

IC 10-14**ARTICLE 14. EMERGENCY MANAGEMENT**

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IC 10-14-1**Chapter 1. Definitions**

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IC 10-14-1-1**Application of definitions**

Sec. 1. The definitions in this chapter apply throughout this article.

[Pre-2003 Recodification Citation: 10-8-1-1.]

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

IC 10-14-1-2**"Agency"**

Sec. 2. "Agency" refers to the department of homeland security established by IC 10-19-2-1.

[Pre-2003 Recodification Citation: 10-8-1-2.]

As added by P.L.2-2003, SEC.5. Amended by P.L.22-2005, SEC.4.

IC 10-14-1-3**"Commission"**

Sec. 3. "Commission" refers to the Indiana emergency medical services commission established by IC 16-31-2-1.

[Pre-2003 Recodification Citation: 10-8-1-3.]

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

IC 10-14-1-4**"Director"**

Sec. 4. "Director" refers to the executive director of the department of homeland security appointed under IC 10-19-3-1.

[Pre-2003 Recodification Citation: 10-8-1-4.]

As added by P.L.2-2003, SEC.5. Amended by P.L.22-2005, SEC.5.

IC 10-14-2 Chapter 2. Emergency Related Duties of Department of Homeland Security

10-14-2-1	Repealed
10-14-2-2	Repealed
10-14-2-3	Repealed
10-14-2-4	Powers and duties
10-14-2-5	Presentation of state flag to survivors of member of military or public safety officer who dies in line of duty

IC 10-14-2-1 Repealed

[Pre-2003 Recodification Citation: 10-8-2-1.]

As added by P.L.2-2003, SEC.5. Repealed by P.L.22-2005, SEC.53.

IC 10-14-2-2 Repealed

[Pre-2003 Recodification Citation: 10-8-2-2.]

As added by P.L.2-2003, SEC.5. Repealed by P.L.22-2005, SEC.53.

IC 10-14-2-3 Repealed

[Pre-2003 Recodification Citation: 10-8-2-3.]

As added by P.L.2-2003, SEC.5. Repealed by P.L.22-2005, SEC.53.

IC 10-14-2-4 Powers and duties

Sec. 4. The agency shall do the following:

- (1) Coordinate the state's emergency plans.
- (2) Serve as the coordinating agency for all state efforts for preparedness for, response to, mitigation of, and recovery from emergencies and disasters.
- (3) Administer this article and IC 16-31.
- (4) Perform duties assigned to the agency by the governor.

[Pre-2003 Recodification Citation: 10-8-2-4.]

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

IC 10-14-2-5 Presentation of state flag to survivors of member of military or public safety officer who dies in line of duty

Sec. 5. (a) For purposes of this section, "member of the military or public safety officer" means an individual who is any of the following:

- (1) A member of a fire department (as defined in IC 36-8-1-8).
- (2) An emergency medical service provider (as defined in IC 16-41-10-1).
- (3) A member of a police department (as defined in IC 36-8-1-9).
- (4) A correctional officer (as defined in IC 5-10-10-1.5).
- (5) A state police officer.
- (6) A county police officer.
- (7) A police reserve officer.
- (8) A county sheriff.
- (9) A deputy sheriff.
- (10) An excise police officer.
- (11) A conservation enforcement officer.
- (12) A town marshal.
- (13) A deputy town marshal.
- (14) A postsecondary educational institution police officer appointed under IC 21-17-5 or IC 21-39-4.
- (15) A probation officer.
- (16) A paramedic.

- (17) A volunteer firefighter (as defined in IC 36-8-12-2).
- (18) An emergency medical technician or a paramedic working in a volunteer capacity.
- (19) A member of the armed forces of the United States.
- (20) A member of the Indiana Air National Guard.
- (21) A member of the Indiana Army National Guard.
- (22) A member of a state or local emergency management agency.
- (23) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.
- (24) A community corrections officer.

(b) For purposes of this section, "dies in the line of duty" refers to a death that occurs as a direct result of personal injury or illness resulting from any action that a member of the military or public safety officer, in the member of the military's or public safety officer's official capacity, is obligated or authorized by rule, regulation, condition of employment or services, or law to perform in the course of performing the member of the military's or public safety officer's duty.

(c) If a member of the military or public safety officer dies in the line of duty, a state flag shall be presented to:

- (1) the surviving spouse;
- (2) the surviving children if there is no surviving spouse; or
- (3) the surviving parent or parents if there is no surviving spouse and there are no surviving children.

(d) The agency shall administer this section.

(e) The director may adopt rules under IC 4-22-2 to implement this section.

As added by P.L.142-2003, SEC.1. Amended by P.L.22-2005, SEC.6; P.L.227-2005, SEC.9; P.L.1-2006, SEC.174; P.L.2-2007, SEC.148; P.L.158-2013, SEC.168.

IC 10-14-3**Chapter 3. Emergency Management and Disaster Law**

10-14-3-0.5	"Backfill employee"
10-14-3-0.6	"Broadcaster"
10-14-3-0.7	Repealed
10-14-3-0.8	"Communications service provider"
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10-14-3-2	"Emergency management"
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IC 10-14-3-0.5 "Backfill employee"

Sec. 0.5. As used in this chapter, "backfill employee" means an employee of a political subdivision who performs the duties of a mobile support unit member during the deployment of the mobile support unit member to assist another state under the Emergency Management

Assistance Compact.

As added by P.L.71-2013, SEC.1.

IC 10-14-3-0.6 "Broadcaster"

Sec. 0.6. As used in this chapter, "broadcaster" has the meaning set forth in IC 10-13-5-2.

As added by P.L.172-2014, SEC.1.

IC 10-14-3-0.7 Repealed

As added by P.L.71-2013, SEC.2. Repealed by P.L.172-2014, SEC.2.

IC 10-14-3-0.8 "Communications service provider"

Sec. 0.8. As used in this chapter, "communications service provider" has the meaning set forth in IC 8-1-32.5-4.

As added by P.L.172-2014, SEC.3.

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 phenomenon or human act.

(b) The term includes any of the following:

- (1) Fire.
- (2) Flood.
- (3) Earthquake.
- (4) Windstorm.
- (5) Snowstorm.
- (6) Ice storm.
- (7) Tornado.
- (8) Wave action.
- (9) Oil spill.
- (10) Other water contamination requiring emergency action to avert danger or damage.
- (11) Air contamination.
- (12) Drought.
- (13) Explosion.
- (14) Technological emergency.
- (15) Utility failure.
- (16) Critical shortages of essential fuels or energy.
- (17) Major transportation accident.
- (18) Hazardous material or chemical incident.
- (19) Radiological incident.
- (20) Nuclear incident.
- (21) Biological incident.
- (22) Epidemic.
- (23) Public health emergency.
- (24) Animal disease event requiring emergency action.
- (25) Blight.
- (26) Infestation.
- (27) Riot.
- (28) Hostile military or paramilitary action.
- (29) Act of terrorism.
- (30) Any other public calamity requiring emergency action.

[Pre-2003 Recodification Citation: 10-4-1-3(3).]

As added by P.L.2-2003, SEC.5. Amended by P.L.22-2005, SEC.7.

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).

[Pre-2003 Recodification Citation: 10-4-1-3(1).]

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

IC 10-14-3-2.5 "Emergency Management Assistance Compact"

Sec. 2.5. As used in this chapter, "Emergency Management Assistance Compact" refers to IC 10-14-5.

As added by P.L.172-2014, SEC.4.

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. The term includes a volunteer health practitioner registered under IC 10-14-3.5.

[Pre-2003 Recodification Citation: 10-4-1-8(c).]

As added by P.L.2-2003, SEC.5. Amended by P.L.134-2008, SEC.1.

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.

[Pre-2003 Recodification Citation: 10-4-1-3(4).]

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.

[Pre-2003 Recodification Citation: 10-4-1-3(5).]

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

IC 10-14-3-5.5 "Local travel advisory"

Sec. 5.5. As used in this chapter, "local travel advisory" means the level of emergency declared under section 29 of this chapter by the principal executive officer of a political subdivision to alert the traveling public of emergency conditions that may require the imposition of travel restrictions.

As added by P.L.40-2011, SEC.1.

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.

[Pre-2003 Recodification Citation: 10-4-1-3(2).]

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 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.

(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.

[Pre-2003 Recodification Citation: 10-4-1-2.]

As added by P.L.2-2003, SEC.5. Amended by P.L.1-2006, SEC.175.

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.

[Pre-2003 Recodification Citation: 10-4-1-2.5.]

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

IC 10-14-3-9 State emergency operations plan; local and interjurisdictional disaster plans

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 assist political subdivisions in implementing the intrastate mutual aid compact created by section 10.8 of this chapter.

[Pre-2003 Recodification Citation: 10-4-1-5.]

As added by P.L.2-2003, SEC.5. Amended by P.L.205-2003, SEC.5; P.L.85-2015, SEC.2.

IC 10-14-3-10 Repealed

[Pre-2003 Recodification Citation: 10-4-1-5.5.]

As added by P.L.2-2003, SEC.5. Repealed by P.L.205-2003, SEC.44.

IC 10-14-3-10.6 Repealed

As added by P.L.205-2003, SEC.6. Amended by P.L.1-2010, SEC.54; P.L.19-2010, SEC.1; P.L.29-2011, SEC.1; P.L.78-2013, SEC.2. Repealed by P.L.85-2015, SEC.3.

IC 10-14-3-10.7 Repealed

As added by P.L.205-2003, SEC.7. Amended by P.L.19-2010, SEC.2; P.L.78-2013, SEC.3. Repealed by P.L.85-2015, SEC.4.

IC 10-14-3-10.8 Intrastate mutual aid program

Sec. 10.8. (a) The following definitions apply to this section:

(1) "Chief executive" means:

(A) the chief executive of a participant, or the chief executive's designee, for purposes of the intrastate mutual aid compact created under this section; or

(B) if the participant does not have a chief executive, a member of the participant's governing body or the governing body's designee for purposes of the intrastate mutual aid compact created under this section.

(2) "Emergency management agency" means an organization for emergency management established under this chapter.

(3) "Participant" means any of the following:

(A) A political subdivision.

(B) A volunteer fire department.

(C) A fire department established by the board of trustees of a state educational institution (as defined in IC 21-7-13-32), including a fire department established by the board of trustees of Purdue University under IC 21-39-7.

The term does not include an entity under clause (A), (B), or (C) that chooses to reject participation in the intrastate mutual aid program by adopting an ordinance or resolution declaring that the entity will not participate in the intrastate mutual aid program and provides a copy of the appropriate ordinance or resolution to the agency and to the emergency management agency serving the entity.

