



February 11, 2011

HOUSE BILL No. 1310

DIGEST OF HB 1310 (Updated February 8, 2011 12:54 pm - DI 116)

Citations Affected: IC 10-14; IC 21-39; IC 36-8.

Synopsis: Purdue University fire department. Allows the board of trustees of Purdue University to establish a fire department for the West Lafayette campus, with fire and emergency response and medical services jurisdiction on the West Lafayette campus and streets passing through and adjacent to the campus. Allows the board of trustees to enter into agreements, interlocal cooperation agreements, and mutual aid agreements on behalf of the fire department. Provides that the fire chief of the Purdue fire department is an assistant to the state fire marshal. Requires the Purdue fire department to comply with an order issued by the fire and building safety division directing the fire department to assist the division. Includes a fire department establishes by a state education institution in the definition of "unit" for purposes of participation in the statewide mutual aid program. Specifies that the board of trustees of Purdue University may opt out of participating in the statewide mutual aid program.

Effective: July 1, 2011.

Truitt, Klinker

January 13, 2011, read first time and referred to Committee on Veterans Affairs and Public Safety.
February 10, 2011, amended, reported — Do Pass.

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HB 1310—LS 6911/DI 71+



February 11, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1310

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

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

- 1 SECTION 1. IC 10-14-3-10.6, AS AMENDED BY P.L.19-2010,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 10.6. (a) As used in this section, "participating
4 unit" refers to a unit that does not opt out under subsection (c) from
5 participating in the statewide mutual aid program.
6 (b) As used in this section, "unit" means the following:
7 (1) A unit (as defined in IC 36-1-2-23).
8 (2) A fire protection district established under IC 36-8-11.
9 (3) A provider unit (as defined in IC 36-8-19-3) acting on behalf
10 of a fire protection territory established under IC 36-8-19.
11 **(4) A fire department established by the board of trustees of**
12 **a state educational institution (as defined in IC 21-7-13-32),**
13 **including a fire department established by the board of**
14 **trustees of Purdue University under IC 21-39-7.**
15 (c) A unit may choose not to participate in the statewide mutual aid
16 program if the unit:
17 (1) adopts an ordinance or a resolution declaring that the unit will

HB 1310—LS 6911/DI 71+



1 not participate in the statewide mutual aid program; and
 2 (2) provides a copy of the ordinance or resolution to:
 3 (A) the local emergency management organization that serves
 4 the unit; and
 5 (B) the department.
 6 (d) Each participating unit shall establish an incident management
 7 system and a unified command system to be used in a response to a
 8 disaster or an emergency.
 9 (e) A participating unit may request the assistance of at least one (1)
 10 other participating unit to:
 11 (1) manage disaster response or recovery; or
 12 (2) conduct disaster response or recovery related exercises,
 13 testing, or training.
 14 (f) A request for assistance to a participating unit under subsection
 15 (e) shall be made by and to the executive of the unit or the executive's
 16 authorized representative. A request may be oral or in writing. A
 17 written request shall be made on forms developed by the department.
 18 An oral request shall be confirmed in writing not later than twenty-four
 19 (24) hours after the oral request is made.
 20 (g) A request must include the following information:
 21 (1) A description of the disaster response and recovery functions
 22 for which assistance is needed, including the following:
 23 (A) Fire.
 24 (B) Law enforcement.
 25 (C) Emergency medical.
 26 (D) Transportation.
 27 (E) Communications.
 28 (F) Public works and engineering.
 29 (G) Building inspection.
 30 (H) Planning and information assistance.
 31 (I) Mass care.
 32 (J) Resource support.
 33 (K) Health and other medical services.
 34 (L) Search and rescue.
 35 (2) The amount and type of services, equipment, supplies,
 36 materials, personnel, and other resources needed and a reasonable
 37 estimate of the length of time they will be needed.
 38 (3) The specific place and time for staging of the assisting
 39 participating unit's provision of assistance and a point of contact
 40 at that location.
 41 (h) A participating unit that is requested to render assistance shall
 42 take the necessary action to provide and make available the requested

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1 services, equipment, supplies, materials, personnel, and other
2 resources.

