chairperson of the advisory group.



(d) A majority of the members appointed to the advisory group constitutes a quorum. Any formal recommendation made by the advisory group:

- (1) must be in writing; and**
- (2) requires the affirmative vote of a majority of the members of the advisory group.**

Except for any formal written recommendation made by the advisory group, all records of the advisory group are confidential.

(e) Due to the advisory group's role in responding to a disaster emergency, IC 5-14 does not apply to the advisory group.

(f) The advisory group has the following duties:

- (1) The advisory group shall make itself available to consult with, receive information from, and advise the governor concerning the state of disaster emergency and any executive orders issued in response to the state of disaster emergency.**
- (2) The advisory group shall review, evaluate, and make recommendations with respect to a state of disaster emergency and any executive orders issued in response to the state of disaster emergency.**
- (3) The advisory group shall inform the members of the general assembly concerning its work, the state of disaster emergency, and executive orders issued in response to the state of disaster emergency.**

(g) Each member of the advisory group is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative members of interim study committees established by the legislative council.

(h) All funds necessary for the advisory group to carry out its functions shall be paid from appropriations to the legislative council and the legislative services agency.

SECTION 4. IC 10-14-3-12, AS AMENDED BY P.L.90-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The governor shall declare a disaster emergency by executive order or proclamation if the governor determines that a disaster has occurred or that the occurrence or the threat of a disaster is imminent. The state of disaster emergency continues until the governor:

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



A state of disaster emergency may not continue for longer than thirty (30) days unless the state of disaster emergency is renewed ~~by the governor~~. **in accordance with section 12.1 of this chapter.** The general assembly, by concurrent resolution, may terminate a state of disaster emergency at any time. If the general assembly terminates a state of disaster emergency under this subsection, the governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or proclamations issued under this subsection must indicate the nature of the disaster, the area or areas threatened, and the conditions which have brought the disaster about or that make possible termination of the state of disaster emergency. An executive order or proclamation under this subsection shall be disseminated promptly by means calculated to bring the order's or proclamation's contents to the attention of the general public. Unless the circumstances attendant upon the disaster prevent or impede, an executive order or proclamation shall be promptly filed with the secretary of state and with the clerk of the city or town affected or with the clerk of the circuit court.

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

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

(2) is authority for:

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

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

(3) activates the legislative state of disaster emergency advisory group (as established by section 11.5 of this chapter).

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

(d) In addition to the governor's other powers, the governor may do the following while the state of emergency exists:



- (1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any of these provisions would in any way prevent, hinder, or delay necessary action in coping with the emergency.
 - (2) Use all available resources of the state government and of each political subdivision of the state reasonably necessary to cope with the disaster emergency.
 - (3) Transfer the direction, personnel, or functions of state departments and agencies or units for performing or facilitating emergency services.
 - (4) Subject to any applicable requirements for compensation under section 31 of this chapter, commandeer or use any private property if the governor finds this action necessary to cope with the disaster emergency.
 - (5) Assist in the evacuation of all or part of the population from any stricken or threatened area in Indiana if the governor considers this action necessary for the preservation of life or other disaster mitigation, response, or recovery.
 - (6) Prescribe routes, modes of transportation, and destinations in connection with evacuation.
 - (7) Control ingress to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises in the area.
 - (8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles.
 - (9) Make provision for the availability and use of temporary emergency housing.
 - (10) Allow persons who:
 - (A) are registered as volunteer health practitioners by an approved registration system under IC 10-14-3.5; or
 - (B) hold a license to practice:
 - (i) medicine;
 - (ii) dentistry;
 - (iii) pharmacy;
 - (iv) nursing;
 - (v) engineering;
 - (vi) veterinary medicine;
 - (vii) mortuary service; and
 - (viii) similar other professions as may be specified by the governor;
- to practice their respective profession in Indiana during the period



of the state of emergency if the state in which a person's license or registration was issued has a mutual aid compact for emergency management with Indiana.

