



February 11, 1999

HOUSE BILL No. 1448

DIGEST OF HB 1448 (Updated February 9, 1999 12:29 pm - DI 92)

Citations Affected: IC 9-18; IC 10-9; noncode.

Synopsis: Emergency management foundation. Establishes the Indiana emergency management, fire and building services, and public safety training foundation. Establishes the following funds to be administered by the foundation: (1) The emergency management fund to fund projects of the emergency management agency. (2) The fire and building fund to fund projects of the fire and building services department. (3) The emergency medical services fund to pay for emergency medical services projects of the public safety institute. (4) The stewardship fund to pay for promotion of the sale of safety first license plates. Provides that the foundation may acquire personal property to be donated to a unit of local government, the state emergency management agency, the fire and building services department, or the public safety institute. Provides that the foundation may receive donations of real property to be sold on the open market, (Continued next page)

Effective: July 1, 1999.

Tincher, Kersey, Ruppel

January 19, 1999, read first time and referred to Committee on Ways and Means.
February 10, 1999, amended, reported — Do Pass.

HB 1448—LS 6901/DI 87+



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to the state, or to a unit of local government, the proceeds of which are to be donated to the emergency management fund, the fire and building fund, the emergency medical services fund, or the stewardship fund. Establishes the safety first license plate to be designed as a special group recognition license plate. Requires annual fees from the license plate to be deposited as follows: (1) 30% of the fees in the emergency management fund. (2) 30% of the fees in the fire and building fund. (3) 30% of the fees in the emergency medical services fund. (4) 10% of the fees in the stewardship fund. Requires the foundation to prepare an annual report before October 1 of each year concerning the foundation's activities for the prior year for the public and the general assembly. Provides that the foundation is exempt from taxes on real and personal property that the foundation acquires or disposes of or as a consequence of the foundation's transactions. Provides that if the foundation is terminated, money in the funds administered by the foundation shall revert to the emergency management contingency fund.

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February 11, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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HOUSE BILL No. 1448

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 9-18-45 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]:

4 **Chapter 45. Safety First License Plates**
5 **Sec. 1. The bureau of motor vehicles shall design and issue a**
6 **safety first license plate. The safety first license plate shall be**
7 **designed and issued as a special group recognition license plate**
8 **under IC 9-18-25.**

9 **Sec. 2. After December 31, 1999, a person who is eligible to**
10 **register a vehicle under this title is eligible to receive a safety first**
11 **license plate under this chapter upon doing the following:**

- 12 (1) **Completing an application for a safety first license plate.**
13 (2) **Paying the fees under section 3 of this chapter.**

14 **Sec. 3. (a) The fees for a safety first license plate are as follows:**
15 (1) **The appropriate fee under IC 9-29-5-38(a).**

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(2) An annual fee of twenty-five dollars (\$25).

(b) The annual fee referred to in subsection (a)(2) shall be collected by the bureau.

(c) The annual fee described in subsection (a)(2) shall be deposited in the funds established under IC 10-9-3-1.

SECTION 2. IC 10-9 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

ARTICLE 9. EMERGENCY MANAGEMENT, FIRE AND BUILDING SERVICES, AND PUBLIC SAFETY TRAINING FOUNDATION

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Agency" refers to the state emergency management agency established under IC 10-8-2-1.

Sec. 3. "Department" refers to the fire and building services department established under IC 22-12-5-1.

Sec. 4. "Executive director" refers to the executive director of the Indiana emergency management, fire and building services, and public safety training foundation established under IC 10-9-2-1.

Sec. 5. "Foundation" refers to the Indiana emergency management, fire and building services, and public safety training foundation established under IC 10-9-2-1.

Sec. 6. "Funds" refers to the funds established under IC 10-9-3-1.

Sec. 7. "Institute" refers to the public safety institute established under IC 5-2-10.5-4.

Sec. 8. "Unit of local government" refers to a:

- (1) county;
- (2) city;
- (3) town; or
- (4) township;

located in Indiana.

Chapter 2. Indiana Emergency Management, Fire and Building Services, and Public Safety Training Foundation

Sec. 1. The Indiana emergency management, fire and building services, and public safety training foundation is established as a public body corporate and politic.

Sec. 2. (a) The foundation consists of fifteen (15) voting members and four (4) nonvoting advisory members.