(4) "Planned event" means a scheduled nonemergency activity. Planned event includes a sporting event, concert, or parade.

- (5) "Provider participant" means a participant that provides assistance or aid to a requesting participant under the intrastate mutual aid compact created under this section.
- (6) "Requesting participant" means a participant that receives assistance or aid from a provider participant under the intrastate mutual aid compact created under this section.
- (7) "Volunteer fire department" has the meaning set forth in IC 36-8-12-2.
- (b) This section creates an intrastate mutual aid program to be known as Indiana's intrastate mutual aid compact to complement existing mutual aid agreements. This program has the following two (2) purposes:
- (1) Provide for mutual assistance or aid among participants for purposes of preparing for, responding to, and recovering from any incident, disaster, exercise, training activity, or planned event that requires additional resources.
 - (2) Establish a method by which a participant may seek assistance or aid that:
 - (A) resolves many of the common issues facing political subdivisions before, during, and after an incident, disaster, exercise, training activity, or planned event, any of which requires additional resources; and
 - (B) ensures, to the extent possible, eligibility for available state and federal disaster assistance or other funding.
- (c) Each participant shall, to the extent practicable, identify and inventory the current services, equipment, supplies, personnel, and other resources related to the preparedness, response, and recovery activities of the participant. The participant shall perform the identification and inventory in coordination with, to the extent feasible, all departments, divisions, boards, commissions, agencies, and other instrumentalities within the participant.
- (d) A participant that is impacted by any incident, disaster, exercise, training activity, or planned event that requires additional resources may request mutual assistance or aid from any other participant. This request shall be made by the chief executive of the requesting participant to the chief executive of a provider participant. If the request is made orally, the requesting participant shall provide the provider participant with written confirmation of the request not later than seventy-two (72) hours after the oral request is made. A request must provide the following information:
- (1) A description of the incident, disaster, exercise, training activity, or planned event.
 - (2) A description of the assistance or aid needed.
 - (3) An estimate of the length of time the assistance or aid will be needed.
 - (4) The specific place and time for staging of the assistance or aid and a point of contact at that location.
 - (5) A statement that the request for assistance is being made through the intrastate mutual aid compact.
- (e) A provider participant shall provide assistance or aid to a requestor participant subject to the following:
- (1) The provider participant may withhold resources the provider participant determines to be necessary to provide for the provider participant's own protection.
 - (2) Personnel of the provider participant shall continue under the personnel's local command and control structure, but shall be under the operational control of the appropriate officials within the incident management system of the requesting participant.
 - (3) Law enforcement officers rendering assistance or aid under this section have the same powers and duties as law enforcement officers of the requesting participant, but only for the period the law enforcement officers are engaged in activities authorized by the requesting participant, and are subject to the law as if the law enforcement officers were providing services within the law enforcement officer's own jurisdiction.
- (f) Each provider participant shall provide for the payment of compensation and benefits to:
- (1) an injured member; and

(2) a representative of a deceased member;
of the provider participant's emergency forces, if the member is injured or killed while rendering assistance under this section 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 jurisdiction.

(g) Personnel of a provider participant shall be considered, while rendering assistance or aid, or while en route to or from rendering assistance or aid, to a requesting participant, to be agents of the provider participant for purposes of tort liability and immunity from tort liability under state law.

(h) If a person:

(1) holds a license, certificate, or other permit issued by a participant evidencing qualification in a professional, mechanical, or other skill; and

(2) provides assistance or aid at the request of a provider participant;

the person shall be considered to be licensed or certified in or permitted by the requesting participant to render the assistance or aid.

(i) Subject to subsection (k) and except as provided in subsection (j), a provider participant shall be reimbursed by the requesting participant for the following:

(1) Any loss of or damage to, or expense incurred in the operation of, any equipment used in rendering the assistance or aid. To avoid duplication of payments, insurance proceeds available to cover any loss of or damage to equipment of a provider participant shall be considered in the reimbursement by the requesting participant.

(2) Any expense incurred in the provision of any service used in rendering the assistance or aid.

(3) All other costs incurred in responding to the request for assistance or aid.

(j) A provider participant may not be reimbursed for:

(1) the first twelve (12) hours of mutual assistance or aid provided to the requesting participant; or

(2) expenses the provider participant incurs under subsection (f).

(k) A provider participant may do any of the following:

(1) Assume, in whole or in part, any loss, damage, expense, or cost the provider participant incurs in rendering the assistance or aid.

(2) Loan, without charge, any equipment, or donate any service, to the requesting participant.

(3) Enter into agreements with one (1) or more other participants to establish different allocations of losses, damages, expenses, or costs among the participants.

(l) Nothing in this section does any of the following:

(1) Prohibits a private company from participating in the provision of mutual assistance or aid under the intrastate mutual aid compact created under this section if:

(A) the participant approves the participation; and

(B) the contract with the private company allows for the participation.

(2) Precludes a participant from entering into a mutual aid or other agreement with another political subdivision or participant.

(3) Affects any other agreement to which a participant may be a party or any request for assistance or aid that may be made, under any other state statute.

As added by P.L.85-2015, SEC.5.

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.

[Pre-2003 Recodification Citation: 10-4-1-6.]

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, 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.

[Pre-2003 Recodification Citation: 10-4-1-7.]

As added by P.L.2-2003, SEC.5. Amended by P.L.134-2008, SEC.2; P.L.1-2009, SEC.90; P.L.90-2010, SEC.1.

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.

[Pre-2003 Recodification Citation: 10-4-1-7.1.]

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.

[Pre-2003 Recodification Citation: 10-4-1-7.2.]

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) Except as provided in subsection (d), 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.

(d) An individual described in section 19(c)(2) of this chapter is considered to be a temporary employee of the state for purposes 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).

[Pre-2003 Recodification Citation: 10-4-1-8 part.]

As added by P.L.2-2003, SEC.5. Amended by P.L.71-2013, SEC.3.

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.

[Pre-2003 Recodification Citation: 10-4-1-9.]

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 subdivisions 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 department of homeland security established by IC 10-19-2-1;

(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.

[Pre-2003 Recodification Citation: 10-4-1-10.]

As added by P.L.2-2003, SEC.5. Amended by P.L.115-2003, SEC.12; P.L.1-2006, SEC.176; P.L.1-2009, SEC.91.

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.

[Pre-2003 Recodification Citation: 10-4-1-11.]

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

IC 10-14-3-19 Mobile support units

Sec. 19. (a) The governor, or the executive director at the request of the governor, may establish the number of mobile support units necessary to respond to a disaster, public health emergency, public safety emergency, or other event that requires emergency action. A mobile support unit may consist of one (1) or more individuals. The executive 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 for training, an exercise, or a response upon orders of the governor or the executive director and shall perform the units' functions in any part of Indiana or in other states, upon the conditions specified in this section. The term of this duty shall be for a limited period of not more than sixty (60) days. However, the executive director may renew the duty orders for successive periods of not more than sixty (60) days if necessary for the mobile support unit to participate in or respond to the event. Members serving on the mobile support units are immune from discipline or termination by the members' employers for serving in the units.

(b) An individual selected to serve as a member of a mobile support unit may be unemployed, retired, self-employed, or employed:

- (1) in any capacity, including:
 - (A) emergency management;
 - (B) fire services;
 - (C) emergency medical services;
 - (D) law enforcement;
 - (E) public health;
 - (F) medicine;
 - (G) public works; or
 - (H) mental health; and
- (2) by any employer, including:
 - (A) the federal government;
 - (B) the state;
 - (C) a political subdivision; or
 - (D) a business or organization.

(c) While on duty for training, an exercise, or a response, an individual serving as a member of a mobile support unit, whether within or outside Indiana:

- (1) if the individual is an employee of the state or a political subdivision of the state, whether serving within or outside the political subdivision, has the:
 - (A) powers;
 - (B) duties;

- (C) rights;
- (D) privileges; and
- (E) immunities;

and shall receive the compensation and benefits incidental to the individual's employment; and

(2) if the individual is not an employee of the state or a political subdivision of the state, is:

- (A) entitled to the same rights and immunities that are provided for an employee of the state; and
- (B) notwithstanding section 15(c) of this chapter, considered to be a temporary employee of the state for purposes 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).

An individual described in this subsection is considered an emergency management worker for purposes of section 15 of this chapter.

(d) If a mobile support unit is deployed outside Indiana under the emergency management assistance compact, an individual serving as a member of the mobile support unit who is not an employee of the state is considered an employee of the state for purposes of the compact.

(e) 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 the personnel are serving.

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

- (1) the compensation paid and actual and necessary travel, subsistence, and maintenance expenses of an employee of the political subdivision while the employee is serving as a member of a mobile support unit;
- (2) all payments for death, disability, or injury of an employee incurred in the course of duty while the employee was serving as a member of a mobile support unit;
- (3) all losses of or damage to supplies and equipment of the political subdivision or the employee incurred while the employee was serving as a member of a mobile support unit; and
- (4) the cost of a backfill employee necessary for the political subdivision to fill the position and perform the duties of an employee deployed on a mobile support unit to assist another state under the Emergency Management Assistance Compact, but only if and to the extent the cost of the backfill employee represents an extra cost to the political subdivision.

(g) For an individual of a mobile support unit who is not an employee of the state or a political subdivision, the state may:

(1) compensate the individual:

- (A) at a rate of pay approved by the executive director;
- (B) by reimbursing the individual for the actual and necessary:
 - (i) travel;
 - (ii) subsistence; and
 - (iii) maintenance;

expenses of the individual of the mobile support unit incurred while the individual is on duty as a member of a mobile support unit; and

(C) for all losses of or damage to supplies and equipment of the individual incurred while the individual is on duty as a member of a mobile support unit; or

(2) reimburse the individual's employer for:

- (A) the compensation paid and the actual and necessary:
 - (i) travel;
 - (ii) subsistence; and
 - (iii) maintenance;

expenses of the employee while the employee is on duty as a member of a mobile support unit; and

(B) all losses of or damage to supplies and equipment of the employer or the employee incurred in the course of duty while the employee was on duty as a member of a mobile support unit.

(h) 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.

[Pre-2003 Recodification Citation: 10-4-1-12.]

As added by P.L.2-2003, SEC.5. Amended by P.L.84-2006, SEC.1; P.L.1-2007, SEC.98; P.L.71-2013, SEC.4.

IC 10-14-3-19.5 Agreements with local task forces activated in emergency

Sec. 19.5. (a) The following definitions apply to this section:

(1) "Activates" or "activated" refers to the status of a task force or a task force resource placed at the direction, control, and funding of the agency in accordance with an agreement entered into in accordance with this section.

