

SENATE BILL No. 37

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1; IC 5-2-2.

Synopsis: Lake County law enforcement academy. Requires the construction and operation of a Lake County law enforcement academy. Authorizes the law enforcement academy building commission to issue up to \$8,800,000 of revenue debentures to fund acquisition of a site and construction of academy buildings.

Effective: July 1, 1998.

Randolph

January 6, 1998, read first time and referred to Committee on Finance.



Introduced

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

SENATE BILL No. 37

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 5-2-1-13 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 1998]: Sec. 13. (a) There is created a
3 continuing fund which shall be known as the law enforcement academy
4 building fund. The fund consists of amounts deposited under
5 IC 33-19-7-5. This fund may be used by the board to acquire for the
6 state of Indiana land and interests in and to land, and to construct upon
7 such land ~~a one (1) or more~~ fully equipped law enforcement ~~academy~~
8 **academies** to consist of classrooms, housing facilities, a cafeteria,
9 firearms ranges, a driving course, and other physical facilities which
10 are deemed necessary in the discretion of the board for the basic,
11 inservice, and advanced training of law enforcement officers in the
12 skills and techniques of law enforcement. Any balance of the fund that
13 is unexpended at the end of any fiscal year shall not revert to the
14 general fund but shall be carried forward as an appropriation for the
15 next fiscal year. Expenditures may be made by the board for, among
16 other things, all expenses required for land acquisition and transfer,
17 including but not limited to personal services, appraiser's fees, and the

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1 cost of acquiring any interest in land and the construction and
 2 maintenance of improvements thereon. The budget agency may, with
 3 the approval of the board and the governor, make allocations and
 4 transfers of funds appropriated by the general assembly to state
 5 agencies having jurisdiction and control over land acquired by the
 6 board for the purposes stated herein, except that such allocations and
 7 transfers shall not be made in the acquisition of land which has been
 8 declared surplus land of the state pursuant to statute. The board is
 9 hereby further authorized to acquire said land and law enforcement
 10 academy buildings by gift, donation, bequest, devise, exchange,
 11 purchase, or eminent domain, or other means. However, any money or
 12 proceeds from gifts, bequests, grants, or other donations shall be
 13 deposited in a special donation fund which is hereby established for the
 14 purposes outlined in this section, for the use of the board to accomplish
 15 said purposes. No part of said special donation fund shall revert to the
 16 general fund of the state unless specified by the donor as a condition to
 17 his gift. All land and academy buildings, however acquired, shall
 18 become the property of the state.

19 (b) There is created a continuing fund which shall be known as the
 20 law enforcement training fund. The fund consists of amounts deposited
 21 under IC 33-19-7-5. The board is further authorized to accept gifts and
 22 grants of money, services, or property to supplement the law
 23 enforcement training fund and to use the same for any purpose
 24 consistent with the authorized uses of said fund. This fund may be used
 25 by the board for the following purposes:

- 26 (1) Building and grounds maintenance for the law enforcement
 27 ~~academy: academies.~~
- 28 (2) Training equipment and supplies necessary to operate the law
 29 enforcement ~~academy: academies.~~
- 30 (3) Aid to approved law enforcement training schools certified as
 31 having met or exceeded the minimum standards established by
 32 the board.
- 33 (4) Personal services, as authorized by the board with the
 34 approval of the governor.
- 35 (5) Any other purpose necessary to carry out the provisions of this
 36 chapter, as determined by the board.

37 SECTION 2. IC 5-2-1-14 IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 1998]: Sec. 14. There is hereby created the
 39 position of executive director of the law enforcement training board.
 40 The executive director shall be selected by the board and the executive
 41 director's tenure of office shall be protected by a four (4) year,
 42 renewable contract of employment which may be terminated earlier by



1 the board only for inefficiency, incompetency, neglect of duty, or other
 2 good cause after having been accorded a hearing by the board upon
 3 reasonable notice of the charge being made against the executive
 4 director. A vote of at least nine (9) members of the board shall be
 5 necessary for the early termination of said contract of employment. The
 6 executive director shall be selected on the basis of training and
 7 experience and shall have had at least ten (10) years experience as an
 8 active law enforcement officer, at least five (5) years of which shall
 9 have been in an executive or administrative capacity. The executive
 10 director shall perform such duties as may be assigned by the board and
 11 shall be the chief administrative officer of the law enforcement
 12 ~~academy~~ **academies**. The salary and compensation for the executive
 13 director, the training staff, and employees shall be fixed by the board
 14 with the approval of the governor. The executive director shall
 15 establish a table of organization to be supplemented with job
 16 descriptions for each position subordinate to that of the executive
 17 director, all of which shall be subject to the approval of the board. All
 18 persons hired to fill such approved vacancies shall be selected on the
 19 basis of qualifications and merit based on training, education, and
 20 experience through competitive examinations except that the filling of
 21 all new positions shall be made so as to maintain in each equivalent
 22 position not more than one-half (1/2) of members of either of the two
 23 (2) major political parties. Employees and members of the training staff
 24 shall not be subject to discharge, demotion, or suspension because of
 25 political affiliation, but may be discharged, demoted, or suspended only
 26 for cause after charges ~~perferred~~ **perferred** in writing by the executive
 27 director. Any person so discharged or disciplined shall have a right to
 28 a hearing before the board if such person requests a hearing by giving
 29 notice to the executive director within fifteen (15) days after receiving
 30 written notice of discharge or disciplinary action. Procedures shall be
 31 consistent with IC 4-21.5.