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1 **(b) The voting members shall be appointed by the governor. The**
 2 **voting members are as follows:**

- 3 **(1) The executive director, subject to subsection (d).**
 4 **(2) The state fire marshal.**
 5 **(3) The state building commissioner.**
 6 **(4) The deputy director of the state emergency management**
 7 **agency.**
 8 **(5) The deputy director of the state emergency management**
 9 **agency for emergency medical services.**
 10 **(6) Ten (10) members, each representing a congressional**
 11 **district in the state. Not more than five (5) of the members**
 12 **may represent the same political party.**

13 **(c) The four (4) nonvoting advisory members are as follows:**

- 14 **(1) Two (2) members who must be members of the senate, one**
 15 **(1) from each party, appointed by the president pro tempore**
 16 **of the senate with advice from the minority leader of the**
 17 **senate.**
 18 **(2) Two (2) members who must be members of the house of**
 19 **representatives, one (1) from each party, appointed by the**
 20 **speaker of the house of representatives with advice from the**
 21 **minority leader of the house of representatives.**

22 **(d) The executive director may vote for tie breaking purposes**
 23 **only.**

24 **(e) In the absence of a member, the member's vote may be cast**
 25 **by another member if the member casting the vote has a written**
 26 **proxy in proper form as required by the foundation.**

27 **Sec. 3. (a) A quorum consists of eight (8) of the voting members**
 28 **of the foundation described in section 2(b)(2) through 2(b)(6) of**
 29 **this chapter.**

30 **(b) One (1) of the following is necessary for the foundation to**
 31 **take action:**

- 32 **(1) An affirmative vote by at least a majority of the quorum.**
 33 **(2) A tie vote broken by the executive director.**

34 **Sec. 4. Membership on the foundation does not constitute the**
 35 **holding of a public office. A member may not be disqualified from**
 36 **holding a public office or position because of appointment to or**
 37 **service on the foundation. A member may not be required to forfeit**
 38 **an office, a position, or employment because of appointment to or**
 39 **service on the foundation.**

40 **Sec. 5. (a) The term of each member appointed under section**
 41 **2(b)(6) of this chapter is four (4) years.**

42 **(b) A member appointed to fill the unexpired term of a member**

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1 serves until the end of the unexpired term.

2 (c) At the expiration of a member's term, the member may be
3 reappointed if the member continues to be a part of the
4 represented entity. A person is no longer a member when the
5 person ceases to be a part of the represented entity.

6 Sec. 6. The terms of the members appointed under section
7 2(b)(6) of this chapter begin on July 1.

8 Sec. 7. (a) At the foundation's first meeting after June 30 of each
9 year, the voting members appointed under section 2(b)(2) through
10 2(b)(6) of this chapter shall select:

11 (1) one (1) of the voting members who is not a state employee
12 to serve as chairperson; and

13 (2) one (1) of the voting members who is not a state employee
14 to serve as vice chairperson.

15 (b) The vice chairperson shall exercise all the duties and powers
16 of the chairperson in the chairperson's absence or disability.

17 Sec. 8. (a) The executive director and agency, institute, and
18 department staff designated by the director shall act as advisers to
19 the foundation.

20 (b) An adviser to the foundation may do the following:

21 (1) Attend all meetings of the foundation.

22 (2) Participate in all proceedings at foundation meetings other
23 than voting.

24 Sec. 9. (a) The foundation may acquire personal property to be
25 donated under subsection (b). The foundation may receive
26 donations of real property to be disposed of under subsection (c).

27 (b) Subject to subsection (d), the foundation may donate
28 personal property to the following:

29 (1) The department.

30 (2) The institute.

31 (3) The agency.

32 (4) A unit of local government.

33 (c) The foundation shall dispose of real property donations in
34 the following manner:

35 (1) Real property may be accepted by the foundation for
36 purpose of resale, either on the open market or to the state or
37 a unit of local government at a price set by the foundation.

38 (2) The proceeds from the sale of real property shall be
39 donated to a fund that the donor has chosen or, if the donor
40 has not chosen a fund, to a fund to be chosen by the
41 foundation.

42 (d) The foundation must have the approval of the executive

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1 director to donate property to the state.

2 **Sec. 10. The foundation may do the following:**

3 (1) Adopt bylaws for the regulation of the foundation's affairs
4 and the conduct of the foundation's business.

5 (2) Adopt an official seal, which may not be the seal of the
6 state.

7 (3) Maintain a principal office and other offices the
8 foundation designates.

9 (4) Sue and be sued in the name and style of "Indiana
10 Emergency Management, Fire and Building Services, and
11 Public Safety Training Foundation", with service of process
12 being made to the chairperson of the foundation by leaving a
13 copy at the principal office of the foundation or at the
14 residence of the chairperson if the foundation has no principal
15 office.

16 (5) Exercise the powers or perform the following duties of the
17 foundation:

18 (A) Acquire by any means a right or an interest in or upon
19 personal property of any kind or nature. The foundation
20 shall hold the legal title to property acquired in the name
21 of the foundation.

22 (B) Dispose of a right or an interest in personal property.

23 (6) Make and enter into all contracts, undertakings, and
24 agreements necessary or incidental to the performance of the
25 duties and the execution of the powers of the foundation
26 under this chapter.

27 (7) Assist the agency, department, and institute to develop
28 projects.