(2) "Task force" means a United States Department of Homeland Security national urban search and rescue response system task force established under 44 CFR 208.

(b) The agency may enter into an agreement with a political subdivision that is a sponsoring agency of a task force to establish the terms and conditions that would be applicable if the agency activates the task force as a state resource in anticipation of or in response to an emergency or disaster. Under this agreement, the agency may reimburse the political subdivision for allowable costs and at the rates established under 44 CFR 208 and may reimburse the political subdivision for all payments for death, disability, or injury of an individual incurred in the course of duty while the individual is serving as an activated member of an activated task force.

(c) While an individual is serving as an activated member of an activated task force:

(1) if the individual is an employee of the state or a political subdivision of the state, whether serving within or outside the political subdivision, the individual:

(A) has the:

(i) powers;

(ii) duties;

(iii) rights;

(iv) privileges; and

(v) immunities;

that are provided for an employee of the state or a political subdivision of the state and are incidental to the individual's employment; and

(B) shall receive the compensation and benefits incidental to the individual's employment; and

(2) if the individual is not an employee of the state or a political subdivision of the state, the individual is:

(A) entitled to the same rights and immunities that are provided for an employee of the state; and

(B) notwithstanding section 15(c) of this chapter, considered to be a temporary employee of the state for purposes of:

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

(ii) the worker's occupational diseases law (IC 22-3-7).

As added by P.L.85-2015, SEC.6.

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.

[Pre-2003 Recodification Citation: 10-4-1-13.]

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.

[Pre-2003 Recodification Citation: 10-4-1-14.]

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:
 - (A) in the office of the secretary of state; or
 - (B) with the publisher (as defined in IC 4-22-2-3(f)) under IC 4-22-2; 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.

[Pre-2003 Recodification Citation: 10-4-1-15.]

As added by P.L.2-2003, SEC.5. Amended by P.L.156-2020, SEC.48.

IC 10-14-3-22.5 Program for training and certifying broadcast engineers and technical personnel as first response broadcasters

Sec. 22.5. (a) Broadcasters in Indiana, in cooperation with the agency, the Indiana Public Broadcasting Stations, Inc., and the Indiana Broadcasters Association or a successor association, shall develop comprehensive and coordinated plans for:

- (1) preparation for; and
- (2) responding appropriately to;

an emergency or disaster.

(b) Any statewide organization or a member of a statewide organization that represents broadcasters may establish a program for training and certifying broadcast engineers and technical personnel as first response broadcasters. A program established under this subsection must:

- (1) be consistent with federal law and guidelines;
- (2) provide training and education concerning:
 - (A) restoration of;
 - (B) repairing;
 - (C) resupplying; or
- (D) any combination of the activities under clauses (A) through (C) related to; any facilities or equipment of a broadcaster in an area affected by an emergency or disaster; and
- (3) provide training and education concerning the personal safety of a first response broadcaster in an area affected by an emergency or disaster.

(c) To the extent practicable and consistent with not endangering public safety or inhibiting recovery efforts, the state and political subdivisions shall allow a first response broadcaster access to an area affected by an emergency or disaster for the purpose of restoration of, repairing, or resupplying (or any combination of these activities) a facility or equipment critical to the ability of a broadcaster to acquire, produce, or transmit essential emergency or disaster-related public information programming, including repairing and maintaining transmitters and transporting fuel for generators.

As added by P.L.172-2014, SEC.5.

IC 10-14-3-22.6 Program for training and certifying communications service engineers and technical personnel as first response communications service providers

Sec. 22.6. (a) Communications service providers in Indiana, in cooperation with the agency, the Indiana Cable Telecommunications Association, and the Indiana Telecommunications Association or a successor association, shall develop comprehensive and coordinated plans for:

- (1) preparation for; and
- (2) responding appropriately to;

an emergency or disaster.

(b) Any statewide organization or a member of a statewide organization that represents communications service providers may establish a program for training and certifying communications service engineers and technical personnel as first response communications service providers. A program established under this subsection must:

- (1) be consistent with federal law and guidelines;
- (2) provide training and education concerning:
 - (A) restoration of;
 - (B) repairing;
 - (C) resupplying; or
 - (D) any combination of the activities under clauses (A) through (C) related to; any facilities or equipment of a communications service provider in an area affected by an emergency or disaster; and
- (3) provide training and education concerning the personal safety of a first response communications service provider in an area affected by an emergency or disaster.

(c) To the extent practicable and consistent with not endangering public safety or inhibiting recovery efforts, the state and political subdivisions shall allow a first response communications service provider access to an area affected by an emergency or disaster for the purpose of restoration of, repairing, or resupplying (or any combination of these activities) a facility or equipment critical to the ability of a communications service provider to acquire, produce, or transmit essential emergency or disaster related public information programming, including repairing and maintaining transmitters and transporting fuel for generators.

As added by P.L.172-2014, SEC.6.

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.

[Pre-2003 Recodification Citation: 10-4-1-16.]

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.

[Pre-2003 Recodification Citation: 10-4-1-17.]

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.

[Pre-2003 Recodification Citation: 10-4-1-18.]

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.

[Pre-2003 Recodification Citation: 10-4-1-19.]

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.

[Pre-2003 Recodification Citation: 10-4-1-20.]

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 as follows:

- (1) For an allocation of not more than one hundred thousand dollars (\$100,000), upon the approval of the director and the budget director.
- (2) For an allocation of more than one hundred thousand dollars (\$100,000), upon the recommendation of the director and the approval of the governor.

(c) For an allocation described in subsection (b)(2), the agency shall submit to the budget committee a written report identifying the use of the funds not more than thirty (30) days after the allocation is approved.

[Pre-2003 Recodification Citation: 10-4-1-22.]

As added by P.L.2-2003, SEC.5. Amended by P.L.110-2009, SEC.2; P.L.130-2018, SEC.33.

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.

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

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

[Pre-2003 Recodification Citation: 10-4-1-23.]

As added by P.L.2-2003, SEC.5. Amended by P.L.172-2014, SEC.7.

IC 10-14-3-29.5 Designation of a local travel advisory

Sec. 29.5. (a) If the principal executive officer of a political subdivision issues a local travel advisory as part of an emergency declaration under section 29 of this chapter, the principal executive officer shall designate the travel advisory as falling into one (1) of the following categories:

- (1) "Advisory", the lowest level of local travel advisory, means that routine travel or activities may be restricted in areas because of a hazardous situation, and individuals should use caution or avoid those areas.
- (2) "Watch" means that conditions are threatening to the safety of the public. During a "watch" local travel advisory, only essential travel, such as to and from work or in emergency situations, is recommended, and emergency action plans should be implemented by businesses, schools, government agencies, and other organizations.
- (3) "Warning", the highest level of local travel advisory, means that travel may be restricted to emergency management workers only. During a "warning" local travel advisory, individuals are directed to:

- (A) refrain from all travel;
- (B) comply with necessary emergency measures;
- (C) cooperate with public officials and disaster services forces in executing emergency operations plans; and
- (D) obey and comply with the lawful directions of properly identified officers.

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

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

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

As added by P.L.40-2011, SEC.2.

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.

[Pre-2003 Recodification Citation: 10-4-1-24.]

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

IC 10-14-3-31 Individual management obligations; compensation for property

Indiana Code 2020

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.

[Pre-2003 Recodification Citation: 10-4-1-25.]

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.

[Pre-2003 Recodification Citations: 10-4-1-26; 10-4-1-27.]

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.

[Pre-2003 Recodification Citation: 10-4-1-28.]

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

IC 10-14-3-33.5 Regulation of firearms

Sec. 33.5. (a) Except as provided in subsection (b), the state, a political subdivision, or any other person may not prohibit or restrict the lawful possession, transfer, sale,

transportation, storage, display, or use of firearms or ammunition during:

- (1) a disaster emergency;
- (2) an energy emergency; or
- (3) a local disaster emergency;

declared under this chapter.

(b) Subsection (a) does not authorize the possession, transfer, sale, transportation, storage, display, or use of firearms or ammunition during an emergency described in subsection (a):

- (1) in or on school property, in or on property that is being used by a school for a school function, or on a school bus in violation of IC 20-33-8-16 or IC 35-47-9-2;

- (2) on the property of:

- (A) a child caring institution;
- (B) an emergency shelter care child caring institution;
- (C) a private secure facility;
- (D) a group home; or
- (E) an emergency shelter care group home;

in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465 IAC 2-11-80, 465 IAC 2-12-78, or 465 IAC 2-13-77;

- (3) on the property of a penal facility (as defined in IC 35-31.5-2-232);

- (4) in violation of federal law;

- (5) in or on property belonging to an approved postsecondary educational institution (as defined in IC 21-7-13-6(b));

- (6) on the property of a domestic violence shelter; or

- (7) on property owned, operated, controlled, or used by an entity that:

- (A) is required to:

- (i) conduct a vulnerability assessment; and
- (ii) develop and implement a site security plan;

under the United States Department of Homeland Security's Chemical Facility Anti-Terrorism Standards issued April 9, 2007; or

- (B) is required to have a security plan under the Maritime Transportation Security Act of 2002, Public Law 107-295.

As added by P.L.90-2010, SEC.2. Amended by P.L.17-2011, SEC.1; P.L.114-2012, SEC.22.

IC 10-14-3-34 Offenses

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

[Pre-2003 Recodification Citation: 10-4-1-21.]

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

IC 10-14-3.5**Chapter 3.5. Uniform Emergency Volunteer Health Practitioners Act**

10-14-3.5-0.5	"Department of homeland security"
10-14-3.5-1	"Disaster relief organization"
10-14-3.5-2	"Emergency"
10-14-3.5-3	"Emergency declaration"
10-14-3.5-4	"Emergency Management Assistance Compact"
10-14-3.5-5	"Entity"
10-14-3.5-6	"Health facility"
10-14-3.5-7	"Health practitioner"
10-14-3.5-8	"Health services"
10-14-3.5-9	"Host entity"
10-14-3.5-10	"License"
10-14-3.5-11	"Person"
10-14-3.5-12	"Scope of practice"
10-14-3.5-13	"State"
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10-14-3.5-23	Adoption of rules for implementation; reasonably compatible with other states
10-14-3.5-24	Consideration of uniformity in application and construction

IC 10-14-3.5-0.5 "Department of homeland security"

Sec. 0.5. As used in this chapter, "department of homeland security" refers to the department of homeland security established by IC 10-19-2-1.

As added by P.L.1-2009, SEC.92.

