

Members

Rep. David Crooks, Chairperson
Rep. Phil Pflum
Rep. Alan Chowning
Rep. Mary Kay Budak
Rep. Woody Burton
Rep. William Ruppel
Sen. Thomas Wyss, Vice-Chairperson
Sen. John Waterman
Sen. R. Michael Young
Sen. Anita Bowser
Sen. Glenn Howard
Sen. Timothy Lanane



INTERIM STUDY COMMITTEE ON PROFESSIONAL LICENSING AND CONSUMER ISSUES

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Authority: Legislative Council Resolution 04-01

MEETING MINUTES¹

Meeting Date: September 14, 2004
Meeting Time: 10:00 A.M.
Meeting Place: Second Floor Meeting Room,
Emergency Services Education
Center (Wayne Township, Marion
County), 700 N. High School Road,
Indianapolis, Indiana
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Rep. David Crooks, Chairperson; Rep. Mary Kay Budak; Rep. Woody Burton; Rep. William Ruppel; Sen. Thomas Wyss, Vice-Chairperson; Sen. R. Michael Young; Sen. Anita Bowser.

Members Absent: Rep. Phil Pflum; Rep. Alan Chowning; Sen. John Waterman; Sen. Glenn Howard; Sen. Timothy Lanane.

Chairperson Crooks called the meeting to order at 10:03 a.m and introduced the Committee.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

1. Certification of Emergency Management Organizations and Professional Emergency Managers

Senator Wyss introduced this topic, the subject of SR 24 and SB 412 (2004). Phil Roberts, Deputy Director of the State Emergency Management Agency (SEMA), spoke regarding changes in civil emergency management over the years. Although Indiana has had its share of recent natural disasters, since 9/11 detection and prevention of man-made potential disaster is of equal importance. Federal Homeland Security monies are distributed directly to the 50 full-time and 39 part-time paid, and 3 volunteer unpaid, county emergency managers. Brad Thatcher, Director of Preparedness Planning for SEMA, furnished the Committee with his comments (Exhibit A). He feels that training for emergency managers and staff is very important and should be done according to a statewide standard. It appears that the counties with full-time directors receive more federal funds. However, in response to Senator Young, Mr. Thatcher conceded that perhaps the counties with full-time directors had more disasters that qualified for aid. Senator Bowser felt that the Burns Harbor area should receive more protection from the federal rather than state government. Earl Morgan of the Counter Terrorism Security Council supports legislation setting emergency management standards. He believes that the recent proposal to use Muscatatuck Center as a preparedness training center is perfect in that the site can mimic a real life setting. Paul Goss, Director of the Daviess County Emergency Management Agency, spoke about being a volunteer director and of time constraints in the performance of duties. He urged the Committee to consider state funding for emergency management directors as judges receive for their salaries. He also recommended that training go deep enough down the ranks to establish continuity of the county's training plan.

Steve Wettschurack, Director of Emergency Management in Tippecanoe County, believes it is important not only to plan for antiterrorism (including bioterrorism and agriterrorism), but also for natural disasters. He told Representative Burton that the full-time county directors receive between \$25,000 and \$45,000 a year, and that a full-time position is preferable as there is so much paperwork required for the job.

C.R. Brown, a full-time emergency management director from Madison County, also spoke concerning the paperwork requirements and gave the Committee his analysis of the 9/11 Commission report (Exhibit B). He agreed with Senator Young's observation that backup training for assumption of duties must be given. Representative Budak said that she usually is opposed to unfunded mandates for local government, but that emergency preparedness is a public safety issue.