29 (8) Receive and accept from any person grants for or in aid of
30 the acquisition, construction, improvement, or development
31 of any part of the projects of the foundation and receive and
32 accept aid or contributions from any source of money,
33 personal property, labor, or other things of value to be held,
34 used, applied, or disposed of only for the purposes consistent
35 with the purposes of this chapter for which the grants and
36 contributions may be made.

37 (9) Hold, use, administer, and expend money that may be
38 acquired by the foundation.

39 (10) Do all acts and things necessary or proper to carry out
40 the powers expressly granted in this chapter.

41 **Sec. 11. (a) The foundation shall:**

42 (1) adopt:

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- 1 (A) rules under IC 4-22-2; or
 2 (B) a policy;
 3 establishing a code of ethics for its employees; or
 4 (2) submit to the jurisdiction and rules adopted by the state
 5 ethics commission.
 6 (b) A code of ethics adopted by the foundation by rule or policy
 7 under this section must be consistent with state law and approved
 8 by the governor.
- 9 **Chapter 3. Funds**
- 10 **Sec. 1. (a) The following funds are established:**
 11 (1) Emergency management fund.
 12 (2) Fire and building fund.
 13 (3) Emergency medical services fund.
 14 (4) Stewardship fund.
 15 (b) The funds established under subsection (a)(1) through (a)(3)
 16 consist of:
 17 (1) gifts and proceeds received under section 5 of this chapter;
 18 and
 19 (2) after December 31, 1999, fees from license plates as set
 20 forth in IC 10-9-3-6.
 21 (c) After December 31, 1999, the stewardship fund established
 22 under subsection (a)(4) consists of fees from license plates as set
 23 forth in IC 10-9-3-6.
- 24 **Sec. 2. (a) The money in the emergency management fund shall**
 25 **be used to pay for projects of the agency.**
 26 (b) The money in the fire and building fund shall be used to pay
 27 for projects of the department.
 28 (c) The money in the emergency medical services fund shall be
 29 used to pay for emergency medical services projects of the agency.
 30 (d) The money in the stewardship fund shall be used to pay for
 31 the promotion of safety first license plates under IC 9-18-45.
- 32 **Sec. 3. Expenditures from the funds may be made only to carry**
 33 **out the purposes of this chapter.**
- 34 **Sec. 4. The foundation shall do the following:**
 35 (1) Hold the funds in the name of the foundation.
 36 (2) Administer the funds.
 37 (3) Make all expenditures from the funds.
- 38 **Sec. 5. Gifts of money to the funds or the foundation or the**
 39 **proceeds from the sale of gifts donated to the funds or the**
 40 **foundation shall be deposited in the designated fund.**
- 41 **Sec. 6. Fees from license plates issued under IC 9-18-45 shall be**
 42 **deposited as follows:**



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- 1 **(1) Thirty percent (30%) of the fees in the emergency**
 2 **management fund.**
- 3 **(2) Thirty percent (30%) of the fees in the fire and building**
 4 **fund.**
- 5 **(3) Thirty percent (30%) of the fees in the emergency medical**
 6 **services fund.**
- 7 **(4) Ten percent (10%) of the fees in the stewardship fund.**
- 8 **Sec. 7. The expenses of administering this chapter shall be paid**
 9 **from money in the funds.**
- 10 **Sec. 8. The money in the funds at the end of a state fiscal year**
 11 **remains in the designated funds and does not revert to any other**
 12 **fund. If the foundation is terminated, the money in the funds shall**
 13 **revert to the emergency management contingency fund established**
 14 **by IC 10-4-1-22.**
- 15 **Sec. 9. The funds are subject to audit by the state board of**
 16 **accounts.**
- 17 **Sec. 10. The foundation is exempt from taxes on real and**
 18 **personal property that the foundation acquires or disposes of or as**
 19 **a consequence of the foundation's transactions.**
- 20 **Sec. 11. Before October 1 of each year, the foundation shall**
 21 **prepare an annual report concerning the foundation's activities for**
 22 **the prior year for the public and the general assembly.**
- 23 **SECTION 3. [EFFECTIVE JULY 1, 1999] (a) Notwithstanding**
 24 **IC 10-9-2-5, as added by this act, the initial terms of the members**
 25 **appointed under IC 10-9-2-2(b)(6) shall be as follows:**
- 26 **(1) One (1) member shall serve a term of one (1) year.**
 27 **(2) Two (2) members shall serve a term of two (2) years.**
 28 **(3) Three (3) members shall serve a term of three (3) years.**
 29 **(4) Four (4) members shall serve a term of four (4) years.**
 30 **(b) This SECTION expires July 1, 2003.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1448, 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 4, line 24, delete "shall" and insert "**may**".

Page 4, line 25, delete "and" and insert ". **The foundation may receive donations of**".

Page 7, line 13, delete "agency." and insert "**emergency management contingency fund established by IC 10-4-1-22.**".

and when so amended that said bill do pass.

(Reference is to HB 1448 as introduced.)

BAUER, Chair

Committee Vote: yeas 20, nays 0.

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