IC 10-14-3.5-1 "Disaster relief organization"

Sec. 1. As used in this chapter, "disaster relief organization" means an entity that provides emergency or disaster relief services that include health or veterinary services provided by volunteer health practitioners and:

- (1) is designated or recognized as a provider of the services under a disaster response and recovery plan adopted by an agency of the federal government or the department of homeland security; or
- (2) regularly plans and conducts the entity's activities in coordination with an agency of the federal government or the department of homeland security.

As added by P.L.134-2008, SEC.3. Amended by P.L.1-2009, SEC.93.

IC 10-14-3.5-2 "Emergency"

Sec. 2. As used in this chapter, "emergency" means an event or condition that is an emergency, a disaster, or a public health emergency under this article.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-3 "Emergency declaration"

Sec. 3. As used in this chapter, "emergency declaration" means a declaration of emergency issued by a person authorized to do so under state or local laws of Indiana.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-4 "Emergency Management Assistance Compact"

Sec. 4. As used in this chapter, "Emergency Management Assistance Compact" means the federal interstate compact under P.L.104-321, 110 Stat. 3877.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-5 "Entity"

Sec. 5. As used in this chapter, "entity" means a person other than an individual.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-6 "Health facility"

Sec. 6. As used in this chapter, "health facility" means an entity licensed under the laws of Indiana or another state to provide health or veterinary services.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-7 "Health practitioner"

Sec. 7. As used in this chapter, "health practitioner" means an individual licensed under the laws of Indiana or another state to provide health or veterinary services.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-8 "Health services"

Sec. 8. As used in this chapter, "health services" means the provision of treatment, care, advice, guidance, or other services or supplies related to the health or death of individuals or human populations to the extent necessary to respond to an emergency, including:

(1) with respect to the physical or mental condition or functional status of an individual or the structure or function of the body:

(A) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care; and

(B) counseling, assessment, procedures, or other services;

(2) the sale or dispensing of a drug, a device, equipment, or another item to an individual in accordance with a prescription; and

(3) funeral, cremation, cemetery, or other mortuary services.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-9 "Host entity"

Sec. 9. As used in this chapter, "host entity" means an entity operating in Indiana that uses volunteer health practitioners to respond to an emergency.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-10 "License"

Sec. 10. (a) As used in this chapter, "license" means authorization by a state to engage in health or veterinary services that are unlawful without the authorization.

(b) The term includes authorization under Indiana law to an individual to provide health or veterinary services based upon a national certification issued by a public or private entity.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-11 "Person"

Sec. 11. As used in this chapter, "person" means an individual, a corporation, a business trust, a trust, a partnership, a limited liability company, an association, a joint venture, a

public corporation, a government or governmental subdivision, an agency, an instrumentality, or another legal or commercial entity.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-12 "Scope of practice"

Sec. 12. As used in this chapter, "scope of practice" means the extent of the authorization to provide health or veterinary services granted to a health practitioner by a license issued to the practitioner in the state in which the principal part of the practitioner's services are rendered, including conditions imposed by the licensing authority.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-13 "State"

Sec. 13. As used in this chapter, "state" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or a territory or an insular possession subject to the jurisdiction of the United States.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-14 "Veterinary services"

Sec. 14. As used in this chapter, "veterinary services" means the provision of treatment, care, advice, guidance, or other services or supplies related to the health or death of an animal or to animal populations to the extent necessary to respond to an emergency, including:

- (1) diagnosis, treatment, or prevention of an animal disease, injury, or other physical or mental condition by the prescription, administration, or dispensing of vaccine, medicine, surgery, or therapy;
- (2) use of a procedure for reproductive management; and
- (3) monitoring and treatment of animal populations for diseases that have spread or demonstrate the potential to spread to humans.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-15 "Volunteer health practitioner"

Sec. 15. (a) As used in this chapter, "volunteer health practitioner" means a health practitioner who provides health or veterinary services, whether or not the practitioner receives compensation for those services.

(b) The term does not include a practitioner who receives compensation under a preexisting employment relationship with a host entity or affiliate that requires the practitioner to provide health services in Indiana, unless the practitioner is not a resident of Indiana and is employed by a disaster relief organization providing services in Indiana while an emergency declaration is in effect.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-16 Applicability

Sec. 16. This chapter applies to volunteer health practitioners who:

- (1) are registered with a registration system that complies with section 18 of this chapter; and
- (2) provide health or veterinary services in Indiana for a host entity while an emergency declaration is in effect.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-17 Limit, restrict, or regulate volunteer health practitioners by the state emergency management agency

Sec. 17. (a) While an emergency declaration is in effect, the department of homeland security may limit, restrict, or otherwise regulate:

- (1) the duration of practice by volunteer health practitioners;
- (2) the geographical areas in which volunteer health practitioners may practice;
- (3) the types of volunteer health practitioners who may practice; and
- (4) any other matters necessary to coordinate effectively the provision of health or veterinary services during the emergency.

(b) An order issued under subsection (a) may take effect immediately, without prior notice or comment, and is not a rule within the meaning of IC 4-22-2.

(c) A host entity that uses volunteer health practitioners to provide health or veterinary services in Indiana shall:

- (1) consult and coordinate the host entity's activities with the department of homeland security to the extent practicable to provide for the efficient and effective use of volunteer health practitioners; and
- (2) comply with any laws other than this chapter relating to the management of emergency health or veterinary services, including this article.

As added by P.L.134-2008, SEC.3. Amended by P.L.1-2009, SEC.94.

IC 10-14-3.5-18 Qualifications of a volunteer health practitioner registration system; confirmation of volunteer health practitioners used in Indiana; notification; host entity not required to use services

Sec. 18. (a) To qualify as a volunteer health practitioner registration system, a system must:

- (1) accept applications for the registration of volunteer health practitioners before or during an emergency;
- (2) include information about the licensure and good standing of health practitioners that is accessible by authorized persons;
- (3) be capable of confirming the accuracy of information concerning whether a health practitioner is licensed and in good standing before health services or veterinary services are provided under this chapter; and
- (4) meet one (1) of the following conditions:

(A) Be an emergency system for advance registration of volunteer health practitioners established by a state and funded through the Health Resources Services Administration under section 319I of the federal Public Health Services Act, 42 U.S.C. 247d-7b.

(B) Be a local unit consisting of trained and equipped emergency response, public health, and medical personnel formed under section 2801 of the federal Public Health Services Act, 42 U.S.C. 300hh.

(C) Be operated by a:

- (i) disaster relief organization;
- (ii) licensing board;
- (iii) national or regional association of licensing boards or health practitioners;
- (iv) health facility that provides comprehensive inpatient and outpatient health care services, including a tertiary care and teaching hospital; or
- (v) governmental entity.

(D) Be designated by the department of homeland security as a registration system for purposes of this chapter.

(b) While an emergency declaration is in effect, the department of homeland security, a person authorized to act on behalf of the department of homeland security, or a host entity may confirm whether volunteer health practitioners used in Indiana are registered with a registration system that complies with subsection (a). Confirmation is limited to obtaining identities of the practitioners from the system and determining whether the system indicates that the practitioners are licensed and in good standing.

(c) Upon request of a person in Indiana authorized under subsection (b), or a similarly authorized person in another state, a registration system located in Indiana shall notify the

person of the identities of volunteer health practitioners and whether the practitioners are licensed and in good standing.

(d) A host entity is not required to use the services of a volunteer health practitioner even if the practitioner is registered with a registration system that indicates that the practitioner is licensed and in good standing.

As added by P.L.134-2008, SEC.3. Amended by P.L.1-2009, SEC.95.

IC 10-14-3.5-19 Practice by a volunteer health practitioner during a declared emergency; no protection for practitioners with suspended, revoked, or restricted practice privileges

Sec. 19. (a) While an emergency declaration is in effect, a volunteer health practitioner, registered with a registration system that complies with section 18 of this chapter and licensed and in good standing in the state upon which the practitioner's registration is based, may practice in Indiana to the extent authorized by this chapter as if the practitioner were licensed in Indiana.

(b) A volunteer health practitioner qualified under subsection (a) is not entitled to the protections of this chapter if the practitioner is licensed in more than one (1) state and any license of the practitioner is suspended, revoked, or subject to an agency order limiting or restricting practice privileges or has been voluntarily terminated under threat of sanction.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-20 Health facility credentialing and privileging not affected

Sec. 20. (a) As used in this section:

(1) "credentialing" means obtaining, verifying, and assessing the qualifications of a health practitioner to provide treatment, care, or services in or for a health facility; and

(2) "privileging" means the authorizing by an appropriate authority, such as a governing body, of a health practitioner to provide specific treatment, care, or services at a health facility subject to limits based on factors that include license, education, training, experience, competence, health status, and specialized skill.

(b) This chapter does not affect credentialing or privileging standards of a health facility and does not preclude a health facility from waiving or modifying those standards while an emergency declaration is in effect.

As added by P.L.134-2008, SEC.3.

IC 10-14-3.5-21 Adherence to the scope of practice established by Indiana law; modification or restriction of health or veterinary services; unauthorized practice; administrative sanctions

Sec. 21. (a) Subject to subsections (b) and (c), a volunteer health practitioner shall adhere to the scope of practice for a similarly licensed practitioner established by the licensing provisions, practice acts, or other laws of Indiana.

(b) Except as provided in subsection (c), this chapter does not authorize a volunteer health practitioner to provide services that are outside the practitioner's scope of practice, even if a similarly licensed practitioner in Indiana would be permitted to provide the services.

(c) The department of homeland security may modify or restrict the health or veterinary services that volunteer health practitioners may provide under this chapter. An order under this subsection may take effect immediately, without prior notice or comment, and is not a rule within the meaning of IC 4-22-2.

(d) A host entity may restrict the health or veterinary services that a volunteer health practitioner may provide under this chapter.

(e) A volunteer health practitioner does not engage in unauthorized practice unless the practitioner has reason to know of a limitation, modification, or restriction under this section or that a similarly licensed practitioner in Indiana would not be permitted to provide the services. A volunteer health practitioner has reason to know of a limitation, modification, or

restriction or that a similarly licensed practitioner in Indiana would not be permitted to provide a service if:

(1) the practitioner knows the limitation, modification, or restriction exists or that a similarly licensed practitioner in Indiana would not be permitted to provide the service; or

(2) from all the facts and circumstances known to the practitioner at the relevant time, a reasonable person would conclude that the limitation, modification, or restriction exists or that a similarly licensed practitioner in Indiana would not be permitted to provide the service.

