

IC 10-14-3

Chapter 3. Emergency Management and Disaster Law

IC 10-14-3-1

"Disaster"

Sec. 1. (a) As used in this chapter, "disaster" means an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause.

(b) The term includes the following:

- (1) Fire.
- (2) Flood.
- (3) Earthquake.
- (4) Wind.
- (5) Storm.
- (6) Wave action.
- (7) Oil spill.
- (8) Other water contamination requiring emergency action to avert danger or damage.
- (9) Air contamination.
- (10) Drought.
- (11) Explosion.
- (12) Riot.
- (13) Hostile military or paramilitary action.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-2

"Emergency management"

Sec. 2. As used in this chapter, "emergency management" means the preparation for and the coordination of all emergency functions, other than functions for which military forces or other federal agencies are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters. The functions include the following:

- (1) Firefighting services.
- (2) Police services.
- (3) Medical and health services.
- (4) Rescue.
- (5) Engineering.
- (6) Warning services.
- (7) Communications.
- (8) Radiological, chemical, and other special weapons defense.
- (9) Evacuation of persons from stricken areas.
- (10) Emergency welfare services.
- (11) Emergency transportation.
- (12) Plant protection.
- (13) Temporary restoration of public utility services.
- (14) Other functions related to civilian protection.
- (15) All other activities necessary or incidental to the preparation for and coordination of the functions described in subdivisions (1) through (14).

As added by P.L.2-2003, SEC.5.

IC 10-14-3-3

"Emergency management worker"

Sec. 3. As used in this chapter, "emergency management worker" includes any full-time or part-time paid, volunteer, or auxiliary employee of:

- (1) the state;
- (2) other:
 - (A) states;
 - (B) territories; or
 - (C) possessions;
- (3) the District of Columbia;
- (4) the federal government;
- (5) any neighboring country;
- (6) any political subdivision of an entity described in subdivisions (1) through (5); or
- (7) any agency or organization;

performing emergency management services at any place in Indiana subject to the order or control of, or under a request of, the state government or any political subdivision of the state.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-4

"Energy"

Sec. 4. As used in this chapter, "energy" means coal, petroleum or other liquid fuels, natural or synfuel gas, or electricity.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-5

"Energy emergency"

Sec. 5. As used in this chapter, "energy emergency" means an existing or projected shortfall of at least eight percent (8%) of motor fuel or of other energy sources that threatens to seriously disrupt or diminish energy supplies to the extent that life, health, or property may be jeopardized.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-6

"Political subdivision"

Sec. 6. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-7

Declaration of purposes

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 a state emergency management agency;
- (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.

(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.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-8

Limitations on applications of chapter

Sec. 8. (a) This chapter may not be construed to do the following:

(1) Interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by this chapter or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety.

(2) Interfere with the dissemination of news or comment on public affairs. However, a communications facility or organization, including radio and television stations, wire services, and newspapers, may be required to transmit or print public service messages furnishing information or instructions in connection with a disaster emergency.

(3) Affect the jurisdiction or responsibilities of police forces, firefighting forces, or units or personnel on active duty of the United States' armed forces. However, state, local, and interjurisdictional disaster emergency plans must rely on the forces available for performance of functions related to disaster emergencies.

(4) Limit, modify, or abridge the authority of the governor to proclaim martial law or exercise any other powers vested in the governor under the constitution, statutes, or common law of Indiana independent of or in conjunction with any provisions of this chapter.

(b) This chapter does not limit or in any way affect the responsibilities of the American National Red Cross under 36 U.S.C. 300101 et seq. and 42 U.S.C. 5121 et seq.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-9

State emergency operations plan; local and interjurisdictional disaster plans; statewide mutual aid program

Sec. 9. (a) The agency shall prepare and maintain a current state emergency operations plan. The plan may provide for the following:

(1) Prevention and minimization of injury and damage caused by disaster.

(2) Prompt and effective response to disaster.

(3) Emergency relief.

(4) Identification of areas particularly vulnerable to disaster.

(5) Recommendations for:

- (A) zoning;
- (B) building;
- (C) other land use controls;
- (D) safety measures for securing mobile homes or other nonpermanent or semipermanent structures; and
- (E) other preventive and preparedness measures designed to eliminate or reduce disaster or its impact;

that must be disseminated to both the fire prevention and building safety commission and local authorities.

(6) Assistance to local officials in designing local emergency action plans.

(7) Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from flood, conflagration, or other disaster.

(8) Preparation and distribution to the appropriate state and local officials of state catalogs of federal, state, and private assistance programs.

(9) Organization of manpower and chains of command.

(10) Coordination of federal, state, and local disaster activities.

(11) Coordination of the state disaster plan with the disaster plans of the federal government.

(12) Other necessary matters.

(b) The agency shall take an integral part in the development and revision of local and interjurisdictional disaster plans prepared under section 17 of this chapter. The agency shall employ or otherwise secure the services of professional and technical personnel capable of providing expert assistance to political subdivisions, a political subdivision's disaster agencies, and interjurisdictional planning and disaster agencies. These personnel:

(1) shall consult with subdivisions and government agencies on a regularly scheduled basis;

(2) shall make field examinations of the areas, circumstances, and conditions to which particular local and interjurisdictional disaster plans are intended to apply; and

(3) may suggest revisions.