32 SECTION 3. IC 5-2-1-15 IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 1998]: Sec. 15. (a) The facilities of the law
 34 enforcement ~~academy~~ **academies** shall be available to any law
 35 enforcement agency of the state or any of its political subdivisions,
 36 subject to the rules of the board.

37 (b) Any law enforcement agency of the state or any of its political
 38 subdivisions may conduct training:

- 39 (1) for the law enforcement agency of any political subdivision in
 40 Indiana;
 41 (2) in facilities other than those of the law enforcement ~~academy~~;
 42 **academies**; and



1 (3) if the minimum standards established by the board are met or
2 exceeded.

3 (c) A law enforcement agency conducting approved local training
4 under subsection (b) shall be entitled to a per capita allowance from the
5 law enforcement training fund to defray such portions of the cost of
6 basic training as shall be approved by the board. Such per capita
7 allowance shall be earmarked and expended only for law enforcement
8 training.

9 (d) The facilities of the law enforcement ~~academy~~ **academies** shall
10 be available for the training of railroad police, prison and industrial
11 plant guards, college and university safety and security personnel,
12 whether public or private, and such other enforcement related groups
13 as shall be approved by the board, upon terms and conditions
14 established by the board. Railroad police and nongovernmental
15 enforcement related groups qualifying to use the facilities of ~~the an~~
16 academy under the rules of the board shall be required to reimburse the
17 law enforcement training fund for the cost of such training.

18 (e) The facilities of the law enforcement ~~academy~~ **academies** may
19 be used for the training of firefighting personnel where the subject
20 matter of the training relates to duties which involve law enforcement
21 related conduct. Such training shall be conducted upon terms and
22 conditions established by the board. However, no volunteer firefighter
23 is required to attend training at ~~the an~~ academy.

24 (f) The cost of the mandatory basic training conducted by the board
25 at the facilities of ~~the a~~ law enforcement academy shall be paid out of
26 the law enforcement training fund, if the trainees have been previously
27 appointed and are on the payroll of a law enforcement department or
28 agency. All other training programs authorized by this chapter and
29 conducted at ~~the a~~ law enforcement training academy, including the
30 mandatory basic training course when attended by trainees who have
31 been investigated and approved but not yet hired by a law enforcement
32 agency, are subject to fee schedules and charges for tuition, lodging,
33 meals, instructors, training materials, and any other items or services
34 established by the board.

35 SECTION 4. IC 5-2-1-15.1, AS ADDED BY P.L.10-1994,
36 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 1998]: Sec. 15.1. (a) The facilities of the law enforcement
38 ~~academy~~ **academies** may be used for the training of investigators of the
39 Medicaid fraud control unit. The training shall be conducted upon the
40 terms and conditions established by the board.

41 (b) An investigator of the Medicaid fraud control unit employed as
42 an investigator after June 30, 1994, may not enforce Medicaid fraud



1 statutes, rules, or regulations unless the investigator has, within one (1)
 2 year of the date of employment as an investigator, successfully
 3 completed the minimum basic training requirements established under
 4 this chapter.

5 SECTION 5. IC 5-2-1-16 IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 1998]: Sec. 16. As a designated criminal justice
 7 agency, the board:

- 8 (1) has all the duties and privileges of a police agency;
- 9 (2) may appoint, through its executive director, police officers for
 10 the Indiana law enforcement ~~academy~~ **academies**;
- 11 (3) shall establish all rules, policies, and procedures concerning
 12 the internal organization, duties, and responsibilities of the police
 13 agency, to include:
 - 14 (A) prescribing a distinctive uniform; **and**
 - 15 (B) designating and operating emergency vehicles; and
- 16 (4) may undertake investigations according to the purposes of this
 17 chapter.

18 SECTION 6. IC 5-2-1-17 IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 1998]: Sec. 17. (a) Police officers appointed
 20 under this chapter have all necessary law enforcement powers,
 21 including:

- 22 (1) the power to arrest, without process, all persons who within
 23 the police officer's view commit any felony or misdemeanor;
- 24 (2) all common law and statutory powers, privileges, and
 25 immunities of sheriffs, except those specifically forbidden by the
 26 board; and
- 27 (3) the power to serve civil process to the extent authorized by the
 28 board.