(f) In addition to the authority granted by laws of Indiana other than this chapter to regulate the conduct of health practitioners, a licensing board or other disciplinary authority in Indiana:

(1) may impose administrative sanctions upon a health practitioner licensed in Indiana for conduct outside of Indiana in response to an out-of-state emergency;

(2) may impose administrative sanctions upon a practitioner not licensed in Indiana for conduct in Indiana in response to an in-state emergency; and

(3) shall report any administrative sanctions imposed upon a practitioner licensed in another state to the appropriate licensing board or other disciplinary authority in any other state in which the practitioner is known to be licensed.

(g) In determining whether to impose administrative sanctions under subsection (f), a licensing board or other disciplinary authority shall consider the circumstances in which the conduct took place, including any exigent circumstances, and the practitioner's scope of practice, education, training, experience, and specialized skill.

As added by P.L.134-2008, SEC.3. Amended by P.L.1-2009, SEC.96.

IC 10-14-3.5-22 No limitation on rights, privileges, or immunities; emergency forces

Sec. 22. (a) This chapter does not limit the rights, privileges, or immunities provided to volunteer health practitioners by laws other than this chapter. Except as provided in subsection (b), this chapter does not affect requirements for the use of health practitioners under the Emergency Management Assistance Compact.

(b) The department of homeland security, under the Emergency Management Assistance Compact or the Interstate Emergency Management and Disaster Compact, may incorporate into the emergency forces of Indiana volunteer health practitioners who are not officers or employees of Indiana, a political subdivision of Indiana, or a municipality or other local government within Indiana.

As added by P.L.134-2008, SEC.3. Amended by P.L.1-2009, SEC.97.

IC 10-14-3.5-23 Adoption of rules for implementation; reasonably compatible with other states

Sec. 23. The department of homeland security may adopt rules under IC 4-22-2 to implement this chapter. In doing so, the department of homeland security shall consult with and consider the recommendations of the entity established to coordinate the implementation of the Emergency Management Assistance Compact or the Interstate Emergency Management and Disaster Compact and shall also consult with and consider rules adopted by similarly empowered agencies in other states to promote uniformity of application of this chapter and make the emergency response systems in the various states reasonably compatible.

As added by P.L.134-2008, SEC.3. Amended by P.L.1-2009, SEC.98.

IC 10-14-3.5-24 Consideration of uniformity in application and construction

Sec. 24. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that

enact it.

As added by P.L.134-2008, SEC.3.

IC 10-14-4 Chapter 4. State Disaster Relief Fund

10-14-4-0.3	"Backfill employee"
10-14-4-1	"Disaster"
10-14-4-2	"Eligible entity"
10-14-4-3	"Fund"
10-14-4-4	"Public facility"
10-14-4-5	State disaster relief fund
10-14-4-6	Grants; eligible entities
10-14-4-7	Grants; limitations
10-14-4-8	Grants; limitations for entity suffering multiple disaster emergencies
10-14-4-8.5	Grants; backfill employees
10-14-4-9	Grant application for eligible entity other than individual
10-14-4-10	Grants; administration by receiving entity; effects on property tax levy
10-14-4-11	Rules; emergency rules
10-14-4-12	Offenses
10-14-4-13	Financial assistance for individual eligible entity
10-14-4-14	Compensation for damages; individual eligible entity

IC 10-14-4-0.3 "Backfill employee"

Sec. 0.3. As used in this chapter, "backfill employee" has the meaning set forth in IC 10-14-3-0.5.

As added by P.L.71-2013, SEC.5.

IC 10-14-4-1 "Disaster"

Sec. 1. As used in this chapter, "disaster" has the meaning set forth in IC 10-14-3-1.

[2003 Recodification Citation: New.]

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

IC 10-14-4-2 "Eligible entity"

Sec. 2. As used in this chapter, "eligible entity" means a county, a city, a town, a township, or an individual who has incurred loss or cost because of a disaster.

[Pre-2003 Recodification Citation: 10-4-1-29(a).]

As added by P.L.2-2003, SEC.5. Amended by P.L.107-2007, SEC.1; P.L.71-2013, SEC.6.

IC 10-14-4-3 "Fund"

Sec. 3. As used in this chapter, "fund" refers to the state disaster relief fund established by this chapter.

[Pre-2003 Recodification Citation: 10-4-1-29(b).]

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

IC 10-14-4-4 "Public facility"

Sec. 4. As used in this chapter, "public facility" means any:

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

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

[Pre-2003 Recodification Citation: 10-4-1-29(c).]

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

IC 10-14-4-5 State disaster relief fund

Sec. 5. (a) The state disaster relief fund is established to provide financial assistance to:

- (1) assist eligible entities in paying for:
 - (A) the costs of repairing, replacing, or restoring public facilities or individual residential real or personal property damaged or destroyed by a disaster; or
 - (B) response costs incurred by an eligible entity during a disaster; and
- (2) allow the agency to pay for response costs incurred by the state or a local unit of government at the direction of the agency.

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

(b) The fund consists of the following:

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

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

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

[Pre-2003 Recodification Citations: 10-4-1-29(d); 10-4-1-29(e); 10-4-1-29(f).]

As added by P.L.2-2003, SEC.5. Amended by P.L.107-2007, SEC.2; P.L.57-2008, SEC.2.

IC 10-14-4-6 Grants; eligible entities

Sec. 6. Subject to the restrictions under this chapter, the agency may use money in the fund to provide financial assistance as follows:

- (1) To an eligible entity that:
 - (A) is not an individual;
 - (B) contains territory for which a disaster emergency has been declared by the governor;
 - (C) has suffered damage to the entity's public facilities because of the disaster for which the disaster emergency was declared;
 - (D) has applied to the department for financial assistance in the form of a grant; and
 - (E) complies with all other requirements established by the agency.
- (2) To an eligible entity that:
 - (A) is not an individual;
 - (B) contributes personnel to a mobile support unit deployed to assist another political subdivision in responding to a disaster emergency that has been declared by the governor;
 - (C) incurs the cost of one (1) or more backfill employees that are necessary to fill the position and perform the duties of an employee deployed on a mobile support unit;
 - (D) has applied to the department for financial assistance in the form of a grant; and
 - (E) complies with all other requirements established by the agency.
- (3) To an eligible entity:
 - (A) who is an individual;
 - (B) whose primary residence is located in territory for which:
 - (i) the United States Small Business Administration declares a disaster; and
 - (ii) there has been no disaster declaration issued by the President of the United States;
 - (C) who has suffered damage to the entity's primary residence or individual property because of a disaster described in clause (B); and
 - (D) who complies with all other requirements established by the agency.

[Pre-2003 Recodification Citation: 10-4-1-29(g).]

As added by P.L.2-2003, SEC.5. Amended by P.L.107-2007, SEC.3; P.L.57-2008, SEC.3; P.L.110-2009, SEC.3; P.L.71-2013, SEC.7.

IC 10-14-4-7 Grants; limitations

Sec. 7. This section does not apply to an eligible entity that is an individual. Except as provided in section 8 of this chapter, the agency may not make a grant to an eligible entity under this section unless the damage to the entity's public facilities caused by the disaster exceeds an amount equal to one dollar (\$1) multiplied by the population of the entity. A grant to an eligible entity under this subsection may not exceed an amount equal to:

- (1) fifty percent (50%); multiplied by
- (2) the result of:
 - (A) the total cost of the damage to the entity's public facilities caused by the disaster; minus
 - (B) an amount equal to one dollar (\$1) multiplied by the population of the entity.

[Pre-2003 Recodification Citation: 10-4-1-29(h).]

As added by P.L.2-2003, SEC.5. Amended by P.L.107-2007, SEC.4.

IC 10-14-4-8 Grants; limitations for entity suffering multiple disaster emergencies

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

- (1) the product of:
 - (A) fifty percent (50%); multiplied by
 - (B) the total cumulative cost of the damage to the entity's public facilities caused by all disasters in the year; minus
- (2) any grants previously made under section 7 of this chapter to the entity during the year.

[Pre-2003 Recodification Citation: 10-4-1-29(i).]

As added by P.L.2-2003, SEC.5. Amended by P.L.107-2007, SEC.5.

IC 10-14-4-8.5 Grants; backfill employees

Sec. 8.5. The agency may make a grant to an eligible entity under section 6(2) of this chapter for the cost of a backfill employee, but only if and to the extent the cost of the backfill employee represents extra cost to the political subdivision.

As added by P.L.71-2013, SEC.8.

IC 10-14-4-9 Grant application for eligible entity other than individual

Sec. 9. This section does not apply to an eligible entity that is an individual. To qualify for a grant under this chapter, the executive of an eligible entity must apply to the agency on forms provided by the agency. The application must include the following:

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

[Pre-2003 Recodification Citation: 10-4-1-29(j).]

As added by P.L.2-2003, SEC.5. Amended by P.L.107-2007, SEC.6.

IC 10-14-4-10 Grants; administration by receiving entity; effects on property tax levy

Sec. 10. This section does not apply to an eligible entity that is an individual. The fiscal officer of an entity receiving a grant under this chapter shall:

- (1) establish a separate account within the entity's general fund; and

(2) deposit any grant proceeds received under this chapter in the account.
The department of local government finance may not reduce an entity's maximum or actual property tax levy under IC 6-1.1-18.5 on account of grant money deposited in the account.

[Pre-2003 Recodification Citation: 10-4-1-29(k).]

As added by P.L.2-2003, SEC.5. Amended by P.L.107-2007, SEC.7.

IC 10-14-4-11 Rules; emergency rules

Sec. 11. (a) The director shall adopt rules under IC 4-22-2 to carry out this chapter.

(b) The director may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to carry out the provisions of this chapter.

[Pre-2003 Recodification Citation: 10-4-1-29(l).]

As added by P.L.2-2003, SEC.5. Amended by P.L.22-2005, SEC.8; P.L.71-2013, SEC.9.

IC 10-14-4-12 Offenses

Sec. 12. A person who knowingly, intentionally, or recklessly violates this chapter commits a Class B misdemeanor.

[Pre-2003 Recodification Citation: 10-4-1-21.]

As added by P.L.2-2003, SEC.5. Amended by P.L.115-2003, SEC.14.

IC 10-14-4-13 Financial assistance for individual eligible entity

Sec. 13. (a) This section applies only to an eligible entity that is an individual.

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

(1) A description and estimated cost of the damage caused by the disaster to the individual's property.

(2) The manner in which the individual intends to use the financial assistance.

(3) Any other information required by the agency.

As added by P.L.107-2007, SEC.8. Amended by P.L.57-2008, SEC.4.

IC 10-14-4-14 Compensation for damages; individual eligible entity

Sec. 14. (a) This section applies only to an eligible entity that is an individual.

