

HOUSE BILL No. 1023

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-25-2-10.4; IC 36-8-10.5-7.

Synopsis: Public safety matters. Adds a new national firefighting training standard to current standards eligible for emergency rulemaking. Exempts government facilities from being assessed emergency and hazardous chemical inventory form fees.

Effective: July 1, 2017.

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January 4, 2017, read first time and referred to Committee on Veterans Affairs and Public Safety.



First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1023

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:

1 SECTION 1. IC 13-25-2-10.4, AS ADDED BY P.L.85-2015,
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 10.4. (a) **Except as provided in subsection (c)**,
4 each year, a fee is imposed on a facility that must submit an emergency
5 and hazardous chemical inventory form under section 10 of this
6 chapter. The amount of the fee is as follows:
7 (1) For a facility in which at least one million (1,000,000) pounds
8 of any hazardous chemical was present at one (1) time during the
9 year preceding the year in which the fee is imposed, a fee of two
10 hundred dollars (\$200).
11 (2) For a facility in which, in the year preceding the year in which
12 the fee is imposed, one (1) or more hazardous chemicals were
13 present in amounts exceeding the threshold quantities established
14 under 42 U.S.C. 11022(b), but the total amount of any hazardous
15 chemical present did not at any one (1) time equal or exceed one
16 million (1,000,000) pounds, a fee of one hundred dollars (\$100).
17 (3) For a facility that contains underground storage tanks (as



1 defined in IC 13-11-2-241) and was subject to the reporting
 2 requirement in 42 U.S.C. 6991a(a), but in which, in the year
 3 preceding the year in which the fee is imposed, no hazardous
 4 chemicals were present in amounts exceeding the threshold
 5 quantities established under 42 U.S.C. 11022(b) (other than
 6 substances stored in underground storage tanks that must be
 7 reported under 42 U.S.C. 6991a(a)), a fee of fifty dollars (\$50).

8 (b) A facility subject to the fee imposed by this section shall pay this
 9 fee as required by section 10 of this chapter.

10 (c) **The fee established by this section is not applicable to a**
 11 **facility that is owned or operated by any of the following:**

12 (1) **The United States government or an agency or**
 13 **instrumentality of the United States government.**

14 (2) **The state and its agencies.**

15 (3) **A state educational institution as defined in IC 21-7-13-32.**

16 (4) **A political subdivision as defined in IC 36-1-2-13.**

17 SECTION 2. IC 36-8-10.5-7, AS AMENDED BY P.L.78-2013,
 18 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2017]: Sec. 7. (a) The education board shall adopt rules under
 20 IC 4-22-2 establishing minimum basic training requirements for
 21 full-time firefighters and volunteer firefighters, subject to subsection
 22 (b) and section 7.5 of this chapter. The requirements must include
 23 training in the following areas:

24 (1) Orientation.

25 (2) Personal safety.

26 (3) Forcible entry.

27 (4) Ventilation.

28 (5) Apparatus.

29 (6) Ladders.

30 (7) Self-contained breathing apparatus.

31 (8) Hose loads.

32 (9) Streams.

33 (10) Basic recognition of special hazards.

34 (b) A person who fulfills the certification requirements for:

35 (1) Firefighter I, as described in 655 IAC 1-2.1-4; or

36 (2) Firefighter II, as described in 655 IAC 1-2.1-5;

37 is considered to comply with the requirements established under
 38 subsection (a).

39 (c) In addition to the requirements of subsections (a) and (d), the
 40 minimum basic training requirements for full-time firefighters and
 41 volunteer firefighters must include successful completion of a basic or
 42 inservice course of education and training on sudden infant death



1 syndrome that is certified by the Indiana emergency medical services
2 commission (created under IC 16-31-2-1) in conjunction with the state
3 health commissioner.

4 (d) In addition to the requirements of subsections (a) and (c), the
5 minimum basic training requirements for full-time and volunteer
6 firefighters must include successful completion of an instruction course
7 on vehicle emergency response driving safety. The education board
8 shall adopt rules under IC 4-22-2 to operate this course.

9 (e) In addition to the requirements of subsections (a), (c), and (d),
10 the minimum basic training requirements for full-time and volunteer
11 firefighters must include successful completion of a basic or inservice
12 course of education and training in interacting with individuals with
13 autism that is certified by the Indiana emergency medical services
14 commission (created under IC 16-31-2-1).

15 (f) The education board may adopt emergency rules in the manner
16 provided under IC 4-22-2-37.1 concerning the adoption of the most
17 current edition of the following National Fire Protection Association
18 standards, subject to amendment by the board:

- 19 (1) NFPA 472.
- 20 (2) NFPA 1001.
- 21 (3) NFPA 1002.
- 22 (4) NFPA 1003.
- 23 **(5) NFPA 1006.**
- 24 ~~(5)~~ **(6)** NFPA 1021.
- 25 ~~(6)~~ **(7)** NFPA 1031.
- 26 ~~(7)~~ **(8)** NFPA 1033.
- 27 ~~(8)~~ **(9)** NFPA 1035.
- 28 ~~(9)~~ **(10)** NFPA 1041.
- 29 ~~(10)~~ **(11)** NFPA 1521.
- 30 ~~(11)~~ **(12)** NFPA 1670.

31 (g) Notwithstanding any provision in IC 4-22-2-37.1 to the contrary,
32 an emergency rule described in subsection (f) expires on the earlier of
33 the following dates:

- 34 (1) Two (2) years after the date on which the emergency rule is
35 accepted for filing with the publisher of the Indiana Register.
- 36 (2) The date a permanent rule is adopted under this chapter.

37 (h) At least sixty (60) days before the education board adopts an
38 emergency rule under subsection (f), the education board shall:

- 39 (1) notify the public of its intention to adopt an emergency rule by
40 publishing a notice of intent to adopt an emergency rule in the
41 Indiana Register; and
- 42 (2) provide a period for public hearing and comment for the



- 1 proposed rule.
- 2 The publication notice described in subdivision (1) must include an
- 3 overview of the intent and scope of the proposed emergency rule and
- 4 the statutory authority for the rule.

