



January 18, 2002

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## SENATE BILL No. 165

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DIGEST OF SB 165 (Updated January 16, 2002 4:56 PM - DI 87)

**Citations Affected:** IC 6-6.

**Synopsis:** Local emergency planning committee per diem. Eliminates salary per diem payments for members of local emergency planning committees.

**Effective:** Upon passage.

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**Paul**

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January 7, 2002, read first time and referred to Committee on Governmental and Regulatory Affairs.  
January 17, 2002, reported favorably — Do Pass.

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SB 165—LS 6508/DI 14+



January 18, 2002

Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

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## SENATE BILL No. 165



A BILL FOR AN ACT to amend the Indiana Code concerning state police, civil defense and military affairs.

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

- 1 SECTION 1. IC 6-6-10-7 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Before July 1 of each  
3 year, the department of state revenue shall distribute the money in the  
4 emergency planning and right to know fund as follows:  
5 (1) Ten percent (10%) allocated to the emergency response  
6 commission and administered by the state emergency  
7 management agency to be used to enhance communication among  
8 local emergency planning committees and between local  
9 emergency planning committees and the emergency response  
10 commission in order to strengthen joint hazardous material  
11 incident response capabilities. Money received as an allocation  
12 under this subdivision does not revert to the state general fund at  
13 the end of a state fiscal year.  
14 (2) The distribution to the hazardous substance response fund  
15 established by IC 13-25-4-1 that is authorized for the year by the  
16 general assembly.  
17 (3) A distribution of the remaining money as follows:

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1 (A) To each county, two thousand five hundred dollars  
 2 (\$2,500).  
 3 (B) To each county, an additional distribution in an amount  
 4 determined in STEP TWO of the following formula:  
 5 STEP ONE: Divide the amount available for distribution by  
 6 the number of annual returns filed under section 6(b) of this  
 7 chapter in the calendar year preceding the distribution.  
 8 STEP TWO: Multiply the quotient determined in STEP  
 9 ONE by the number of facilities located in each county.  
 10 The department of state revenue may make a distribution to a  
 11 county under this subdivision only after receiving notice from the  
 12 emergency response commission that the local emergency  
 13 planning committee for the county has met the requirements of  
 14 IC 13-25-1-6(b).  
 15 (b) The revenue distributed to the county under this section shall be  
 16 deposited in a separate fund established by the county for the purpose  
 17 of:  
 18 (1) preparing and updating a comprehensive emergency response  
 19 plan required under 42 U.S.C. 11003 for the county or emergency  
 20 planning district;  
 21 (2) establishing and implementing procedures for receiving and  
 22 processing requests from the public for information about  
 23 hazardous chemicals under Title III of SARA (42 U.S.C. 11001  
 24 et seq.);  
 25 (3) training for emergency response planning, information  
 26 management, and hazardous materials incident response;  
 27 (4) equipping a hazardous materials response team that provides  
 28 at least a district wide emergency planning response if the  
 29 equipment purchased is consistent with current training levels of  
 30 the response team members;  
 31 (5) purchasing communication equipment for a local emergency  
 32 planning committee's administrative use; **and**  
 33 ~~(6) paying an optional stipend to local emergency planning~~  
 34 ~~committee members who attend regularly scheduled meetings at~~  
 35 ~~which a quorum is present in an amount:~~  
 36 ~~(A) determined by a majority of the local emergency planning~~  
 37 ~~committee membership; and~~  
 38 ~~(B) that is not more than twenty dollars (\$20) per member per~~  
 39 ~~meeting; and~~  
 40 ~~(7) (6) paying for Title III risk communication, chemical accident~~  
 41 ~~related, and accident prevention projects submitted to and~~  
 42 ~~approved by the Indiana emergency response commission.~~

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1 However, revenue distributed to a county under this section may be  
 2 used for the purpose set forth in subdivisions (3) through ~~(7)~~ (6) only  
 3 if the local emergency planning committee appointed for the county has  
 4 prepared and submitted to the emergency response commission an  
 5 emergency plan that meets the requirements of 42 U.S.C. 11003(a) and  
 6 has received approval for the training programs from the emergency  
 7 response commission.

8 (c) The fund established under subsection (b) shall be administered  
 9 by the county executive. The expenses of administering the fund shall  
 10 be paid from money in the fund. Money in the fund not currently  
 11 needed to meet the obligations of the fund may be invested in the same  
 12 manner as other public funds. Interest that accrues from these  
 13 investments shall be deposited in the fund. Money in the fund at the  
 14 end of the fiscal year remains in the fund and does not revert to any  
 15 other fund.

16 (d) Money shall be appropriated by a county fiscal body (as defined  
 17 in IC 36-1-2-6) from a fund established under subsection (b) upon the  
 18 receipt by the county fiscal body of the local emergency planning  
 19 committee's spending plan. The spending plan must:

- 20 (1) have been approved by a majority of the members of the local  
 21 emergency planning committee; and  
 22 (2) conform with the provisions of this chapter.

23 The county fiscal body may not appropriate money from the fund  
 24 established under subsection (b) for any person or purpose other than  
 25 the local emergency planning committee.

26 (e) All equipment, apparatus, and supplies purchased with money  
 27 from a fund established under subsection (b) remains under the  
 28 direction and control of the local emergency planning committee.

29 **SECTION 2. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill No. 165, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 165 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 6, Nays 0.

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