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

SECTION 4. IC 10-14-3-12.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12.1. (a) This section applies to a state of disaster emergency declared or renewed after March 1, 2021.**

(b) The following definitions apply throughout this section:

(1) "Localized disaster emergency" means one (1) or more states of disaster emergency that apply, in aggregate, to less than ten (10) counties in any one hundred eighty (180) day period. The term does not include a widespread disaster emergency.

(2) "Widespread disaster emergency" means one (1) or more states of disaster emergency that apply, in aggregate, to ten (10) or more counties in any one hundred eighty (180) day period. However, the term does not include multiple localized disaster emergencies if each localized disaster emergency has a separate and unrelated cause. A widespread disaster emergency begins on the day the disaster emergency applies to the tenth county in the one hundred eighty (180) day period.

(c) A localized disaster emergency may not continue for more than thirty (30) days unless the disaster emergency is renewed by the governor.

(d) If the governor renews a widespread disaster emergency following the expiration of the initial thirty (30) day period, or following the date specified by the general assembly under subdivision (3), the period of disaster emergency is extended as follows:

(1) A widespread disaster emergency may continue for not more than an additional fifteen (15) days if:

(A) the general assembly is not in session during any part of the fifteen (15) day period; and

(B) the governor does not call the general assembly into session.

(2) A widespread disaster emergency may continue for not more than an additional thirty (30) days beyond the initial thirty (30) day period if, during the first fifteen (15) days



following the governor's renewal, the:

(A) governor calls the general assembly into session; or

(B) general assembly is in session; and

the general assembly does not adopt a concurrent resolution authorizing renewal of the disaster emergency.

(3) A widespread disaster emergency may be extended to a date fixed by the general assembly if the general assembly adopts a concurrent resolution authorizing a renewal of the disaster emergency until a specified date. The general assembly may authorize the extension of a state of disaster emergency under this subdivision even if the disaster emergency has been terminated due to the expiration of a time period described in subdivision (1) or (2).

This subsection does not affect the ability of the general assembly to terminate a state of disaster emergency at any time as provided in section 12 of this chapter.

SECTION 6. IC 10-14-3-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. A person who knowingly, intentionally, or recklessly violates this chapter **or an order authorized by this chapter** commits a ~~Class B misdemeanor~~. **Class B infraction.**

SECTION 7. IC 35-52-10-4 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 4. IC 10-14-3-34 defines a crime concerning emergency management.~~

SECTION 8. **An emergency is declared for this act."**

Delete pages 3 through 6.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 407 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 12, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 407 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

SB 407—LS 7413/DI 120



"SECTION 1. IC 2-2.1-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~Length and Frequency of Sessions: Special Session.~~ (a) A special session of the General Assembly, called by the Governor as provided in Article 4, section 9 of the Constitution of the State of Indiana, shall continue for not more than thirty (30) session days nor more than forty (40) calendar days following the day upon which it is commenced.

(b) During a special session called to authorize the extension of a state of disaster emergency under IC 10-14-3-12.1, the general assembly may only consider and act upon issues related to the disaster."

Page 5, delete lines 18 through 42, begin a new paragraph, and insert:

"SECTION 5. IC 10-14-3-12, AS AMENDED BY P.L.90-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The governor shall declare a disaster emergency by executive order or proclamation if the governor determines that a disaster has occurred or that the occurrence or the threat of a disaster is imminent. The state of disaster emergency continues until the governor:

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

A state of disaster emergency may not continue for longer than thirty (30) days unless the state of disaster emergency is renewed ~~by the governor.~~ **in accordance with section 12.1 of this chapter.** The general assembly, by concurrent resolution, may terminate a state of disaster emergency at any time. If the general assembly terminates a state of disaster emergency under this subsection, the governor shall issue an executive order or proclamation ending the state of disaster emergency, **and the governor may not call another state of disaster emergency based on the same or a similar cause for one hundred eighty (180) days.** All executive orders or proclamations issued under this subsection must indicate the nature of the disaster, the area or areas threatened, and the conditions which have brought THE disaster about or that make possible termination of the state of disaster emergency. An executive order or proclamation under this subsection shall be disseminated promptly by means calculated to bring the order's or proclamation's contents to the attention of the general public. Unless the circumstances attendant upon the disaster prevent or impede, an



executive order or proclamation shall be promptly filed with the secretary of state and with the clerk of the city or town affected or with the clerk of the circuit court.