2. Minimum Mandatory Training Standards for Firefighters (SCR 24-2004)

Senator Robert Meeks introduced this topic concerning full-time, part-time, and volunteer firefighters. Thomas Hanify, President of the Professional Firefighters Union of Indiana, gave the Committee copies of the National Fire Protection Association (NFPA) Standard 1001 (Exhibit C) and a copy of the Ohio Administrative Code Chapter 4765-11 (Exhibit D). Mr. Hanify advocated that a career paid firefighter should be required to achieve certification of the NFPA Firefighter II designation; all Indianapolis fire departments currently require this level of achievement. He believes that the Public Safety Training Institute should require more stringent standards of firefighters. Discussion ensued regarding the prior statutory minimum of hours for training a firefighter as opposed to the current minimum basic training standard, which mandates curriculum instead of hours. In response to Senator Wyss, Mr. Hanify agreed that nothing prohibits a municipality from requiring more stringent training standards of its firefighters.

Jim Parker, President of the Indiana Volunteer Firefighters Association, felt that any requirement for increased training of volunteers must be held at a time convenient to the volunteers, and that any increase in legislatively required training will impact the Association's members. He further believes that the cost of teaching supplies, student manuals, and instructor equipment cannot be borne by the department or the individuals involved. He reminded the Committee that volunteer firefighters save taxpayer money by not necessitating a paid department. Senator Wyss questioned why the cost of training should not be assumed by the Township Trustee, as it is that position that provides for fire protection. Representative Budak is concerned that a trustee may not be aware of what the fire chief and firefighters need to fulfill their positions. Representative Ruppel feels that furnishing the training at convenient times may be the biggest problem. Further, he feels legislation ultimately may be warranted to require employers to release employees who are volunteer firefighters to go on runs, or to give training at the place of employment. Discussion ensued regarding volunteer availability and how and when to provide training.

State Fire Marshal Ivan Nevil gave an update of the history of the training requirements for firefighters. He informed the Committee that Final Rules concerning firefighters were published in the September Indiana Register. Representative Crooks questioned Marshal Nevin as to whether legislative action or study was necessary in addition to the administrative process in order to take care of any perceived deficiencies in training. Thomas Miller, with the International Association of Firefighters, stated that a firefighter can never have too much training. Mr. Hanify believes that the Police Academy at Plainfield could also be used as a fire training academy.

3. Predatory Gasoline Pricing

Senator Young stated that during the August meeting on this topic there was no evidence provided, only anecdotal stories, that certain retail marketers of motor fuel were selling under cost. Senator Young further stated that he had no way to tell whether these marketers had gotten a bulk discount to sell at a low price. Grant Monahan of the Indiana Retail Council stated that if the fuel merchandiser in the Huntington, Indiana, example (discussed at the August 16 meeting of the Committee) had been predatory as claimed, then the competition would have been put out of business; however, the other retail outlets are still operating. The Committee declined at this time to make a recommendation for consideration by the General Assembly.

4. Changes to Pharmaceutical Wholesale Licensing

Representative Budak furnished the Committee with a memorandum from the Connecticut Office of Legal Research (Exhibit E) concerning the sale of counterfeit pharmaceuticals. She stated that Florida and Nevada's recent legislative changes were designed to strengthen those states' control over the drug wholesaler industry, and that she hoped that a resolution to this end would come from the Committee. She proposed a consideration of the recently issued Model Rules for Wholesale Distributors from the National Association of Boards of Pharmacy. Joshua Bolin, Board Director of the Indiana State Board of Pharmacy, stated that the idea behind the Model Rules was to assure the quality of drugs provided from wholesalers; these Model Rules do not deal with Internet sales of pharmaceuticals. In answer to Senator Young, Mr. Bolin stated that he was not personally aware of adulterated drugs being sold over the Internet to Indiana consumers. Jennifer Thuma, Legislative Liaison for the Attorney General's office, stated that although federal law prohibits drug importation from other countries, other states have chosen to ignore the federal law. Mr. Bolin stated that Indiana's board of pharmacy regulates drug wholesalers in conformity with the Food and Drug Administration guidelines, and again responded to Senator Young that he has no evidence that Indiana is facing a problem regarding

counterfeit wholesale drugs.

5. Next Meeting Date

Chairperson Crooks set the next meeting of the Committee for 10:00 a.m. Wednesday, October 13, 2004 at the Statehouse, the room to be announced at a later time.

Chairperson Crooks adjourned the meeting at 1:57 p.m.