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

(1) must be at least five hundred dollars (\$500); and

(2) may not be more than ten thousand dollars (\$10,000).

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

As added by P.L.70-2019, SEC.1.

IC 10-14-5**Chapter 5. Emergency Management Assistance Compact**

10-14-5-1	Purpose and authorities
10-14-5-2	General implementation
10-14-5-3	Party state responsibilities
10-14-5-4	Limitations
10-14-5-5	Licenses and permits
10-14-5-6	Liability
10-14-5-7	Supplementary agreements
10-14-5-8	Compensation
10-14-5-9	Reimbursement
10-14-5-10	Evacuation
10-14-5-11	Implementation
10-14-5-12	Validity
10-14-5-13	Additional provisions
10-14-5-14	Right to alter, amend, or repeal
10-14-5-15	Construction and severability
10-14-5-16	Inconsistency of language

IC 10-14-5-1 Purpose and authorities

Sec. 1. ARTICLE I—Purpose and authorities.

This compact is made and entered into by and between the participating member states which enact this compact, hereinafter called party states. For the purposes of this compact, "states" means the several states, the Commonwealth of Puerto Rico, the District of Columbia, and all U.S. territorial possessions.

The purpose of this compact is to provide for mutual assistance among the states entering into this compact in managing any emergency or disaster that is duly declared by the governor of the affected state, whether arising from natural disaster, technological hazard, man made disaster, civil emergency aspects of resources shortages, community disorders, insurgency, or enemy attack.

This compact shall also provide for mutual cooperation in emergency related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' National Guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.

[Pre-2003 Recodification Citation: 10-4-2.5-1.]

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

IC 10-14-5-2 General implementation

Sec. 2. ARTICLE II—General implementation.

Each party state entering into this compact recognizes that many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

The prompt, full, and effective utilization of resources of the participating states, including any resources on hand or available from the federal government or any other source, that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster declared by a party state, shall be the underlying principle on which all articles of this compact shall be understood.

On behalf of the governor of each state participating in the compact, the legally

designated state official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this compact.

[Pre-2003 Recodification Citation: 10-4-2.5-2.]

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

IC 10-14-5-3 Party state responsibilities

Sec. 3. ARTICLE III—Party state responsibilities.

(a) It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this article. In formulating such plans, and in carrying them out, the party states, insofar as practical, shall:

- (1) review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard, manmade disaster, emergency aspects of resources shortages, civil disorders, insurgency, or enemy attack;
- (2) review party states' individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency;
- (3) develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;
- (4) assist in warning communities adjacent to or crossing the state boundaries;
- (5) protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources, both human and material;
- (6) inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and
- (7) provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.

(b) The authorized representative of a party state may request assistance to another party state by contacting the authorized representative of that state. The provisions of this compact shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within thirty (30) days of the verbal request. Requests shall provide the following information:

- (1) A description of the emergency service function for which assistance is needed, including, but not limited to, fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building, inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.
- (2) The amount and type of personnel, equipment, materials and supplies 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 party's response and a point of contact at that location.

(c) There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States government, with free exchange of information, plans, and resource records relating to emergency capabilities.

[Pre-2003 Recodification Citation: 10-4-2.5-3.]

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

IC 10-14-5-4 Limitations

Sec. 4. ARTICLE IV—Limitations.

Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms of this compact. However, it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state.

Each party state shall afford to the emergency forces of any party state, while operating within its state limits under the terms and conditions of this compact, the same powers, except that of arrest unless specifically authorized by the receiving state, duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services. Emergency forces will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the state receiving assistance. These conditions may be activated, as needed, only subsequent to a declaration of a state emergency or disaster by the governor of the party state that is to receive assistance or upon commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect, or loaned resources remain in the receiving state, whichever is longer.

[Pre-2003 Recodification Citation: 10-4-2.5-4.]

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

IC 10-14-5-5 Licenses and permits

Sec. 5. ARTICLE V—Licenses and permits.

Whenever any person holds a license, certificate, or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party state, such person shall be considered licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the governor of the requesting state may prescribe by executive order or otherwise.

[Pre-2003 Recodification Citation: 10-4-2.5-5.]

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

IC 10-14-5-6 Liability

Sec. 6. ARTICLE VI—Liability.

Officers or employees of a party state rendering aid in another state under this compact shall be considered agents of the requesting state for tort liability and immunity purposes. No party state or its officers or employees rendering aid in another state under this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

[Pre-2003 Recodification Citation: 10-4-2.5-6.]

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

IC 10-14-5-7 Supplementary agreements

Sec. 7. ARTICLE VII—Supplementary agreements.

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two (2) or more states may differ from that among the states that are party to this compact, this compact contains elements of a broad base common to all states, and nothing in this compact precludes any state entering into supplementary agreements with another state or affects any other agreements already in force between states. Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility,

reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

[Pre-2003 Recodification Citation: 10-4-2.5-7.]

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

IC 10-14-5-8 Compensation

Sec. 8. ARTICLE VIII—Compensation.

Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid under this compact, in the same manner and on the same terms as if the injury or death were sustained within their own state.

[Pre-2003 Recodification Citation: 10-4-2.5-8.]

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

IC 10-14-5-9 Reimbursement

Sec. 9. ARTICLE IX—Reimbursement.

Any party state rendering aid in another state under this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests. However, any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost, and any two (2) or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article VIII expenses shall not be reimbursable under this article.

[Pre-2003 Recodification Citation: 10-4-2.5-9.]

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

IC 10-14-5-10 Evacuation

Sec. 10. ARTICLE X—Evacuation.

Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant shall be worked out and maintained between the party states and the emergency management services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees; the number of evacuees to be received in different areas; the manner in which food, clothing, housing, and medical care will be provided; the registration of the evacuees; the providing of facilities for the notification of relatives or friends; and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Such expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

[Pre-2003 Recodification Citation: 10-4-2.5-10.]

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

IC 10-14-5-11 Implementation

Sec. 11. ARTICLE XI—Implementation.

(a) This compact shall become effective immediately upon its enactment into law by any two (2) states. Thereafter, this compact shall become effective as to any other state upon enactment by such state.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until thirty (30) days after the governor of the withdrawing state has given notice in writing of such withdrawal to the governors of all other party states. Such action shall not relieve the withdrawing state from obligations assumed under this compact before the effective date of withdrawal.

(c) Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the Federal Emergency Management Agency and other appropriate agencies of the United States Government.

[Pre-2003 Recodification Citation: 10-4-2.5-11.]

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

IC 10-14-5-12 Validity

Sec. 12. ARTICLE XII—Validity.

This compact shall be construed to effectuate the purposes stated in Article I. If any provision of this compact is declared unconstitutional, or if the applicability of this compact to any person or circumstances is held invalid, the constitutionality of the remainder of this compact and the applicability of this compact to other persons and circumstances shall not be affected.

[Pre-2003 Recodification Citation: 10-4-2.5-12.]

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

IC 10-14-5-13 Additional provisions

Sec. 13. ARTICLE XIII—Additional provisions.

Nothing in this compact shall authorize or permit the use of military force by the National Guard of a state at any place outside that state in any emergency for which the President is authorized by law to call into federal service the militia, or for any purpose for which the use of the Army or the Air Force would, in the absence of express statutory authorization, be prohibited under 18 U.S.C. 1385.

[Pre-2003 Recodification Citation: 10-4-2.5-13.]

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

IC 10-14-5-14 Right to alter, amend, or repeal

Sec. 14. Right To Alter, Amend, or Repeal.

The right to alter, amend, or repeal this chapter is hereby expressly reserved. The consent granted by this chapter shall:

- (1) not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the subject of the compact;
- (2) not be construed as consent to the National Guard Mutual Assistance Compact;
- (3) be construed as understanding that the first paragraph of Article II of the compact provides that emergencies will require procedures to provide immediate access to existing resources to make a prompt and effective response;
- (4) not be construed as providing authority under Article III (a)(7) that does not otherwise exist for the suspension of statutes or ordinances;
- (5) be construed as understanding that Article III (c) does not impose any affirmative obligation to exchange information, plans, and resource records on the United States or any party which has not entered into the compact; and
- (6) be construed as understanding that Article XIII does not affect the authority of the President over the National Guard provided by Article I of the Constitution of the United States and 10 U.S.C.

[Pre-2003 Recodification Citation: 10-4-2.5-14.]

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

IC 10-14-5-15 Construction and severability

Sec. 15. Construction and Severability.

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

[Pre-2003 Recodification Citation: 10-4-2.5-15.]

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

IC 10-14-5-16 Inconsistency of language

Sec. 16. Inconsistency of Language.

The validity of this compact shall not be affected by any insubstantial difference in its form or language as adopted by the states.

[Pre-2003 Recodification Citation: 10-4-2.5-16.]

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

IC 10-14-6 Chapter 6. Repealed

[Pre-2003 Recodification Citations:

10-14-6-1 formerly 10-4-2-1

10-14-6-2 formerly 10-4-2-2

10-14-6-3 formerly 10-4-2-3.]

Repealed by P.L. 85-2015, SEC. 7.

IC 10-14-6.5**Chapter 6.5. Interstate Mutual Aid Agreements**

10-14-6.5-1	"Emergency"
10-14-6.5-2	"Emergency responder"
10-14-6.5-3	"Political subdivision"
10-14-6.5-4	Written mutual aid agreements; participation of private entity not prohibited
10-14-6.5-5	Emergency responder licensed or certified outside Indiana; scope of authorized activities performed in Indiana
10-14-6.5-6	Emergency responder from outside Indiana; immunity from liability
10-14-6.5-7	Emergency responders remain employees of jurisdiction rendering aid
10-14-6.5-8	Mutual aid agreements; approval process
10-14-6.5-9	No effect on other statutes

IC 10-14-6.5-1 "Emergency"

Sec. 1. As used in this chapter, "emergency" means an occurrence or condition in a jurisdiction that results in a situation:

- (1) that poses an immediate risk to health, life, property, or the environment;
- (2) that is not initially at the level of a disaster or emergency that requires a local or state declaration of disaster or emergency (even if such a local or state declaration of disaster or emergency is made after the initial request is made for mutual aid); and
- (3) for which the governing jurisdiction determines:
 - (A) that the situation exceeds its ability to render appropriate aid; and
 - (B) that it is in the public's best interest to request mutual aid from a governmental jurisdiction or private entity in another state with which the governing jurisdiction has entered into a mutual aid agreement under this chapter.

As added by P.L.94-2011, SEC.1.