3 (i) A participating unit's obligation to provide assistance is subject
4 to the following restrictions:

5 (1) A participating unit's request to receive assistance is effective
6 only:

7 (A) upon declaration of a local disaster emergency by the
8 executive officer of the unit under section 29 of this chapter;
9 or

10 (B) upon the commencement of the exercises, testing, or
11 training.

12 (2) The assistance shall continue as long as:

13 (A) the state of emergency remains in effect and the loaned
14 resources are required by the receiving participating unit or the
15 loaned resources remain in the receiving participating unit; or

16 (B) the exercises, testing, or training is in progress.

17 (3) The participating unit rendering the assistance may withhold
18 resources or recall loaned resources to the extent necessary to
19 provide for the participating unit's own reasonable protection.

20 (4) Emergency forces providing assistance shall continue under
21 the command and control of their regular leaders, but
22 operationally those forces shall be under the control of the
23 incident commander or unified commander designated by the
24 requesting participating unit.

25 SECTION 2. IC 21-39-7 IS ADDED TO THE INDIANA CODE AS
26 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
27 1, 2011]:

28 **Chapter 7. Purdue University Fire and Emergency Services**

29 **Sec. 1. As used in this chapter, "board of trustees" refers to the**
30 **board of trustees of Purdue University.**

31 **Sec. 2. As used in this chapter, "fire and safety personnel" means**
32 **individuals employed by Purdue University at the West Lafayette**
33 **campus as firefighters or safety personnel to render fire**
34 **suppression, fire prevention, emergency response, and emergency**
35 **medical services on campus.**

36 **Sec. 3. As used in this chapter, "fire department" means a fire**
37 **department established by the board of trustees to render fire**
38 **suppression, fire prevention, and related services on the West**
39 **Lafayette campus of Purdue University.**

40 **Sec. 4. This chapter is supplemental to all other statutes relating**
41 **to the power of the board of trustees to possess, operate, manage,**
42 **and protect the facilities and property of Purdue University and to**

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1 protect persons on, in, or near the facilities and property.

2 Sec. 5. The board of trustees may:

- 3 (1) establish a fire department and employ fire and safety
- 4 personnel at the West Lafayette campus;
- 5 (2) determine the duties and direct the conduct of fire and
- 6 safety personnel;
- 7 (3) prescribe distinctive uniforms for fire and safety
- 8 personnel; and
- 9 (4) obtain emergency vehicles and equipment for the fire
- 10 department.

11 Sec. 6. A fire department and fire and safety personnel may
12 provide the services authorized under this chapter:

- 13 (1) upon real property owned or occupied by Purdue
- 14 University's West Lafayette campus, including the streets
- 15 passing through and adjacent to the campus; and
- 16 (2) at any other location in Indiana if the board of trustees
- 17 approves and the fire and safety personnel are engaged in the
- 18 discharge of official duties.

19 Sec. 7. (a) The board of trustees may enter into:

- 20 (1) an agreement with:
 - 21 (A) the fire chief of a municipality or of a volunteer fire
 - 22 department;
 - 23 (B) the state fire marshal; or
 - 24 (C) another appropriate fire and emergency service agency
 - 25 official;
- 26 to establish additional operational authority where property
- 27 or persons to be protected are located; and
- 28 (2) an interlocal cooperation agreement under IC 36-1-7 to
- 29 supply and receive fire suppression, fire prevention,
- 30 emergency response, and emergency medical services.

31 (b) The board of trustees may choose not to participate in the
32 statewide mutual aid program by following the procedure set forth
33 in IC 10-14-3-10.6(c).

34 SECTION 3. IC 36-8-17-5, AS AMENDED BY P.L.1-2006,
35 SECTION 577, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) The fire chief and the
37 designees of the fire chief in every fire department are assistants to the
38 state fire marshal.

39 (b) A fire department shall comply with an order issued by the
40 division under IC 22-14-2-4 that directs the fire department to assist the
41 division.