(c) In preparing and revising the state disaster plan, the agency shall seek the advice and assistance of local government, business, labor, industry, agriculture, civic and volunteer organizations, and community leaders. In advising local and interjurisdictional agencies, the agency shall encourage local and interjurisdictional agencies to seek advice from the sources specified in this subsection.

(d) The state disaster plan or any part of the plan may be incorporated in rules of the agency or by executive orders.

(e) The agency shall do the following:

(1) Determine requirements of the state and political subdivisions for food, clothing, and other necessities in the event of an emergency.

(2) Procure and pre-position supplies, medicines, materials, and equipment.

- (3) Adopt standards and requirements for local and interjurisdictional disaster plans.
- (4) Provide for mobile support units.
- (5) Assist political subdivisions, political subdivisions' disaster agencies, and interjurisdictional disaster agencies to establish and operate training programs and public information programs.
- (6) Make surveys of industries, resources, and facilities in Indiana, both public and private, necessary to carry out this chapter.
- (7) Plan and make arrangements for the availability and use of any private facilities, services, and property, and if necessary and if the private facilities, services, or property is used, provide for payment for the use under agreed upon terms and conditions.
- (8) Establish a register of persons with types of training and skills important in emergency prevention, preparedness, response, and recovery.
- (9) Establish a register of mobile and construction equipment and temporary housing available for use in a disaster emergency.
- (10) Prepare, for issuance by the governor, executive orders, proclamations, and regulations necessary or appropriate in coping with disaster.
- (11) Cooperate with the federal government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for disaster prevention, preparation, response, and recovery.
- (12) Do other things necessary, incidental, or appropriate to implement this chapter.

(f) The agency shall ascertain the rapid and efficient communications that exist in times of disaster emergencies. The agency shall consider the desirability of supplementing these communications resources or of integrating these resources into a comprehensive intrastate or state-federal telecommunications or other communications system or network. In studying the character and feasibility of any system, the agency shall evaluate the possibility of multipurpose use of the system for general state and local governmental purposes. The agency shall make appropriate recommendations to the governor.

(g) The agency shall develop a statewide mutual aid program to implement the statewide mutual aid agreement.

As added by P.L.2-2003, SEC.5. Amended by P.L.205-2003, SEC.5.

IC 10-14-3-10 Repealed

(Repealed by P.L.205-2003, SEC.44.)

IC 10-14-3-10.6

Participating unit; unit; opt out of statewide mutual aid program; incident management system; unified command system; assistance request; restrictions on assistance

Sec. 10.6. (a) As used in this section, "participating unit" refers to a unit that does not opt out under subsection (c) from participating in the statewide mutual aid program.

(b) As used in this section, "unit" has the meaning set forth in IC 36-1-2-23.

(c) A unit may choose not to participate in the statewide mutual aid program if the unit:

(1) adopts an ordinance or a resolution declaring that the unit will not participate in the statewide mutual aid program; and

(2) provides a copy of the ordinance or resolution to:

(A) the local emergency management organization that serves the unit; and

(B) the department.

(d) Each participating unit shall establish an incident management system and a unified command system to be used in a response to a disaster or an emergency.

(e) A participating unit may request the assistance of at least one (1) other participating unit to:

(1) manage disaster response or recovery; or

(2) conduct disaster response or recovery related exercises, testing, or training.

(f) A request for assistance to a participating unit under subsection (e) shall be made by and to the executive of the unit or the executive's authorized representative. A request may be oral or in writing. A written request shall be made on forms developed by the department. An oral request shall be confirmed in writing not later than twenty-four (24) hours after the oral request is made.

(g) A request must include the following information:

(1) A description of the disaster response and recovery functions for which assistance is needed, including the following:

(A) Fire.

(B) Law enforcement.

(C) Emergency medical.

(D) Transportation.

(E) Communications.

(F) Public works and engineering.

(G) Building inspection.

(H) Planning and information assistance.

(I) Mass care.

(J) Resource support.

(K) Health and other medical services.

(L) Search and rescue.

(2) The amount and type of services, equipment, supplies, materials, personnel, and other resources needed and a reasonable estimate of the length of time they will be needed.

(3) The specific place and time for staging of the assisting participating unit's provision of assistance and a point of contact at that location.

(h) A participating unit that is requested to render assistance shall

take the necessary action to provide and make available the requested services, equipment, supplies, materials, personnel, and other resources.

(i) A participating unit's obligation to provide assistance is subject to the following restrictions:

(1) A participating unit's request to receive assistance is effective only:

(A) upon declaration of a local disaster emergency by the executive officer of the unit under section 23 of this chapter;

or

(B) upon the commencement of the exercises, testing, or training.

(2) The assistance shall continue as long as:

(A) the state of emergency remains in effect and the loaned resources are required by the receiving participating unit or the loaned resources remain in the receiving participating unit; or

(B) the exercises, testing, or training is in progress.

(3) The participating unit rendering the assistance may withhold resources or recall loaned resources to the extent necessary to provide for the participating unit's own reasonable protection.

(4) Emergency forces providing assistance shall continue under the command and control of their regular leaders, but operationally those forces shall be under the control of the incident commander or unified commander designated by the requesting participating unit.

As added by P.L.205-2003, SEC.6.

IC 10-14-3-10.7

Participating unit; payment of compensation and benefits; reimbursement; agreements; act as agents; no restrictions on agreements

Sec. 10.7. (a) As used in this section, "participating unit" has the meaning set forth in section 10.6(a) of this chapter.

