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# HOUSE BILL No. 1259

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-25-6; IC 36-8-12.2.

**Synopsis:** Fire department hazardous material costs. Requires that a responsible party reimburse a full-time, paid fire department for all expenses incurred by the department in taking emergency action with respect to containment, control, and cleanup of hazardous materials. Provides that a court action to collect a reimbursement may be brought either in: (1) the county in which the hazardous materials emergency arose; or (2) the county in which the fire department is located. Allows the department to establish a schedule of charges, and to establish a procedure for implementation of the charges. Establishes the permissible uses of money collected. Provides a penalty for failure of the responsible party to pay the charges when due.

**Effective:** Upon passage.

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January 10, 2000, read first time and referred to Committee on Local Government.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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# HOUSE BILL No. 1259



A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

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

1 SECTION 1. IC 13-25-6-3 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a)  
3 Reimbursement is available under this chapter for expenses that are  
4 incurred by ~~the an~~ emergency response agency **other than a full-time,**  
5 **paid fire department established under IC 36-8-2-3** in taking the  
6 emergency action, except for expenses of a type that the agency  
7 normally incurs in responding to emergencies that do not involve  
8 hazardous materials.

9 (b) **Reimbursement is available under this chapter for expenses**  
10 **that are incurred by a full-time, paid fire department established**  
11 **under IC 36-8-2-3 in taking the emergency action.**

12 SECTION 2. IC 13-25-6-5 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. An emergency  
14 response agency or a governmental entity may obtain reimbursement  
15 under this chapter by filing an action for reimbursement in a court of  
16 general jurisdiction of:

17 (1) a county in which a hazardous materials emergency arose; **or**



1 (2) if the emergency response agency is a fire department  
 2 established by a unit under IC 36-8-2-3, the county in which  
 3 the unit is located..

4 SECTION 3. IC 36-8-12.2 IS ADDED TO THE INDIANA CODE  
 5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 6 UPON PASSAGE]:

7 **Chapter 12.2. Reimbursement of Full-Time, Paid Fire**  
 8 **Departments for Hazardous Materials Emergency Action**

9 **Sec. 1. As used in this chapter, "fire department" means a**  
 10 **full-time, paid fire department established under IC 36-8-2-3.**

11 **Sec. 2. As used in this chapter, "hazardous materials**  
 12 **emergency" has the meaning set forth in IC 13-11-2-97.**

13 **Sec. 3. As used in this chapter, "responsible party" has the**  
 14 **meaning set forth in IC 13-11-2-191(d).**

15 **Sec. 4. A fire department may impose a charge on a responsible**  
 16 **party that is involved in a hazardous materials emergency that:**

- 17 (1) is responded to by the fire department; and  
 18 (2) members of that fire department assisted in containing,  
 19 controlling, or cleaning up.

20 **Sec. 5. The fire department shall bill the responsible party for**  
 21 **the total value of the assistance provided, with that value**  
 22 **determined under the schedule of charges established under section**  
 23 **7 of this chapter. A copy of the fire incident report to the state fire**  
 24 **marshal must accompany the bill. This billing must take place**  
 25 **within thirty (30) days after the assistance is provided. The owner**  
 26 **or responsible party shall remit payment directly to the fire**  
 27 **department providing the service.**

28 **Sec. 6. Money collected under this chapter must be deposited in**  
 29 **the general fund of the unit that established the fire department**  
 30 **under IC 36-8-2-3 and may be used only for the following:**

- 31 (1) Purchase of supplies and equipment used in providing  
 32 assistance under this chapter.  
 33 (2) Training for members of the fire department in skills  
 34 necessary for providing assistance under this chapter.  
 35 (3) Payment to persons with which the fire department  
 36 contracts to provide services related to the assistance  
 37 provided by the fire department under this chapter.

38 **Sec. 7. A fire department may establish a schedule of charges**  
 39 **for the services that the department provides. The fire department**  
 40 **may include in the schedule of charges all costs incurred by the**  
 41 **department in providing assistance under this chapter, including:**

- 42 (1) the cost of overtime compensation to its members incurred

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as a result of a response to a hazardous materials emergency;  
and  
(2) the cost of monitoring a hazardous materials emergency site after the initial response to the emergency.

**Sec. 8. The fire department may collect a service charge from the responsible party that receives service if the following conditions are met:**

**(1) At the following times, the department gives notice under IC 5-3-1-4 in each political subdivision served by the department of the amount of the service charge for each service that the department provides:**

- (A) Before the schedule of service charges is initiated.**
- (B) When there is a change in the amount of a service charge.**

**(2) The department's bill for payment of the service charge:**  
**(A) is submitted to the responsible party in writing within thirty (30) days after the services are provided; and**  
**(B) includes a copy of a fire incident report in the form prescribed by the state fire marshal, if the service was provided for an event that requires a fire incident report.**

**Sec. 9. A responsible party is subject to a penalty for failure to pay the full amount of a charge made under this chapter within sixty (60) days after the issuance of the bill for payment by the fire department. The amount of the penalty is ten percent (10%) of the amount of the charge that remains unpaid on the due date.**

**SECTION 4. An emergency is declared for this act.**

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