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

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

(2) is authority for:

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

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

(3) activates the legislative state of disaster emergency advisory group (as established by section 11.5 of this chapter), if the declaration relates to a widespread disaster emergency (as defined in section 12.1 of this chapter).

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

(d) In addition to the governor's other powers, the governor may do the following while the state of emergency exists:

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

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

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

(4) Subject to any applicable requirements for compensation under section 31 of this chapter, commandeer or use any private



property if the governor finds this action necessary to cope with the disaster emergency.

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

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

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

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

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

(10) Allow persons who:

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

(B) hold a license to practice:

(i) medicine;

(ii) dentistry;

(iii) pharmacy;

(iv) nursing;

(v) engineering;

(vi) veterinary medicine;

(vii) mortuary service; and

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

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

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

SECTION 6. IC 10-14-3-12.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12.1. (a) This section applies to a state of disaster emergency declared or renewed after March 1, 2021.**

(b) The following definitions apply throughout this section:

(1) "Localized disaster emergency" means one (1) or more states of disaster emergency that apply, in aggregate, to less



than ten (10) counties in any one hundred eighty (180) day period. The term does not include a widespread disaster emergency.

(2) "Widespread disaster emergency" means one (1) or more states of disaster emergency that apply, in aggregate, to ten (10) or more counties in any one hundred eighty (180) day period. The term includes multiple localized disaster emergencies that apply, in aggregate, to ten (10) or more counties in any one hundred eighty (180) day period, unless each localized disaster emergency has a separate and unrelated cause.

(c) A disaster emergency that is a localized disaster emergency may not continue for more than thirty (30) days unless the disaster emergency is renewed by the governor.

(d) A disaster emergency that is a widespread disaster emergency:

(1) begins on the day that the disaster emergency applies to the tenth county in the one hundred eighty (180) day period; and

(2) may not continue for longer than thirty (30) days unless the state of disaster emergency is renewed in accordance with this section.

(e) If the governor renews a widespread disaster emergency beyond the initial period of up to thirty (30) days described in section 12(a) of this chapter, or following the date specified by the general assembly under subdivision (3), the period of disaster emergency is extended as follows:

(1) A widespread disaster emergency may continue for not more than an additional fifteen (15) days if:

(A) the general assembly is not in session during any part of the fifteen (15) day period; and

(B) the governor does not call the general assembly into session.

(2) A widespread disaster emergency may continue for not more than an additional thirty (30) days beyond the initial period of up to thirty (30) days described in section 12(a) of this chapter, or following the date specified by the general assembly under subdivision (3), if, during the first fifteen (15) days following the governor's renewal, the:

(A) governor calls the general assembly into session; or

(B) general assembly is in session; and

the general assembly does not adopt a concurrent resolution



authorizing renewal of the disaster emergency.

(3) A widespread disaster emergency may be extended to a date fixed by the general assembly if the general assembly adopts a concurrent resolution authorizing a renewal of the disaster emergency until a specified date. The general assembly may authorize the extension of a state of disaster emergency under this subdivision even if the disaster emergency has been terminated due to the expiration of a time period described in subdivision (1) or (2).

This subsection does not affect the ability of the general assembly to terminate a state of disaster emergency at any time as provided in section 12 of this chapter.

(f) If the general assembly does not renew a widespread disaster emergency under this section, the governor may not declare a new widespread or localized disaster emergency based on the same or similar cause until one hundred eighty (180) days have elapsed from the date that the widespread disaster emergency expires under subsection (e)."

Delete pages 6 through 8.

Page 9, delete lines 1 through 3.

Re-number all SECTIONS consecutively.

(Reference is to SB 407 as printed February 19, 2021.)

GLICK