29 (b) Police officers appointed under this chapter shall:

- 30 (1) preserve the peace, maintain order, and prevent the unlawful
 31 use of force or violence or other unlawful conduct on property
 32 owned or operated by the board;
- 33 (2) protect all persons and property located on property owned or
 34 operated by the board from injury, harm, or damage;
- 35 (3) assist the executive director to enforce the rules of the board
 36 or the Indiana law enforcement ~~academy~~ **academies**;
- 37 (4) assist and cooperate with other law enforcement agencies and
 38 officers; and
- 39 (5) enforce the state motor vehicle laws and motor vehicle rules
 40 established by the board on property owned or operated by the
 41 board.

42 (c) Police officers appointed by the board:



- 1 (1) must take an appropriate oath of office in a form and manner
 2 prescribed by the board;
 3 (2) serve at the pleasure of the board; and
 4 (3) must comply with the training requirements prescribed under
 5 section 9 of this chapter.

6 SECTION 7. IC 5-2-2-5 IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) The commission is hereby
 8 authorized to acquire or select a site located in ~~the State of Indiana a~~
 9 **county having a population of more than seventy-five thousand**
 10 **(75,000) but less than seventy-eight thousand (78,000)**, and construct
 11 and erect thereon, **before July 1, 1998**, a building or buildings to be
 12 used by the law enforcement training board ~~created by IC 1971, 5-2-1,~~
 13 **created by IC 5-2-1-3** for a law enforcement academy.

14 (b) **The commission shall acquire or select a site located in a**
 15 **county having a population of more than four hundred thousand**
 16 **(400,000) but less than seven hundred thousand (700,000), and**
 17 **construct on the site, after June 30, 1998, a building or buildings to**
 18 **be used by the law enforcement training board created by**
 19 **IC 5-2-1-3 for a law enforcement academy.**

20 (c) The ~~site sites~~ so selected may be on land already owned by the
 21 state, or if no such site is deemed by the commission suitable or
 22 available, the commission may acquire a site either by purchase, gift or
 23 condemnation as hereinafter provided. If a site of land already owned
 24 by the state is selected, the commission shall have authority, if
 25 necessary, to clear and prepare such site for the construction and
 26 erection thereon of such building or buildings. In addition to
 27 constructing such building or buildings, the commission shall also
 28 install therein any and all equipment, appurtenances and paraphernalia
 29 which may be necessary to constitute a fully equipped and modern law
 30 enforcement academy. If found necessary, the commission shall also
 31 improve, landscape, embellish and beautify such grounds, and lay out
 32 and install such walks, drives, fences and other necessary
 33 appurtenances as may be deemed essential to produce an integrated and
 34 artistic setting. Except as herein otherwise provided, the location and
 35 area of the lands acquired and the character of the buildings, structures,
 36 embellishments, ornamentation, equipment and other appurtenances
 37 therein or thereon shall be determined by the commission.

38 SECTION 8. IC 5-2-2-7 IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 1998]: Sec. 7. The commission shall procure
 40 and adopt ~~a design designs~~ for the erection and construction of such
 41 building or buildings. For the purpose of securing designs, the
 42 commission shall employ ~~an architect architects~~ of known skill and



1 ability in ~~his~~ **the** profession. as ~~its~~ **architect**.

2 SECTION 9. IC 5-2-2-11 IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 1998]: Sec. 11. A member of the commission,
4 the ~~architect~~, **architects**, or any other person employed by the
5 commission who knowingly is interested in, or knowingly derives any
6 profit from, any contract, employment, or purchase connected with the
7 building or buildings, or with any action of the commission, commits
8 a Class D felony. A member of the commission, the ~~architect~~,
9 **architects**, or any person employed by the commission who knowingly
10 is interested in any claim against the commission or the state growing
11 out of the construction of the building or buildings, other than for
12 compensation for services or their expenses as provided in this chapter,
13 commits a Class D felony.

14 SECTION 10. IC 5-2-2-12 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 12. The commission
16 shall not enter into any contract for the purchase or sale of any material
17 or supplies or for the performance of any work or labor other than the
18 salaries of employees, when such material, supplies, work or labor
19 costs are more than:

- 20 (1) ten thousand dollars (\$10,000), **for a law enforcement**
21 **academy constructed before July 1, 1998; or**
22 (2) **twenty-five thousand dollars (\$25,000), for a law**
23 **enforcement academy constructed after June 30, 1998;**

24 without first giving notice of its intention to purchase or sell such
25 material or supplies, or to contract for such work or labor, by
26 publication in ~~some~~ **a** newspaper of general circulation printed and
27 published in the City of Indianapolis for two (2) successive weeks prior
28 to the time fixed for the letting of any such contract or the purchase or
29 sale of such material or supplies. **The notice must also be given by**
30 **publication in a newspaper of general circulation printed and**
31 **published in Lake County for a law enforcement academy**
32 **constructed after June 30, 1998.** All such contracts shall be in writing
33 and the other contracting party shall be required to furnish bond for the
34 faithful performance of the terms of such contract, in such amount as
35 may be fixed by the commission and with surety to its approval, and
36 conditioned upon the faithful performance of such contract.

