# HOUSE BILL No. 1364

### DIGEST OF INTRODUCED BILL

#### Citations Affected: IC 13-25-1-6.

**Synopsis:** Local emergency planning committees. Provides that interested persons, including a county executive or the board of Health and Hospital Corporation of Marion County, may submit recommendations to the Indiana emergency response commission prior to the appointment of a member of a local emergency planning committee. Requires the Indiana emergency planning committee to consider a recommendation from an interested person when appointing a member. Provides that the Health and Hospital Corporation of Marion County shall exercise the powers of the county related to the local emergency planning committees and exercise the powers of the county executive and perform the duties of the county executive for the local emergency planning right to know fund.

Effective: July 1, 2018.

### Forestal

January 16, 2018, read first time and referred to Committee on Veterans Affairs and Public Safety.



#### Introduced

#### Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

# HOUSE BILL No. 1364

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

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

1 2	SECTION 1. IC 13-25-1-6, AS AMENDED BY P.L.68-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3	JULY 1, 2018]: Sec. 6. (a) The commission shall do the following:
4	(1) Encourage and support the development of emergency
5	planning efforts to provide:
6	(A) state government entities;
7	(B) local governments; and
8	(C) the public;
9	with information concerning potential chemical hazards in
10	Indiana.
11	(2) Assist the state in complying with the requirements of SARA.
12	(3) Design and supervise the operation of emergency planning
13	districts in Indiana.
14	(4) Gather and distribute information needed for effective
15	emergency response planning.
16	(5) Appoint the members of the local emergency planning

17 committee of each emergency planning district.