(b) Each participating unit shall provide for the payment of compensation and benefits to:

(1) an injured member; and

(2) a representative of a deceased member;

of the participating unit's emergency forces if the member is injured or killed while rendering assistance under section 10.6 of this chapter in the same manner and on the same terms as if the injury or death were sustained while the member was rendering assistance for or within the member's own unit. Expenses incurred under this subsection are not reimbursable under subsection (c).

(c) A participating unit rendering assistance for disaster response or recovery to another participating unit under section 10.6 of this chapter shall be reimbursed by the participating unit receiving the assistance for the following:

(1) A loss of, damage to, or expense incurred in the operation of any equipment in answering the request for assistance.

- (2) An expense incurred in the provision of a service in answering the request for assistance.
 - (3) An expense incurred in answering the request for assistance.
 - (d) Except as provided by an agreement entered into under subsection (e), the following labor and equipment reimbursement rates apply to reimbursement under subsection (c):
 - (1) The labor reimbursement rates are as follows:
 - (A) The straight time costs of the labor force of the participating unit rendering assistance shall be reimbursed at the normal pay rates for responding personnel.
 - (B) The overtime costs of the labor force of the participating unit rendering assistance shall be reimbursed at one hundred fifty percent (150%) of the normal pay rates for the responding personnel if it is the normal practice of the requesting unit to pay these personnel overtime.
 - (2) The equipment reimbursement rates are the lesser of the following:
 - (A) The rates for equipment costs reimbursement established by the Federal Emergency Management Agency or its successor agency.
 - (B) The equipment costs established by the participating unit rendering assistance.
 - (e) At least two (2) participating units may enter into agreements establishing a different allocation of loss, damage, expense, or costs among themselves than that specified in subsections (c) and (d).
 - (f) Officers and employees of a participating unit rendering assistance to another participating unit under this section shall be considered agents of the requesting unit for the purpose of tort liability and immunity.
 - (g) This section does not prevent any participating unit from entering into a mutual aid or other agreement with another unit or affect any other agreement to which a unit is a party, including an agreement entered into under this chapter or IC 36-1-7.
- As added by P.L.205-2003, SEC.7.*

IC 10-14-3-11

Governor; duties

Sec. 11. (a) The governor has general direction and control of the agency and is responsible for carrying out this chapter. In the event of disaster or emergency beyond local control, the governor may assume direct operational control over all or any part of the emergency management functions within Indiana.

(b) In performing the governor's duties under this chapter, the governor may do the following:

- (1) Make, amend, and rescind the necessary orders, rules, and regulations to carry out this chapter with due consideration of the plans of the federal government.
- (2) Cooperate with the President of the United States and the heads of the armed forces, the Federal Emergency Management Agency, and the officers and agencies of other states in matters

pertaining to emergency management and disaster preparedness, response, and recovery of the state and nation. In cooperating under this subdivision, the governor may take any measures that the governor considers proper to carry into effect any request of the President of the United States and the appropriate federal officers and agencies for any emergency management action, including the direction or control of disaster preparations, including the following:

- (A) Mobilizing emergency management forces and other tests and exercises.
 - (B) Providing warnings and signals for drills, actual emergencies, or disasters.
 - (C) Shutting off water mains, gas mains, and electric power connections and suspending any other utility service.
 - (D) Conducting civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after drills, actual emergencies, or other disasters.
 - (E) Holding public meetings or gatherings.
 - (F) Evacuating and receiving the civilian population.
- (3) Take any action and give any direction to state and local law enforcement officers and agencies as may be reasonable and necessary for securing compliance with this chapter and with any orders, rules, and regulations made under this chapter.
- (4) Employ any measure and give any direction to the state department of health or local boards of health as is reasonably necessary for securing compliance with this chapter or with the findings or recommendations of the state department of health or local boards of health because of conditions arising from actual or threatened:
- (A) national security emergencies; or
 - (B) manmade or natural disasters or emergencies.
- (5) Use the services and facilities of existing officers, agencies of the state, and of political subdivisions. All officers and agencies of the state and of political subdivisions shall cooperate with and extend services and facilities to the governor as the governor may request.
- (6) Establish agencies and offices and appoint executive, technical, clerical, and other personnel necessary to carry out this chapter, including the appointment of full-time state and area directors.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-12

Disaster emergency; emergency gubernatorial powers

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. 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.

(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, firearms, explosives, and combustibles.
- (9) Make provision for the availability and use of temporary emergency housing.
- (10) Allow persons who hold a license to practice medicine, dentistry, pharmacy, nursing, engineering, and 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 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.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-13

Energy emergency proclamation; additional duties and special powers of governor; exemption; effect of cessation

Sec. 13. (a) In addition to the governor's existing powers and duties, the governor has the duties and special energy emergency powers set forth in this section, subject to the limitations in this chapter.

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

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

period.

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

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

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

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

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

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

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

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

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

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

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

(3) give due consideration to:

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

(B) protection of public health and safety;

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

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

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

(F) maintenance of public information channels.

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

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

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

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

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

As added by P.L.2-2003, SEC.5.

IC 10-14-3-14

Declaration of energy emergency; procedures

Sec. 14. (a) In determining whether to declare an energy emergency under section 13 of this chapter, the governor shall consider:

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

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

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

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

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

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

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

- (1) subpoena:

- (A) witnesses;
 - (B) material;
 - (C) relevant books;
 - (D) papers;
 - (E) accounts;
 - (F) records; and
 - (G) memoranda;
- (2) administer oaths; and
 - (3) cause the depositions of persons residing within or outside Indiana to be taken in the manner prescribed for depositions in civil actions;

to obtain information relevant to energy resources that are the subject of the proclaimed emergency.

