

# HOUSE BILL No. 1364

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## 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.

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## Forestal

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

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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 SECTION 1. IC 13-25-1-6, AS AMENDED BY P.L.68-2016,  
2 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.



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

2 (1) Satisfy the requirements of SARA.

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

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

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

11 (c) A local emergency planning committee member may appoint a  
12 designee to act on the committee member's behalf under this chapter.

13 An appointment under this subsection must:

14 (1) be in writing;

15 (2) specify the duration of the appointment; and

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

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

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

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

29 (1) State and local officials.

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

33 (3) Broadcast and print media.

34 (4) Community groups.

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

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).**

41 **(h) When appointing members of a local emergency planning**  
42 **committee under subsection (a)(5), the commission shall consider**



1 **a recommendation submitted under subsection (g).**

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

8 ~~(h)~~ **(j)** **Except as provided in subsection (l)**, a local emergency  
9 planning committee is a county board of the county identified in one  
10 (1) of the following:

11 (1) If the emergency planning district of the local emergency  
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.

15 (2) If the emergency planning district of the local emergency  
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.

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

27 **(l) This subsection applies only to an emergency planning**  
28 **district established in a county with a municipal corporation**  
29 **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.**