42 (c) This section also applies to a fire department established by

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1 **the board of trustees of Purdue University under IC 21-39-7.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1310, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 10-14-3-10.6, AS AMENDED BY P.L.19-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10.6. (a) As used in this section, "participating unit" refers to a unit that does not opt out under subsection (c) from participating in the statewide mutual aid program.

(b) As used in this section, "unit" means the following:

- (1) A unit (as defined in IC 36-1-2-23).
- (2) A fire protection district established under IC 36-8-11.
- (3) A provider unit (as defined in IC 36-8-19-3) acting on behalf of a fire protection territory established under IC 36-8-19.
- (4) A fire department established by the board of trustees of a state educational institution (as defined in IC 21-7-13-32), including a fire department established by the board of trustees of Purdue University under IC 21-39-7.**

(c) A unit may choose not to participate in the statewide mutual aid program if the unit:

- (1) adopts an ordinance or a resolution declaring that the unit will not participate in the statewide mutual aid program; and
- (2) provides a copy of the ordinance or resolution to:
 - (A) the local emergency management organization that serves the unit; and
 - (B) the department.

(d) Each participating unit shall establish an incident management system and a unified command system to be used in a response to a disaster or an emergency.

(e) A participating unit may request the assistance of at least one (1) other participating unit to:

- (1) manage disaster response or recovery; or
- (2) conduct disaster response or recovery related exercises, testing, or training.

(f) A request for assistance to a participating unit under subsection (e) shall be made by and to the executive of the unit or the executive's authorized representative. A request may be oral or in writing. A written request shall be made on forms developed by the department. An oral request shall be confirmed in writing not later than twenty-four

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(24) hours after the oral request is made.

(g) A request must include the following information:

(1) A description of the disaster response and recovery functions for which assistance is needed, including the following:

- (A) Fire.
- (B) Law enforcement.
- (C) Emergency medical.
- (D) Transportation.
- (E) Communications.
- (F) Public works and engineering.
- (G) Building inspection.
- (H) Planning and information assistance.
- (I) Mass care.
- (J) Resource support.
- (K) Health and other medical services.
- (L) Search and rescue.

(2) The amount and type of services, equipment, supplies, materials, personnel, and other resources needed and a reasonable estimate of the length of time they will be needed.

(3) The specific place and time for staging of the assisting participating unit's provision of assistance and a point of contact at that location.

(h) A participating unit that is requested to render assistance shall take the necessary action to provide and make available the requested services, equipment, supplies, materials, personnel, and other resources.

(i) A participating unit's obligation to provide assistance is subject to the following restrictions:

(1) A participating unit's request to receive assistance is effective only:

- (A) upon declaration of a local disaster emergency by the executive officer of the unit under section 29 of this chapter; or
- (B) upon the commencement of the exercises, testing, or training.

(2) The assistance shall continue as long as:

- (A) the state of emergency remains in effect and the loaned resources are required by the receiving participating unit or the loaned resources remain in the receiving participating unit; or
- (B) the exercises, testing, or training is in progress.

(3) The participating unit rendering the assistance may withhold resources or recall loaned resources to the extent necessary to

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provide for the participating unit's own reasonable protection.

(4) Emergency forces providing assistance shall continue under the command and control of their regular leaders, but operationally those forces shall be under the control of the incident commander or unified commander designated by the requesting participating unit."

Page 2, line 20, after "7." insert "(a)".

Page 2, line 28, after "located;" insert "and".

Page 2, line 31, delete "services; and" and insert "services."

Page 2, delete lines 32 through 35, begin a new paragraph and insert:

"(b) The board of trustees may choose not to participate in the statewide mutual aid program by following the procedure set forth in IC 10-14-3-10.6(c).

SECTION 3. IC 36-8-17-5, AS AMENDED BY P.L.1-2006, SECTION 577, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) The fire chief and the designees of the fire chief in every fire department are assistants to the state fire marshal.

(b) A fire department shall comply with an order issued by the division under IC 22-14-2-4 that directs the fire department to assist the division.

(c) This section also applies to a fire department established by the board of trustees of Purdue University under IC 21-39-7."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1310 as introduced.)

BORDERS, Chair

Committee Vote: yeas 11, nays 0.

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