(f) In obtaining information under subsection (e), the governor shall:

- (1) avoid eliciting information already furnished by a person or political subdivision in Indiana to a federal, state, or local regulatory authority that is available for the governor's study; and
- (2) cause reporting procedures, including forms, to conform to existing requirements of federal, state, and local regulatory authorities wherever possible.

(g) Information obtained under this section from a person who designates that information as confidential shall be maintained as confidential by the governor and by any person who obtains information that the person knows to be confidential under this chapter. The governor may not make known in any manner any particulars of information to persons other than those specified in subsection (j).

(h) This section does not prohibit the use of confidential information to prepare statistics or other general data for publication if the information is presented in a manner that prevents identification of the particular persons.

(i) A person who is served with a subpoena to:

- (1) give testimony orally or in writing; or
- (2) produce books, papers, correspondence, memoranda, agreements, or other documents or records;

under this chapter may apply to an Indiana court for protection against abuse or hardship in the manner provided by law.

(j) For purposes of this section, references to the governor in this section include any other individual designated in writing by the governor. A person designated by the governor shall preserve the confidentiality of information in accordance with subsection (g).

(k) The powers vested in the governor under this section and section 13 of this chapter are in addition to and not instead of emergency powers vested in the governor under this chapter or any other state law.

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

(1) an energy emergency is declared by the governor; and
(2) the energy emergency justifies the expenditure;
in accordance with section 28 of this chapter for other emergency or disaster expenditures.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-15

Governmental functions; liability; emergency management workers

Sec. 15. (a) Any function under this chapter and any other activity relating to emergency management is a governmental function. The state, any political subdivision, any other agencies of the state or political subdivision of the state, or, except in cases of willful misconduct, gross negligence, or bad faith, any emergency management worker complying with or reasonably attempting to comply with this chapter or any order or rule adopted under this chapter, or under any ordinance relating to blackout or other precautionary measures enacted by any political subdivision of the state, is not liable for the death of or injury to persons or for damage to property as a result of any such activity. This section does not affect the right of any person to receive:

(1) benefits to which the person would otherwise be entitled under:

(A) this chapter;

(B) the worker's compensation law (IC 22-3-2 through IC 22-3-6); or

(C) any pension law; or

(2) any benefits or compensation under any federal law.

(b) Any requirement for a license to practice any professional, mechanical, or other skill does not apply to any authorized emergency management worker who, in the course of performing duties as an emergency management worker, practices a professional, mechanical, or other skill during a disaster emergency.

(c) A volunteer working as an authorized emergency management worker may be covered by the medical treatment and burial expense provisions of the worker's compensation law (IC 22-3-2 through IC 22-3-6) and the worker's occupational diseases law (IC 22-3-7). If compensability of the injury is an issue, the administrative procedures of IC 22-3-2 through IC 22-3-7 shall be used to determine the issue.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-16

Director of local organizations; mutual aid arrangements

Sec. 16. (a) The director of a local organization for emergency management may develop or cause to be developed mutual aid arrangements with other public and private agencies within Indiana for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. An arrangement must be consistent with the state emergency management program and

state emergency operations plan. During an emergency, a local organization for emergency management and the agency shall render assistance in accordance with the provisions of the mutual aid arrangement.

(b) The director of a local organization for emergency management and disaster:

(1) may assist in the negotiation of reciprocal mutual aid agreements between the governor and the adjoining state or the state's political subdivisions; and

(2) shall carry out arrangements or any agreement relating to the local and political subdivision.

(c) This subsection applies when the governor finds that two (2) or more adjoining counties would be better served by an interjurisdictional arrangement than by maintaining separate disaster agencies and services. The governor may, with the concurrence of the affected counties, delineate by executive order or regulation an interjurisdictional area adequate to plan for, prevent, or respond to disaster in that area, and direct steps to be taken as necessary, including the creation of an interjurisdictional relationship, a joint emergency operations plan, mutual aid, or an area organization for emergency management planning and services. A finding of the governor under this subsection must be based on one (1) or more factors related to the difficulty of maintaining an efficient and effective disaster prevention, preparedness, response, and recovery system on a unijurisdictional basis, including the following factors:

(1) Small or sparse population.

(2) Limitations on public financial resources severe enough to make maintenance of a separate disaster agency and services unreasonably burdensome.

(3) Unusual vulnerability to disaster as evidenced by a history of disaster, topographical features, drainage characteristics, disaster potential, and presence of disaster prone facilities or operations.

(4) The interrelated character of the counties in a multicounty area.

(5) Other relevant conditions or circumstances.

(d) If the governor finds that:

(1) a vulnerable area lies partly in Indiana and includes territory in another state or states; and

(2) it would be desirable to establish an interstate relationship, mutual aid, or an area organization for disaster;

the governor shall take steps to establish an interstate relationship. If action under this subsection is taken with jurisdictions that have enacted the emergency management assistance compact, any resulting agreement or agreements may be considered supplemental agreements under article 7 of the compact.