IN 1364—LS 6482/DI 132

<ul> <li>(b) A local emergency planning committee shall do the following:</li> <li>(1) Satisfy the requirements of SARA.</li> <li>(2) Prepare and submit a roster of committee members to the commission at least one (1) time each year.</li> <li>(3) Meet at least two (2) times, on separate days, every six (6) months.</li> <li>(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.</li> <li>(c) A local emergency planning committee member may appoint a designee to act on the committee member's behalf under this chapter.</li> <li>(1) be in writing;</li> <li>(2) specify the duration of the appointment; and</li> <li>(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.</li> <li>(d) For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, membership on a local emergency planning committee shall elect officiers of the local emergency planning committee shall</li> <li>elect officiers of the local emergency planning committee shall</li> <li>elect officiers of the local emergency planning committee shall</li> <li>elect officiers of the local emergency planning committee shall</li> <li>elect officiers of the local emergency management, firefighting, emergency planning committee that the commission considers appropriate. The members of a local emergency management, firefighting, emergency medical services, health, local environmental, hospital, and transportation personnel.</li> <li>(3) Broadcast and print media.</li> <li>(4) Community groups.</li> <li>(5) Owners and operators of facilities subject to IC 13-25-2-10.</li> <li>(6) Interested persons, including a county executive or the board of a municipal corporation created under IC 16-22-8, may submit recommendations to the commission prior to the appointment of a member of a local emergency planni</li></ul>		
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<ul> <li>its members.</li> <li>(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: <ul> <li>(1) State and local officials.</li> <li>(2) Law enforcement, emergency management, firefighting, emergency medical services, health, local environmental, hospital, and transportation personnel.</li> <li>(3) Broadcast and print media.</li> <li>(4) Community groups.</li> <li>(5) Owners and operators of facilities subject to IC 13-25-2-10.</li> <li>(g) Interested persons, including a county executive or the board of a municipal corporation created under IC 16-22-8, may submit recommendations to the commission prior to the appointment of a member of a local emergency planning committee under subsection</li> <li>(a)(5).</li> </ul> </li> </ul>	22	(e) The members of a local emergency planning committee shall
<ul> <li>(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: <ul> <li>(1) State and local officials.</li> <li>(2) Law enforcement, emergency management, firefighting, emergency medical services, health, local environmental, hospital, and transportation personnel.</li> <li>(3) Broadcast and print media.</li> <li>(4) Community groups.</li> <li>(5) Owners and operators of facilities subject to IC 13-25-2-10.</li> <li>(g) Interested persons, including a county executive or the board of a municipal corporation created under IC 16-22-8, may submit recommendations to the commission prior to the appointment of a member of a local emergency planning committee under subsection (a)(5).</li> <li>(h) When appointing members of a local emergency planning</li> </ul></li></ul>	23	elect officers of the local emergency planning committee from among
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<ul> <li>appropriate. The members of a local emergency planning committee</li> <li>must include representatives of each of the following:</li> <li>(1) State and local officials.</li> <li>(2) Law enforcement, emergency management, firefighting,</li> <li>emergency medical services, health, local environmental,</li> <li>hospital, and transportation personnel.</li> <li>(3) Broadcast and print media.</li> <li>(4) Community groups.</li> <li>(5) Owners and operators of facilities subject to IC 13-25-2-10.</li> <li>(g) Interested persons, including a county executive or the board</li> <li>of a municipal corporation created under IC 16-22-8, may submit</li> <li>recommendations to the commission prior to the appointment of a</li> <li>member of a local emergency planning committee under subsection</li> <li>(a)(5).</li> <li>(h) When appointing members of a local emergency planning</li> </ul>	25	(f) The commission may appoint the number of members of a local
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<ul> <li>(1) State and local officials.</li> <li>(2) Law enforcement, emergency management, firefighting, emergency medical services, health, local environmental, hospital, and transportation personnel.</li> <li>(3) Broadcast and print media.</li> <li>(4) Community groups.</li> <li>(5) Owners and operators of facilities subject to IC 13-25-2-10.</li> <li>(g) Interested persons, including a county executive or the board of a municipal corporation created under IC 16-22-8, may submit recommendations to the commission prior to the appointment of a member of a local emergency planning committee under subsection (a)(5).</li> <li>(h) When appointing members of a local emergency planning</li> </ul>	27	appropriate. The members of a local emergency planning committee
<ul> <li>30 (2) Law enforcement, emergency management, firefighting, 31 emergency medical services, health, local environmental, 32 hospital, and transportation personnel.</li> <li>33 (3) Broadcast and print media.</li> <li>34 (4) Community groups.</li> <li>35 (5) Owners and operators of facilities subject to IC 13-25-2-10.</li> <li>36 (g) Interested persons, including a county executive or the board 37 of a municipal corporation created under IC 16-22-8, may submit 38 recommendations to the commission prior to the appointment of a 39 member of a local emergency planning committee under subsection 40 (a)(5).</li> <li>41 (h) When appointing members of a local emergency planning</li> </ul>	28	must include representatives of each of the following:
<ul> <li>emergency medical services, health, local environmental, hospital, and transportation personnel.</li> <li>(3) Broadcast and print media.</li> <li>(4) Community groups.</li> <li>(5) Owners and operators of facilities subject to IC 13-25-2-10.</li> <li>(g) Interested persons, including a county executive or the board of a municipal corporation created under IC 16-22-8, may submit recommendations to the commission prior to the appointment of a member of a local emergency planning committee under subsection (a)(5).</li> <li>(h) When appointing members of a local emergency planning</li> </ul>	29	(1) State and local officials.
<ul> <li>hospital, and transportation personnel.</li> <li>(3) Broadcast and print media.</li> <li>(4) Community groups.</li> <li>(5) Owners and operators of facilities subject to IC 13-25-2-10.</li> <li>(g) Interested persons, including a county executive or the board</li> <li>of a municipal corporation created under IC 16-22-8, may submit</li> <li>recommendations to the commission prior to the appointment of a</li> <li>member of a local emergency planning committee under subsection</li> <li>(a)(5).</li> <li>(h) When appointing members of a local emergency planning</li> </ul>	30	(2) Law enforcement, emergency management, firefighting,
<ul> <li>33 (3) Broadcast and print media.</li> <li>34 (4) Community groups.</li> <li>35 (5) Owners and operators of facilities subject to IC 13-25-2-10.</li> <li>36 (g) Interested persons, including a county executive or the board</li> <li>37 of a municipal corporation created under IC 16-22-8, may submit</li> <li>38 recommendations to the commission prior to the appointment of a</li> <li>39 member of a local emergency planning committee under subsection</li> <li>40 (a)(5).</li> <li>41 (h) When appointing members of a local emergency planning</li> </ul>	31	emergency medical services, health, local environmental,
<ul> <li>34 (4) Community groups.</li> <li>35 (5) Owners and operators of facilities subject to IC 13-25-2-10.</li> <li>36 (g) Interested persons, including a county executive or the board</li> <li>37 of a municipal corporation created under IC 16-22-8, may submit</li> <li>38 recommendations to the commission prior to the appointment of a</li> <li>39 member of a local emergency planning committee under subsection</li> <li>40 (a)(5).</li> <li>41 (h) When appointing members of a local emergency planning</li> </ul>	32	hospital, and transportation personnel.
<ul> <li>(5) Owners and operators of facilities subject to IC 13-25-2-10.</li> <li>(g) Interested persons, including a county executive or the board</li> <li>of a municipal corporation created under IC 16-22-8, may submit</li> <li>recommendations to the commission prior to the appointment of a</li> <li>member of a local emergency planning committee under subsection</li> <li>(a)(5).</li> <li>(h) When appointing members of a local emergency planning</li> </ul>	33	(3) Broadcast and print media.
<ul> <li>36 (g) Interested persons, including a county executive or the board</li> <li>37 of a municipal corporation created under IC 16-22-8, may submit</li> <li>38 recommendations to the commission prior to the appointment of a</li> <li>39 member of a local emergency planning committee under subsection</li> <li>40 (a)(5).</li> <li>41 (h) When appointing members of a local emergency planning</li> </ul>	34	(4) Community groups.
<ul> <li>of a municipal corporation created under IC 16-22-8, may submit</li> <li>recommendations to the commission prior to the appointment of a</li> <li>member of a local emergency planning committee under subsection</li> <li>(a)(5).</li> <li>(h) When appointing members of a local emergency planning</li> </ul>	35	
<ul> <li>of a municipal corporation created under IC 16-22-8, may submit</li> <li>recommendations to the commission prior to the appointment of a</li> <li>member of a local emergency planning committee under subsection</li> <li>(a)(5).</li> <li>(h) When appointing members of a local emergency planning</li> </ul>	36	
<ul> <li>39 member of a local emergency planning committee under subsection</li> <li>40 (a)(5).</li> <li>41 (h) When appointing members of a local emergency planning</li> </ul>	37	
<ul> <li>39 member of a local emergency planning committee under subsection</li> <li>40 (a)(5).</li> <li>41 (h) When appointing members of a local emergency planning</li> </ul>	38	
41 (h) When appointing members of a local emergency planning	39	
	40	(a)(5).
42 committee under subsection (a)(5), the commission shall consider	41	(h) When appointing members of a local emergency planning
	42	committee under subsection (a)(5), the commission shall consider



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### a recommendation submitted under subsection (g).

(g) (i) The commission may revise its appointment of members of a local emergency planning committee under subsection (a)(5). Interested persons, including a county executive or the board of a municipal corporation created under IC 16-22-8, may petition the commission to modify the membership of a local emergency planning committee.

(h) (j) Except as provided in subsection (l), 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 11 12 planning committee is wholly within the boundaries of one (1) 13 county, the local emergency planning committee is a county board 14 of the county in which the emergency planning district is located. (2) If the emergency planning district of the local emergency 15 16 planning committee includes more than one (1) county, the local 17 emergency planning committee is a county board of only one (1) 18 of the counties, and the county of which the local emergency 19 planning committee is a county board must be determined by 20 agreement of the counties included in the emergency planning 21 district.

(1) This subsection applies only to an emergency planning
district established in a county with a municipal corporation
created under IC 16-22-8. The municipal corporation shall:

30	(1) exercise the powers of the county described in this section;
31	(2) exercise the powers of the county executive described in
32	IC 13-25-2-10.6; and

33 (3) perform the duties of the county executive described in
34 IC 13-25-2-10.6.