IC 10-14-6.5-2 "Emergency responder"

Sec. 2. (a) As used in this chapter "emergency responder" means a person:

- (1) who is required to possess a license, certificate, permit, or other official recognition for the person's expertise in a particular field or area of knowledge; and
 - (2) whose assistance is desirable during an emergency.
- (b) The term includes, but is not limited to, the following:
- (1) Firefighters, including hazardous materials personnel, specialized rescue personnel, extrication personnel, water rescue personnel, and other specialized personnel.
 - (2) Emergency medical services personnel.
 - (3) Law enforcement officers.
 - (4) Physicians.
 - (5) Nurses.
 - (6) Mental health practitioners, veterinary practitioners, and other public health practitioners.
 - (7) Emergency management personnel.
 - (8) Public works personnel.

As added by P.L.94-2011, SEC.1.

IC 10-14-6.5-3 "Political subdivision"

Sec. 3. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

As added by P.L.94-2011, SEC.1.

IC 10-14-6.5-4 Written mutual aid agreements; participation of private entity not prohibited

Sec. 4. (a) In order to more adequately address emergencies that extend or exceed a jurisdiction's emergency response capabilities, either without rising to the level of a state or

local declaration of a state of disaster or emergency, or in the initial stages of an event that may later become a declared state of disaster or emergency, the state (and any of its departments or agencies) or any political subdivision may enter into written mutual aid agreements with units of government from another state that provide for:

- (1) coordination of communications for;
- (2) training for;
- (3) response to; and
- (4) standby for;

planned events and emergency responses between the units of government.

(b) When an emergency responder from outside Indiana is engaged in training, standby, and emergency response in accordance with a mutual aid agreement under this chapter, the emergency responder from outside Indiana is permitted to provide services within Indiana in accordance with this chapter and the terms of the mutual aid agreement under this chapter.

(c) This chapter may not be construed to prohibit a private entity or its employees from participating in the provision of mutual aid if:

- (1) the participating political subdivision approves the participation of the private entity; and
- (2) a contract between the political subdivision and the participating private entity permits the participation.

As added by P.L.94-2011, SEC.1.

**IC 10-14-6.5-5 Emergency responder licensed or certified outside Indiana;
scope of authorized activities performed in Indiana**

Sec. 5. If an emergency responder from a jurisdiction outside Indiana holds a license, certificate, or other permit recognized or issued by another state, that emergency responder is considered to be licensed, certified, and permitted in Indiana to render aid involving such skill to meet the request for assistance under a mutual aid agreement under this chapter, so long as the emergency responder acts within the scope of:

- (1) the emergency responder's license, certificate, or permit; and
- (2) what would be authorized by an equivalent license, certificate, or permit from or recognized by the state in which the requesting jurisdiction is located.

As added by P.L.94-2011, SEC.1.

**IC 10-14-6.5-6 Emergency responder from outside Indiana; immunity from
liability**

Sec. 6. (a) Any function performed under this chapter, and a mutual aid agreement under this chapter, is considered to have been performed for public and governmental purposes.

(b) All immunities from liability available to Indiana political subdivisions, other units of local government in Indiana, and their officers, agents, and employees within Indiana are extended to an emergency responder from another state who is:

- (1) providing mutual aid; or
- (2) engaged in training and exercises;

under a mutual aid agreement authorized by this chapter.

As added by P.L.94-2011, SEC.1.

**IC 10-14-6.5-7 Emergency responders remain employees of jurisdiction
rendering aid**

Sec. 7. (a) Emergency responders from outside Indiana rendering mutual aid within Indiana under a mutual aid agreement authorized by this chapter remain employees and agents of their respective employers and jurisdictions.

(b) This chapter or a mutual aid agreement entered into under this chapter does not create an employment relationship between the jurisdiction requesting aid and the employees and agents of the jurisdiction rendering aid.

(c) All pension, relief, disability, death benefits, worker's compensation benefits, and other benefits enjoyed by emergency responders rendering mutual aid under a mutual aid agreement authorized by this chapter extend to the services the emergency responders perform outside their respective jurisdictions, as if those services had been rendered in their own jurisdiction.

As added by P.L.94-2011, SEC.1.

IC 10-14-6.5-8 Mutual aid agreements; approval process

Sec. 8. A mutual aid agreement under this chapter must be approved in the same manner as interlocal cooperation agreements are approved under IC 36-1-7.

As added by P.L.94-2011, SEC.1.

IC 10-14-6.5-9 No effect on other statutes

Sec. 9. This chapter may not be construed to limit, modify, or abridge:

- (1) Indiana's emergency management agency statutes; or
- (2) the emergency management assistance compact under IC 10-14-5.

As added by P.L.94-2011, SEC.1.

IC 10-14-7 Chapter 7. Repealed

[Pre-2003 Recodification Citation:

10-14-7-1 formerly 10-4-3-1.]

Repealed by P.L. 115-2003, SEC.20.

IC 10-14-8**Chapter 8. Transportation of High Level Radioactive Waste**

10-14-8-1	Application of chapter
10-14-8-2	"High level radioactive waste"
10-14-8-2.3	"Licensee"
10-14-8-2.5	"Low level radioactive waste"
10-14-8-2.7	"Spent nuclear fuel"
10-14-8-2.9	Permit for shipper of high or low level radioactive waste
10-14-8-3	Notice to director before transport of high level radioactive waste; fee for transport
10-14-8-3.1	Permit and fee for transport of low level radioactive waste
10-14-8-4	Duties of director
10-14-8-5	Designated routes; required alternative routes
10-14-8-6	Nuclear response trust fund; purpose; sources of revenue; administration; investment
10-14-8-7	Defense information and restricted data
10-14-8-8	Rules
10-14-8-9	Reimbursement of government security expenses by shipper of radioactive waste
10-14-8-10	Seizure of certain motor vehicles and cargo by state police department; correction of violations
10-14-8-11	Inspections of motor vehicles and cargo
10-14-8-12	Violation; Class B infraction

IC 10-14-8-1 Application of chapter

Sec. 1. (a) This chapter applies to the following:

- (1) High level radioactive waste transported to a site authorized by a government agency to receive, store, reprocess, or dispose of high level radioactive waste or spent nuclear fuel.
- (2) Low level radioactive waste that is:
 - (A) transported to a site authorized by a government agency to receive low level radioactive waste; or
 - (B) shipped to a storage or treatment site before disposal.

(b) This chapter does not apply to:

- (1) radioactive waste shipped by the United States Department of Defense; or
- (2) the transport of low level radioactive waste between premises owned by or operated under the license of a licensee by a motor vehicle owned by or under contract to the licensee and a facility owned by or operated under the license of a licensee in Indiana.

[Pre-2003 Recodification Citation: 10-8-3-1.]

As added by P.L.2-2003, SEC.5. Amended by P.L.26-2010, SEC.2.

IC 10-14-8-2 "High level radioactive waste"

Sec. 2. As used in this chapter, "high level radioactive waste" means:

- (1) irradiated reactor fuel;
- (2) liquid wastes resulting from the operation of a first cycle solvent extraction system or its equivalent and the concentrated wastes from a subsequent extraction cycle or its equivalent in a facility for reprocessing irradiated reactor fuel;
- (3) solids into which liquid wastes described in subdivision (2) have been converted; and
- (4) materials produced as a byproduct of the reactions that occur inside a nuclear reactor in either of the following forms:
 - (A) Spent nuclear fuel that is accepted for disposal.
 - (B) Waste materials remaining after spent nuclear fuel is reprocessed.

[Pre-2003 Recodification Citation: 10-8-3-2.]

As added by P.L.2-2003, SEC.5. Amended by P.L.26-2010, SEC.3.

IC 10-14-8-2.3 "Licensee"

Sec. 2.3. As used in this chapter, "licensee" refers to an entity that is licensed by the United States Nuclear Regulatory Commission to own or use radioactive materials.

As added by P.L.26-2010, SEC.4.

IC 10-14-8-2.5 "Low level radioactive waste"

Sec. 2.5. As used in this chapter, "low level radioactive waste" means radioactive material from a facility licensed by the United States Nuclear Regulatory Commission under 10 CFR 50 other than the following:

- (1) High level radioactive waste.
- (2) Spent nuclear fuel.
- (3) Transuranic waste.
- (4) Byproduct material (as defined in 42 U.S.C. 2014(e)).

As added by P.L.26-2010, SEC.5.

IC 10-14-8-2.7 "Spent nuclear fuel"

Sec. 2.7. As used in this chapter, "spent nuclear fuel" means fuel:

- (1) that has been withdrawn from a nuclear reactor following irradiation; and
- (2) whose constituent elements have not been separated by reprocessing.

As added by P.L.26-2010, SEC.6.

IC 10-14-8-2.9 Permit for shipper of high or low level radioactive waste

Sec. 2.9. (a) A shipper of high or low level radioactive waste in Indiana must submit an application to the department of homeland security in the form and manner prescribed by the department of homeland security.

(b) The department of homeland security may issue a permit to a person that:

- (1) submits a completed application; and
- (2) pays a fee set by the department of homeland security.

(c) The permit must:

- (1) specify the purpose for which the permit is issued; and
- (2) contain an expiration date.

As added by P.L.26-2010, SEC.7.

IC 10-14-8-3 Notice to director before transport of high level radioactive waste; fee for transport

Sec. 3. (a) Before a person may transport high level radioactive waste in Indiana, the shipper must submit the following to the director:

- (1) An appropriate permit issued under section 2.9 of this chapter.
- (2) The following fees:
 - (A) For each truck shipment, two thousand five hundred dollars (\$2,500) per truck.
 - (B) For each rail shipment:
 - (i) four thousand five hundred dollars (\$4,500) for the first cask; and
 - (ii) three thousand dollars (\$3,000) for each additional cask.

(b) The director shall deposit fees collected under this section in the nuclear response fund established by section 6 of this chapter.

(c) As used in this section, "cask" means a heavily shielded container:

- (1) used for the shipment of radioactive materials, including high level radioactive waste and spent nuclear fuel; and
- (2) whose design is approved by the United States Nuclear Regulatory Commission.

[Pre-2003 Recodification Citation: 10-8-3-3.]

As added by P.L.2-2003, SEC.5. Amended by P.L.148-2003, SEC.2; P.L.26-2010, SEC.8; P.L.78-2013, SEC.4.

IC 10-14-8-3.1 Permit and fee for transport of low level radioactive waste

Sec. 3.1. (a) Before a person may transport low level radioactive waste in Indiana, the shipper must submit:

- (1) an appropriate permit issued under section 2.9 of this chapter; and
- (2) a transportation fee of one hundred dollars (\$100) for each shipment of low level radioactive waste;

to the director.