(e) If the other jurisdiction or jurisdictions with which the governor proposes to cooperate under subsection (d) have not enacted the emergency management assistance compact, the governor may negotiate special agreements with the jurisdiction or

jurisdictions. An agreement, if sufficient authority for making the agreement does not otherwise exist, becomes effective only:

- (1) after the agreement's text has been communicated to the general assembly; and
- (2) if a house of the general assembly does not disapprove of the agreement by the later of:
 - (A) the date of adjournment of the next ensuing session that is competent to consider the agreement; or
 - (B) not more than thirty (30) days after the date of the submission of the agreement.

As added by P.L.2-2003, SEC.5. Amended by P.L.115-2003, SEC.11.

IC 10-14-3-17

County emergency management advisory council; local emergency management organizations; power of political subdivisions; public work

Sec. 17. (a) A political subdivision is:

- (1) within the jurisdiction of; and
- (2) served by;

a department of emergency management or by an interjurisdictional agency responsible for disaster preparedness and coordination of response.

(b) A county shall:

- (1) maintain a county emergency management advisory council and a county emergency management organization; or
- (2) participate in an interjurisdictional disaster agency that, except as otherwise provided under this chapter, may have jurisdiction over and serve the entire county.

(c) The county emergency management advisory council consists of the following individuals or their designees:

- (1) The president of the county executive or, if the county executive does not have a president, a member of the county executive appointed from the membership of the county executive.
- (2) The president of the county fiscal body.
- (3) The mayor of each city located in the county.
- (4) An individual representing the legislative bodies of all towns located in the county.
- (5) Representatives of private and public agencies or organizations that can assist emergency management considered appropriate by the county emergency management advisory council.
- (6) One (1) commander of a local civil air patrol unit in the county or the commander's designee.

(d) The county emergency management advisory council shall do the following:

- (1) Exercise general supervision and control over the emergency management and disaster program of the county.
- (2) Select or cause to be selected, with the approval of the county executive, a county emergency management and disaster

director who:

(A) has direct responsibility for the organization, administration, and operation of the emergency management program in the county; and

(B) is responsible to the chairman of the county emergency management advisory council.

(e) Notwithstanding any provision of this chapter or other law to the contrary, the governor may require a political subdivision to establish and maintain a disaster agency jointly with one (1) or more contiguous political subdivisions with the concurrence of the affected political divisions if the governor finds that the establishment and maintenance of an agency or participation in one (1) is necessary by circumstances or conditions that make it unusually difficult to provide:

- (1) disaster prevention;
- (2) preparedness;
- (3) response; or
- (4) recovery services;

under this chapter.

(f) A political subdivision that does not have a disaster agency and has not made arrangements to secure or participate in the services of an agency shall have an emergency management director designated to facilitate the cooperation and protection of that political subdivision in the work of:

- (1) disaster prevention;
- (2) preparedness;
- (3) response; and
- (4) recovery.

(g) The county emergency management and disaster director and personnel of the department may be provided with appropriate:

- (1) office space;
- (2) furniture;
- (3) vehicles;
- (4) communications;
- (5) equipment;
- (6) supplies;
- (7) stationery; and
- (8) printing;

in the same manner as provided for personnel of other county agencies.

(h) Each local or interjurisdictional agency shall:

- (1) prepare; and
- (2) keep current;

a local or interjurisdictional disaster emergency plan for its area.

(i) The local or interjurisdictional disaster agency shall prepare and distribute to all appropriate officials a clear and complete written statement of:

- (1) the emergency responsibilities of all local agencies and officials; and
- (2) the disaster chain of command.

- (j) Each political subdivision may:
- (1) appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management and disaster purposes, provide for the health and safety of persons and property, including emergency assistance to the victims of a disaster resulting from enemy attack, provide for a comprehensive insurance program for its emergency management volunteers, and direct and coordinate the development of an emergency management program and emergency operations plan in accordance with the policies and plans set by the federal emergency management agency and the state emergency management agency;
 - (2) appoint, employ, remove, or provide, with or without compensation:
 - (A) rescue teams;
 - (B) auxiliary fire and police personnel; and
 - (C) other emergency management and disaster workers;
 - (3) establish:
 - (A) a primary; and
 - (B) one (1) or more secondary;control centers to serve as command posts during an emergency;
 - (4) subject to the order of the governor or the chief executive of the political subdivision, assign and make available for duty the employees, property, or equipment of the political subdivision relating to:
 - (A) firefighting;
 - (B) engineering;
 - (C) rescue;
 - (D) health, medical, and related services;
 - (E) police;
 - (F) transportation;
 - (G) construction; and
 - (H) similar items or services;for emergency management and disaster purposes within or outside the physical limits of the political subdivision; and
 - (5) in the event of a national security emergency or disaster emergency as provided in section 12 of this chapter, waive procedures and formalities otherwise required by law pertaining to:
 - (A) the performance of public work;
 - (B) the entering into of contracts;
 - (C) the incurring of obligations;
 - (D) the employment of permanent and temporary workers;
 - (E) the use of volunteer workers;
 - (F) the rental of equipment;
 - (G) the purchase and distribution of supplies, materials, and facilities; and
 - (H) the appropriation and expenditure of public funds.

As added by P.L.2-2003, SEC.5. Amended by P.L.115-2003, SEC.12.

IC 10-14-3-18

Employees of political subdivisions; liability; claims for loss, damage, or expense

Sec. 18. (a) If the employees of a political subdivision render aid outside the political subdivision under section 17 of this chapter, the employees have the same:

- (1) powers;
- (2) duties;
- (3) rights;
- (4) privileges; and
- (5) immunities;

as if they were performing their duties in the political subdivisions in which they are normally employed.

