January 14, 2016

HOUSE BILL No. 1090

DIGEST OF HB 1090 (Updated January 12, 2016 1:18 pm - DI 123)

Citations Affected: IC 13-25.

Synopsis: Local emergency planning committees. Provides that membership on the emergency response commission (commission) is not a lucrative office for purposes of the constitutional prohibition against holding more than one lucrative office at the same time. Specifies that the commission appoints the members of the local emergency planning committee of each emergency planning district. Provides that the commission may decide how many members a local emergency planning committee is to have, and that a local emergency planning committee's members must include representatives of five particular categories. Provides that membership on a local emergency planning committee is not a lucrative office. Allows any member of a local emergency planning committee to appoint a designee to act on the committee member's behalf. (Under current law, only a local emergency planning committee member who is an employee of a county, municipality, or township can appoint a designee.) Authorizes the commission to revise its appointments to a local emergency planning committee. Provides that a local emergency planning committee is a county board, and that if an emergency planning district consists of multiple counties, the county of which the local emergency planning committee is a county board must be decided by agreement of the counties.

Effective: July 1, 2016.

Frye R, Price

January 5, 2016, read first time and referred to Committee on Veterans Affairs and Public Safety.
January 13, 2016, reported — Do Pass.

January 14, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1090

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 13-25-1-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2.5. For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, membership on the commission is not a lucrative office.**

SECTION 2. IC 13-25-1-6, AS AMENDED BY P.L.85-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) The commission shall do the following:

(1) Encourage and support the development of emergency planning efforts to provide:

(A) state government entities;

(B) local governments; and

(C) the public;

with information concerning potential chemical hazards in Indiana.

(2) Assist the state in complying with the requirements of SARA.

(3) Design and supervise the operation of emergency planning

districts in Indiana.

(4) Gather and distribute information needed for effective emergency response planning.

(5) Appoint the members of the local emergency planning committee of each emergency planning district.

(b) A local emergency planning committee shall do the following:

(1) Satisfy the requirements of SARA.

(2) Prepare and submit a roster of committee members to the commission at least one (1) time each year.

(3) Meet at least two (2) times, on separate days, every six (6) months.

(4) Each year, prepare and submit a report to the commission that describes the expenditures of the local emergency planning committee in the preceding year that were paid for with the money distributed under IC 13-25-2-10.6.

(c) A local emergency planning committee member ~~who is an employee of a unit (as defined in IC 36-1-2-23)~~ may appoint a designee to act on the committee member's behalf under this chapter. An appointment under this subsection must:

(1) be in writing;

(2) specify the duration of the appointment; and

(3) be submitted to the committee at least two (2) calendar days before the first meeting that the designee attends on behalf of the member.

(d) For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, membership on a local emergency planning committee is not a lucrative office.

(e) The members of a local emergency planning committee shall elect officers of the local emergency planning committee from among its members.

(f) The commission may appoint the number of members of a local emergency planning committee that the commission considers appropriate. The members of a local emergency planning committee must include representatives of each of the following:

(1) State and local officials.

(2) Law enforcement, emergency management, firefighting, emergency medical services, health, local environmental, hospital, and transportation personnel.

(3) Broadcast and print media.

(4) Community groups.

(5) Owners and operators of facilities subject to IC 13-25-2-10.

(g) The commission may revise its appointment of members of a local emergency planning committee under subsection (a)(5). Interested persons, including a county executive, may petition the commission to modify the membership of a local emergency planning committee.

(h) A local emergency planning committee is a county board of the county identified in one (1) of the following:

(1) If the emergency planning district of the local emergency planning committee is wholly within the boundaries of one (1) county, the local emergency planning committee is a county board of the county in which the emergency planning district is located.

(2) If the emergency planning district of the local emergency planning committee includes more than one (1) county, the local emergency planning committee is a county board of only one (1) of the counties, and the county of which the local emergency planning committee is a county board must be determined by agreement of the counties included in the emergency planning district.

(i) The commission may not establish an emergency planning district that includes more than one (1) county unless all the counties to be included in the emergency planning district have agreed which of the counties will be the county of which the local emergency planning committee will be a county board under subsection (h)(2).

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1090, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1090 as introduced.)

FRYE R

Committee Vote: Yeas 11, Nays 0