37 SECTION 11. IC 5-2-2-14 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 14. (a) For the purpose
39 of providing funds to carry out the provisions of this chapter with
40 respect to the construction and equipment of a building or buildings for
41 use as ~~a~~ law enforcement ~~academy~~ **academies** and acquiring or
42 providing a ~~site~~ **sites** therefor, the commission is authorized pursuant



1 to resolution or resolutions to issue and sell interest bearing law
2 enforcement academy revenue debentures in any amount not to exceed:

- 3 **(1) three million two hundred thousand dollars (\$3,200,000), for**
4 **an academy constructed before July 1, 1998; or**
5 **(2) eight million eight hundred thousand dollars (\$8,800,000),**
6 **for an academy constructed after June 30, 1998.**

7 Debentures issued under this section and bearing such date or dates,
8 and maturing at such time or times not exceeding forty (40) years from
9 their respective dates, bearing interest at such rate or rates payable
10 semiannually, in such form, carrying such registration privileges
11 payable at such place or places, ~~and~~ may be made subject to
12 redemption prior to maturity in such manner, at such time, and upon
13 such terms with or without premium, ~~and~~ as may be provided by the
14 pertinent resolution and expressed on the face of the respective
15 debentures. Such debentures shall be signed by the chairman of the
16 commission, attested by the secretary, and with the seal of said
17 commission affixed, provided, that the signature of the chairman may
18 be a facsimile thereof imprinted thereon. Interest on said debentures
19 when issued shall be evidenced by attached interest coupons bearing
20 the facsimile of the signatures of said chairman and secretary. Such
21 debentures and the interest coupons thereto attached when issued shall
22 have all the qualities of negotiable instruments under the law merchant
23 and shall be incontestable in the hands of a bona fide purchaser or
24 holder thereof for value, and such debentures and interest thereon shall
25 be exempt from all taxation except the financial institutions tax and
26 estate, inheritance, or gift taxes now or hereafter imposed by law. Such
27 debentures shall be sold at public sale in accordance with the
28 provisions of IC 4-1-5. In determining the amount of such debentures
29 to be issued and sold there may be included the cost of construction,
30 the cost of all land and clearings thereof and improvements thereto,
31 including walks, drives, and other appurtenances, material and labor
32 which are deemed necessary, cost of equipment, financing charges,
33 interest accruing on the debentures prior to and during the construction
34 period, and all other expenses, including legal fees, engineers' and
35 architects' fees, and all other expenses necessary or incident to the
36 construction and equipment of the building or buildings and the
37 acquisition and providing a ~~site~~ **sites** therefor. The proceeds of such
38 debentures are hereby appropriated for the purpose for which the
39 debentures may be issued under this chapter and such proceeds shall
40 be deposited and disbursed in accordance with such provisions and
41 restrictions as the commission may provide in the resolution
42 authorizing the issuance thereof. Any debentures issued under the



1 provisions of this chapter may be thereafter refinanced through the
2 issuance of refunding debentures subject to such restrictions or
3 conditions as may be provided in the resolution authorizing the
4 issuance of such debentures in the first instance and in the issuance of
5 such refunding debentures, the maturities and other details thereof, the
6 rights of the holders thereof, and the rights, duties, and obligations of
7 the commission in all respects thereto shall be governed by the
8 provisions of this chapter insofar as the same may be applicable.

9 (b) The debentures issued under the provisions of this chapter shall
10 constitute only the corporate obligations of said commission payable
11 solely and only from and secured exclusively by pledge of the income
12 and revenue of such building or buildings remaining after payment or
13 provisions for payment of the expenses of operation, maintenance, and
14 repair of said building or buildings to the extent such expenses of
15 operation, maintenance, and repair are not otherwise provided, and it
16 shall be plainly stated on the face of each such debenture that same
17 does not constitute an indebtedness of the state of Indiana within the
18 meaning or application of any constitutional provision or limitation but
19 that it is payable solely and only as to both principal and interest from
20 the net revenues of such building or buildings. The provisions of this
21 chapter and the covenants and undertakings of the commission as
22 expressed in any proceedings preliminary to or in connection with the
23 issuance of the debentures may be enforced by any debenture holder by
24 suit for injunction or mandamus against the commission or any officer,
25 agent, or employee thereof, but in no event can any suit for monetary
26 judgement be brought against the state of Indiana for any violations
27 under the provisions of this chapter.