(b) The political subdivision in which any equipment is used under this section:

- (1) is liable for loss or damage; and
- (2) shall pay any expense incurred in the operation and maintenance of the equipment.

A claim for the loss, damage, or expense is not allowed unless an itemized notice of the claim made under oath is served not more than sixty (60) days after the date the claim is sustained or incurred upon the chief fiscal officer of the political subdivision where the equipment was used.

(c) The:

- (1) rights;
- (2) privileges; and
- (3) obligations;

described in this section also apply if aid is rendered outside Indiana and if payment or reimbursement in this case shall or may be made by the state or political subdivision receiving the aid under a reciprocal mutual aid agreement or compact with the other state or by the federal government.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-19

Mobile support units

Sec. 19. (a) The governor or the director at the request of the governor may establish the number of mobile support units necessary to reinforce emergency management and disaster organizations in stricken areas with due consideration of the plans of the federal government and of other states. The director shall appoint a commander for each unit who has primary responsibility for the:

- (1) organization;
- (2) administration; and
- (3) operation;

of the unit. Mobile support units shall be called to duty upon orders of the governor or the director and shall perform their functions in any part of Indiana or in other states, upon the conditions specified in this section. Members serving on the mobile support units are immune from discipline or termination by their employers for serving

in the units.

(b) While on duty, personnel of mobile support units, whether within or outside Indiana:

(1) if they are employees of the state or a political subdivision of the state, whether serving within or outside the political subdivision, have the:

- (A) powers;
- (B) duties;
- (C) rights;
- (D) privileges; and
- (E) immunities;

and receive the compensation incidental to their employment; and

(2) if they are not employees of the state or a political subdivision of the state:

(A) may be compensated by the state at a rate approved by the governor and the budget committee; and

(B) are entitled to the same rights and immunities as are provided by law for the employees of this state;

and may be reimbursed for all actual and necessary travel and subsistence expenses.

(c) Personnel of mobile support units, while on duty, are subject to the operational control of the authority in charge of emergency management activities in the area in which they are serving.

(d) The state may reimburse a political subdivision for:

(1) the compensation paid and actual and necessary travel, subsistence, and maintenance expenses of employees of the political subdivision while serving as members of a mobile support unit;

(2) all payments for death, disability, or injury of the employees incurred in the course of duty; and

(3) all losses of or damage to supplies and equipment of the political subdivision resulting from the operation of the mobile support unit.

(e) If a mobile support unit of another state renders aid in Indiana under the orders of the governor of its home state and upon the request of the governor of Indiana, the state shall reimburse the other state for:

(1) the compensation paid and actual and necessary:

- (A) travel;
- (B) subsistence; and
- (C) maintenance;

expenses of the personnel of the mobile support unit while rendering the aid;

(2) all payments for:

- (A) death;
- (B) disability; or
- (C) injury;

of the personnel incurred in the course of rendering the aid; and

(3) all losses of or damage to supplies and equipment of the

other state or a political subdivision of the other state resulting from the rendering of the aid;
if the laws of the other state contain provisions substantially similar to this section or if provisions substantially similar to this section are contained in a reciprocal mutual aid agreement or compact, or if the federal government has authorized or agreed to make reimbursement for the mutual aid.

(f) Personnel of mobile support units of Indiana may not be ordered by the governor to operate in any other state unless:

- (1) the laws of the other state contain provisions substantially similar to this section;
- (2) the reciprocal mutual aid agreements or compacts include provisions providing for such reimbursement; or
- (3) the reimbursement will be made by the federal government by law or agreement.

(g) An officer or employee of the state by virtue of employment is subject to assignment:

- (1) on a permanent basis to a mobile support unit in accordance with the state:
 - (A) emergency management program; and
 - (B) emergency operations plan; or
- (2) on a temporary basis to an emergency management activity to meet a particular need in the event of an emergency.

Refusal to accept and perform the duties of an assignment constitutes grounds for dismissal from state employment.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-20

Evacuation plans; traffic rules

Sec. 20. The governor may:

- (1) formulate and execute plans and regulations for the control of traffic in order to provide for the rapid and safe movement of evacuation over public highways and streets of:
 - (A) people;
 - (B) troops; or
 - (C) vehicles and materials;

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

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

As added by P.L.2-2003, SEC.5.

IC 10-14-3-21

Public property; leases and contracts; employment of personnel

Sec. 21. (a) If the governor considers it to be in the public interest, on terms and conditions as the governor considers necessary to promote the public welfare and protect the interests of the state, the governor may:

- (1) authorize a department or an agency of the state to lease or

lend real or personal property of the state to the President of the United States, the heads of the armed forces, or the Federal Emergency Management Agency; and

(2) enter into a contract on behalf of the state for the:

(A) lease or loan to a political subdivision of the state of real or personal property of the state; or

(B) temporary transfer or employment of personnel of the state to or by a political subdivision of the state.

(b) The president of the county fiscal body and the president of the county executive, if the county does not contain a consolidated city, or the county executive, if the county contains a consolidated city, of each county of the state and the executive of each city and town in the state may, in accordance with the emergency management program and emergency operations plan of the county in which the city or town is located, do the following:

(1) Enter into a contract or lease with the state, accept any loan, or employ personnel. A political subdivision may equip, maintain, use, and operate any property and employ necessary personnel in accordance with the purposes for which the contract is executed.