(b) The director shall deposit fees collected under this section in the nuclear response fund established by section 6 of this chapter.

As added by P.L.148-2003, SEC.3. Amended by P.L.26-2010, SEC.9.

IC 10-14-8-4 Duties of director

Sec. 4. (a) The director shall consult with:

- (1) the state health commissioner of the state department of health;
- (2) the commissioner of the Indiana department of transportation;
- (3) the commissioner of the department of environmental management;
- (4) the director of the department of natural resources;
- (5) the superintendent of the state police department;
- (6) representatives of the:
 - (A) United States Nuclear Regulatory Commission;
 - (B) Federal Emergency Management Agency;
 - (C) United States Department of Energy; and
 - (D) United States Department of Transportation; and
- (7) a representative of a local emergency management agency designated by the director;

to prepare a plan for emergency response to a radioactive waste transportation accident in Indiana. The plan must include provisions for evacuation, containment, and cleanup and must designate the role of each state or local government agency involved in the emergency response plan.

(b) The director shall report to the general assembly each year on the:

- (1) status of the plan prepared under subsection (a); and
- (2) ability of the state to respond adequately to a radioactive waste transportation accident in Indiana.

A report under this subsection to the general assembly must be in an electronic format under IC 5-14-6.

[Pre-2003 Recodification Citation: 10-8-3-4.]

As added by P.L.2-2003, SEC.5. Amended by P.L.28-2004, SEC.80; P.L.26-2010, SEC.10.

IC 10-14-8-5 Designated routes; required alternative routes

Sec. 5. (a) Under 49 CFR Part 177, the director may require preferred highway routes for transporting high level radioactive waste in Indiana if the director determines under United States Department of Transportation "Guidelines for Selecting Preferred Highway Routes for Highway Route Controlled Quantity Shipments of Radioactive Materials" that alternative routes are safer than proposed routes.

(b) The director shall:

- (1) annually review federally approved highway and railway routes for transporting high level radioactive waste in Indiana; and
- (2) select new state designated routes in accordance with 49 CFR Part 172.80 if safety considerations indicate the alternate routes would be preferable.

(c) Before the director may require alternative routes under subsection (a) or select new state designated routes under subsection (b), the director must do the following:

- (1) Consult with all of the persons described in section 4(a) of this chapter.
- (2) Conduct or engage in substantial consultation with the affected local county

authorities.

(3) Notify the:

- (A) state health commissioner of the state department of health;
- (B) commissioner of the department of environmental management;
- (C) superintendent of the state police department; and
- (D) local emergency management agency and applicable local fire and law enforcement agencies in each affected county;

of the director's final decision concerning an alternative route or a new state designated route before the date upon which the alternative route or new state designated route takes effect.

(d) The state is not liable by requiring alternate routes to be used as provided under this section.

[Pre-2003 Recodification Citation: 10-8-3-5.]

As added by P.L.2-2003, SEC.5. Amended by P.L.26-2010, SEC.11.

IC 10-14-8-6 Nuclear response trust fund; purpose; sources of revenue; administration; investment

Sec. 6. (a) The nuclear response fund is established to:

(1) provide appropriate education, training, and equipment to state and local emergency responders:

- (A) that respond to a release of radioactive waste or materials caused by or during the transportation of radioactive waste or materials under this chapter; and
- (B) to prevent, prepare for, and respond to acts of terrorism; and

(2) otherwise enforce this chapter and IC 10-14-9.

(b) Sources of money for the fund consist of transportation fees deposited under section 3(b) or 3.1(b) of this chapter, fees received under IC 10-14-9-7(b), and civil penalties deposited under IC 10-14-9-8(c).

(c) The department of homeland security shall administer the fund. Money in the fund is annually appropriated to the department of homeland security to be used for purposes described in subsection (a).

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

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

[Pre-2003 Recodification Citation: 10-8-3-6.]

As added by P.L.2-2003, SEC.5. Amended by P.L.148-2003, SEC.4; P.L.1-2006, SEC.177; P.L.26-2010, SEC.12; P.L.78-2013, SEC.5.

IC 10-14-8-7 Defense information and restricted data

Sec. 7. This chapter does not require the disclosure of defense information or restricted data (as defined in the federal Atomic Energy Act of 1954 (42 U.S.C. 2014)).

[Pre-2003 Recodification Citation: 10-8-3-7.]

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

IC 10-14-8-8 Rules

Sec. 8. The director may adopt rules under IC 4-22-2 to implement this chapter.

[Pre-2003 Recodification Citation: 10-8-3-8.]

As added by P.L.2-2003, SEC.5. Amended by P.L.22-2005, SEC.9.

IC 10-14-8-9 Reimbursement of government security expenses by shipper of radioactive waste

Sec. 9. A shipper of:

- (1) low level radioactive waste; or

(2) high level radioactive waste;
in Indiana shall reimburse each governmental entity that provides security for a shipment for reasonable and necessary expenses incurred by the governmental entity in providing the security.

As added by P.L.148-2003, SEC.5. Amended by P.L.26-2010, SEC.13.

IC 10-14-8-10 Seizure of certain motor vehicles and cargo by state police department; correction of violations

Sec. 10. (a) The state police department may detain, seize, or impound a motor vehicle and its cargo if the state police department determines that the motor vehicle is involved in a violation of this chapter. The state police department shall observe established state police department guidelines in seizing or impounding the motor vehicle and cargo.

(b) To obtain possession of a seized or impounded motor vehicle or its cargo, the motor carrier that operates the motor vehicle must correct any violations of this chapter, including without limitation the failure to obtain a permit required under this chapter that resulted in the detention, seizure, or impounding of the motor vehicle or cargo.

As added by P.L.26-2010, SEC.14.

IC 10-14-8-11 Inspections of motor vehicles and cargo

Sec. 11. (a) The following may conduct inspections of motor vehicles and cargo to determine violations of and enforce this chapter:

- (1) The state police department.
- (2) Agents of the state police department.
- (3) Motor carrier inspectors of the state police department.
- (4) Other eligible law enforcement officers.

(b) With respect to any rail shipment, the following may request from a shipper or carrier a copy of the appropriate permit issued under section 2.9 of this chapter to the shipper:

- (1) The state police department.
- (2) Agents of the state police department.
- (3) Motor carrier inspectors of the state police department.
- (4) Rail safety inspectors.
- (5) Other eligible law enforcement officers.

As added by P.L.26-2010, SEC.15.

IC 10-14-8-12 Violation; Class B infraction

Sec. 12. A person who violates this chapter commits a Class B infraction.

As added by P.L.26-2010, SEC.16.

IC 10-14-9 Chapter 9. Transportation of Highway Route Controlled Quantity Radioactive Material

10-14-9-1	"Cask"
10-14-9-2	"Highway route controlled quantity (HRCQ) radioactive material"
10-14-9-3	"Licensee"
10-14-9-4	"Nuclear response fund"
10-14-9-5	"Package"
10-14-9-6	"Radionuclide"
10-14-9-7	Shipping permit; application; fees
10-14-9-8	Civil penalties

IC 10-14-9-1 "Cask"

Sec. 1. As used in this chapter, "cask" has the meaning set forth in IC 10-14-8-3(c).
As added by P.L.78-2013, SEC.6.

IC 10-14-9-2 "Highway route controlled quantity (HRCQ) radioactive material"

Sec. 2. As used in this chapter, "highway route controlled quantity (HRCQ) radioactive material" or "HRCQ materials" means a quantity within a single package that exceeds the least of the following:

- (1) For special form Class 7 (radioactive) material, three thousand (3,000) times the A_1 value of the radionuclides listed in 49 CFR 173.435.
- (2) For normal form Class 7 (radioactive) material, three thousand (3,000) times the A_2 value of the radionuclides listed in 49 CFR 173.435.
- (3) One thousand (1,000) TBq (27,000 Ci).

As added by P.L.78-2013, SEC.6. Amended by P.L.2-2014, SEC.54.

IC 10-14-9-3 "Licensee"

Sec. 3. As used in this chapter, "licensee" has the meaning set forth in IC 10-14-8-2.3.
As added by P.L.78-2013, SEC.6.

IC 10-14-9-4 "Nuclear response fund"

Sec. 4. As used in this chapter, "nuclear response fund" refers to the nuclear response fund established by IC 10-14-8-6.
As added by P.L.78-2013, SEC.6.

IC 10-14-9-5 "Package"

Sec. 5. As used in this chapter, "package" has the meaning set forth in 49 CFR 173.403.
As added by P.L.78-2013, SEC.6.

IC 10-14-9-6 "Radionuclide"

Sec. 6. As used in this chapter, "radionuclide" means an unstable isotope of an element that emits radiation when it decays or disintegrates.
As added by P.L.78-2013, SEC.6.

IC 10-14-9-7 Shipping permit; application; fees

Sec. 7. (a) A shipper who intends to ship HRCQ materials must submit an application for a permit to the department of homeland security in the form and manner prescribed by the department of homeland security.

(b) The department of homeland security may issue a permit to a shipper that:

- (1) submits a completed application under subsection (a); and
- (2) pays a minimum fee as follows:

(A) For each truck shipment, one thousand eight hundred dollars (\$1,800) per truck.

- (B) For each rail shipment:
 - (i) one thousand three hundred dollars (\$1,300) for the first cask; and
 - (ii) one hundred twenty-five dollars (\$125) for each additional cask.
- (c) The director:
 - (1) shall deposit fees received under subsection (b) in the nuclear response fund; and
 - (2) may increase a minimum fee under subsection (b)(2) if the increase:
 - (A) applies uniformly across all fees; and
 - (B) is limited to an amount necessary to cover the costs of administering this section.
- (d) A permit issued under subsection (b) must:
 - (1) specify the purpose for which the permit is issued; and
 - (2) contain an expiration date.
- (e) A shipper of HRCQ materials shall notify the state emergency operations center at least seven (7) business days before shipping the HRCQ materials.

As added by P.L. 78-2013, SEC. 6.

IC 10-14-9-8 Civil penalties

Sec. 8. (a) A shipper that:

- (1) is required to obtain a permit and pay a fee under section 7 of this chapter; and
- (2) fails to obtain the permit or pay the fee;

is subject to a civil penalty for each violation in an amount equal to two (2) times the applicable fee.

(b) A shipper that fails to notify the state emergency operations center of a shipment of HRCQ materials under section 7(e) of this chapter is subject to a civil penalty in an amount equal to two (2) times the applicable fee for the shipment.

(c) The director shall deposit a civil penalty received under this section in the nuclear response fund.

As added by P.L. 78-2013, SEC. 6.