(2) Do all things and perform acts that the governor considers necessary to effectuate the purpose of the contract.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-22

Orders, rules, and regulations; amendment and rescission

Sec. 22. (a) The political subdivisions and agencies designated or appointed by the governor may make, amend, and rescind orders, rules, and regulations as necessary for emergency management purposes and to supplement the carrying out of this chapter that are not inconsistent with:

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

(2) the:

(A) emergency management program; and

(B) emergency operations plan;

of the county in which the political subdivision is located.

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

(1) adopted by the governor or any state agency and a copy is filed in the office of the secretary of state and mailed to all members of the county emergency management advisory council at their last known addresses; or

(2) filed in the office of the clerk of the adopting or promulgating political subdivision or agency of the state if adopted by a political subdivision or agency authorized by this chapter to make orders, rules, and regulations.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-23

Compulsory medical treatment; faith healing

Sec. 23. This chapter may not be construed to compel a person, either on behalf of:

- (1) the person;
 - (2) the person's child less than eighteen (18) years of age; or
 - (3) a protected person for whom the person acts as a guardian;
- to submit to any physical examination, medical treatment, or immunization if the person, parent, or guardian relies in good faith on spiritual means or prayer to prevent or cure disease or suffering and objects to the treatment in writing.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-24

Enforcement

Sec. 24. The law enforcement authorities of the state and of the political subdivisions shall enforce the:

- (1) orders;
 - (2) rules; and
 - (3) regulations;
- issued under this chapter.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-25

Gifts, grants, and loans; places of shelter; liability for death; damages

Sec. 25. (a) If the federal government or an agency or officer of the federal government offers the state or through the state a political subdivision, services, equipment, supplies, materials, or funds under a gift, grant, or loan for purposes of emergency management:

- (1) the state, acting through the governor; or
 - (2) the political subdivision, acting with the consent of the governor and through its executive;
- may accept the offer.

(b) Upon the acceptance in subsection (a), the governor or the executive of the political subdivision may authorize an officer of the state or of the political subdivision to receive the services, equipment, supplies, materials, or funds:

- (1) on behalf of the state or the political subdivision; and
- (2) subject to the terms of the offer and the rules of the agency making the offer.

(c) If a person, firm, limited liability company, or corporation offers to the state or a political subdivision services, equipment, supplies, materials, or funds under gift, grant, or loan for purposes of emergency management:

- (1) the state, acting through the governor; or
 - (2) the political subdivision, acting through its executive;
- may accept the offer.

(d) Upon the acceptance in subsection (c), the governor or the executive of the political subdivision may authorize an officer of the

state or of the political subdivision to receive the services, equipment, supplies, materials, or funds:

- (1) on behalf of the state or the political subdivision; and
- (2) subject to the terms of the offer.

(e) A person, firm, limited liability company, or corporation owning or controlling real estate or other premises that voluntarily and without compensation grants a license or privilege or otherwise permits the designation or use of the whole or any part of the real estate or premises to shelter persons during an actual or impending national security, natural, or manmade emergency or disaster or a drill for any of those situations, together with successors in interest, is not civilly liable by reason of:

- (1) the condition of the real estate or premises; or
- (2) the conduct of persons engaged in directing or seeking shelter;

for negligently causing the death of or injury to any person on or about the real estate or premises or for loss of or damage to the property of any person during the emergency or disaster or during a drill.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-26

Political affiliation or activity of organizations and personnel

Sec. 26. (a) An organization for emergency management established under this chapter may not:

- (1) participate in any form of political activity; or
- (2) be employed directly or indirectly for political purposes.

(b) Political qualifications may not be:

- (1) a consideration for appointment to the agency; or
- (2) a cause for dismissal;

except as provided in section 27 of this chapter. Full-time employees of the agency may not participate in political activities.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-27

Employees; subversive activities; oaths

Sec. 27. (a) A person who:

- (1) advocates a change by force or violence in the constitutional form of the government of the United States or the overthrow of any government in the United States by force or violence; or
- (2) has been convicted of or is under indictment or information charging a subversive act against the United States;

may not be employed or associated in any capacity in any emergency management organization established under this chapter.

(b) An individual who is appointed to serve in an organization for emergency management shall, before entering upon the individual's duties, take a written oath before a person authorized to administer oaths in Indiana. The oath must be substantially as follows:

"I, _____, solemnly swear (or affirm) that I will support and defend the Constitution of the United

States and the Constitution of the State of Indiana against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. I further swear (or affirm) that I do not advocate, nor am I a member of a political party or organization that advocates, the overthrow of the government of the United States or of Indiana by force or violence; and that during the time I am a member of the (name of emergency management organization), I will neither advocate nor become a member of a political party or organization that advocates the overthrow of the government of the United States or of Indiana by force or violence."

(c) For purposes of this section, the director and the county emergency management directors:

- (1) may administer the oath provided in subsection (b) to emergency management and disaster personnel; and
- (2) may delegate that authority to designated deputies and assistants approved by the director.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-28

Appropriations; emergency management contingency fund

Sec. 28. (a) The general assembly may appropriate the sums necessary to administer this chapter.

(b) The emergency management contingency fund is established. The fund consists of money appropriated by the general assembly. Money in the fund must be held in reserve and allocated for emergency management purposes upon:

- (1) recommendation of the director; and
- (2) approval of the governor and the budget committee.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-29

Local disaster emergency

Sec. 29. (a) A local disaster emergency:

- (1) may be declared only by the principal executive officer of a political subdivision; and
- (2) may not be continued or renewed for more than seven (7) days except by or with the consent of the governing board of the political subdivision.

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

- (b) The effect of a declaration of a local disaster emergency is to:
- (1) activate the response and recovery aspects of all applicable local or interjurisdictional disaster emergency plans; and
 - (2) authorize the furnishing of aid and assistance under the plans.

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

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

- (1) maintain a safe rail system;
- (2) restore utility service; or
- (3) provide any other emergency public service;

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

As added by P.L.2-2003, SEC.5.

IC 10-14-3-30

Additional measures, studies, recommendations

Sec. 30. (a) In addition to disaster prevention measures as included in the state, local, and interjurisdictional disaster plans, the governor shall consider on a continuing basis steps that could be taken to prevent or reduce the harmful consequences of disasters. At the governor's direction, and under any other authority state agencies have, state agencies, including those charged with responsibilities in connection with:

- (1) flood plain management;
- (2) stream encroachment and flow regulation;
- (3) fire prevention and control;
- (4) air quality;
- (5) public works; and
- (6) use and land use planning and construction standards;

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

(b) In conjunction with the agency, an appropriate state agency shall keep land uses and construction of structures and other facilities under continuing study and identify areas that are particularly susceptible to:

- (1) severe land shifting;
- (2) subsidence;
- (3) flood; or
- (4) other catastrophic occurrence.

The studies under this subsection must concentrate on means of reducing or avoiding the dangers caused by this occurrence or its consequences.

(c) If the agency believes on the basis of the studies or other competent evidence:

- (1) that an area is susceptible to a disaster of catastrophic proportions without adequate warning;

(2) that existing building standards and land use controls in that area are inadequate and could add substantially to the magnitude of the disaster; and

(3) that changes in zoning regulations, other land use regulations, or building requirements are essential in order to further the purposes of this section;

the agency shall specify the essential changes to the governor. The governor shall recommend changes to the agencies or local governments with jurisdiction over the area and subject matter that the governor finds to be essential upon review of the specified changes and a public hearing. If no action or insufficient action under the governor's recommendations is taken within the time specified by the governor, the governor shall inform the general assembly and request legislative action appropriate to mitigate the effect of disaster.

(d) The governor, at the same time that the governor makes recommendations under subsection (c), may:

(1) suspend the standard or control that the governor finds to be inadequate to protect the public safety; and

(2) by rule place a new standard or control in effect.

The new standard or control remains in effect until rejected by concurrent resolution of both houses of the general assembly or amended by the governor. When it is in effect, the standard or control contained in the governor's regulation is administered and given full effect by all relevant regulatory agencies of the state and local governments to which it applies. Any action taken by the governor under this section is subject to judicial review, but no court has jurisdiction to stay or restrain that action before a hearing on the merits.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-31

Individual management obligations; compensation for property

Sec. 31. (a) A person in Indiana shall conduct himself or herself and keep and manage his or her affairs and property in ways that will reasonably assist and will not unreasonably detract from the ability of the state and the public to successfully meet disaster emergencies. This obligation includes appropriate personal service and use or restriction on the use of property in time of disaster emergency. Compensation for services or for the taking or use of property may be made only to the extent:

(1) that obligations recognized in this chapter are exceeded in a particular case; and

(2) that the claimant has not volunteered the claimant's services or property without compensation.

(b) Personal services may not be compensated by the state or any subdivision or agency of the state except under statute, local law, or ordinance.

(c) Compensation for property may be paid only if the property was commandeered or otherwise used in coping with a disaster

emergency and its use or destruction was ordered by the governor or a member of the disaster emergency forces of Indiana.

(d) Any person claiming compensation for the use, damage, loss, or destruction of property under this chapter must make a claim for it. The claim must be filed and shall be adjudicated as provided in IC 32-24.

(e) This section does not apply to or authorize compensation for the destruction or damaging of standing timber or other property in order to provide a fire break or to the release of waters or the breach of impoundments in order to reduce pressure or other danger from actual or threatened flood.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-32

Disaster funds; availability; contributions to political subdivisions

Sec. 32. (a) The general assembly intends and declares to be the policy of the state that funds to meet disaster emergencies always be available.

(b) The general assembly intends that the first recourse shall be to funds regularly appropriated to state and local agencies. If the governor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, the governor may make funds available from money in the budget agency from emergency or contingency appropriations available for emergency expenditures as provided in IC 4-12-1-15.

(c) Within the limits of the funds appropriated under this section, the governor may contribute to a political subdivision not more than twenty-five percent (25%) of the cost of emergency management agency personnel and administrative expenses that meet standards established by the governor.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-33

Reimbursement of civil air patrol for missions not authorized by Air Force

Sec. 33. The department may reimburse the civil air patrol for fuel, lubricants, and maintenance for any missions not authorized by the United States Air Force using the same formula for reimbursement used by the:

- (1) United States Department of Defense; and
- (2) American Red Cross.

As added by P.L.2-2003, SEC.5.

IC 10-14-3-34

Offenses

Sec. 34. A person who knowingly, intentionally, or recklessly violates this chapter commits a Class B misdemeanor.

As added by P.L.2-2003, SEC.5. Amended by P.L.115-2003, SEC.13.