



January 25, 2008

# HOUSE BILL No. 1273

DIGEST OF HB 1273 (Updated January 23, 2008 6:22 pm - DI 116)

**Citations Affected:** IC 10-19; IC 34-30.

**Synopsis:** Compensation for emergency or disaster training. Provides immunity to districts and responders for injury, death, or property damage during a training event conducted in preparation for: (1) a homeland security emergency; (2) a federal, state, or local disaster; or (3) civilian and infrastructure protection and support. Provides that the medical treatment and burial expense provisions of the worker's compensation and occupational disease law apply to responders during training events. Provides for a \$150,000 death benefit to the survivors of a responder who dies as the direct result of personal injury or illness resulting from an action that the responder was obligated or authorized to perform during a training event. Provides for reimbursement for equipment damage or loss, services provided, and other expenses incurred by a district during a training event. Establishes the responder assistance fund for the purpose of paying compensation and reimbursements for training events to responders and districts. Annually appropriates \$1 million to the fund from the state general fund.

**Effective:** September 1, 2007 (retroactive).

**Tincher**

January 15, 2008, read first time and referred to Committee on Ways and Means.  
January 24, 2008, reported — Do Pass.

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January 25, 2008

Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

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## HOUSE BILL No. 1273



A BILL FOR AN ACT to amend the Indiana Code concerning public safety and to make an appropriation.

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

1 SECTION 1. IC 10-19-11 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 SEPTEMBER 1, 2007 (RETROACTIVE)]:

4 **Chapter 11. Compensation or Reimbursement for Training**  
5 **Events**

6 **Sec. 1. (a) This chapter applies to the compensation or**  
7 **reimbursement of a district or responder participating in a**  
8 **training event only if no federal, state, or local agency is otherwise**  
9 **liable to pay the compensation or reimbursement as provided in**  
10 **subsection (b).**

11 **(b) When a federal, state, or local agency is liable to pay**  
12 **compensation or reimbursement to a district or responder**  
13 **participating in a training event, the guidelines of the federal, state,**  
14 **or local agency apply to the compensation or reimbursement in lieu**  
15 **of the provisions of this chapter.**

16 **Sec. 2. As used in this chapter, "dies in the line of duty" refers**  
17 **to a death that occurs as the direct result of personal injury or**

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1 illness resulting from an action that a responder was obligated or  
2 authorized to perform during a training event, including travel to  
3 and from the site of the training event.

4 Sec. 3. As used in this chapter, "district" means any of the  
5 following:

- 6 (1) An organization created by the department to:
  - 7 (A) administer the application for, and the disbursement
  - 8 of, federal and state homeland security money to Indiana
  - 9 state and local governments under IC 10-19-3-3(3); or
  - 10 (B) implement a strategic plan developed under
  - 11 IC 10-19-3-3(4) to prepare for and respond to homeland
  - 12 security emergencies.

- 13 (2) An organization established under IC 10-14-3-7(a)(5) to
- 14 carry out emergency, disaster, or emergency management
- 15 functions.

- 16 (3) An organization established under IC 10-14-3-9 to:
  - 17 (A) provide assistance to local officials in designing local
  - 18 emergency action plans; or
  - 19 (B) coordinate federal, state, and local disaster activities.

20 Sec. 4. As used in this chapter, "emergency and disaster  
21 services" means any of the following activities, without regard to  
22 whether the individual performing the activity is paid or serves as  
23 a volunteer:

- 24 (1) Firefighting services.
- 25 (2) Police services.
- 26 (3) Health and medical services.
- 27 (4) Search and rescue services.
- 28 (5) Communications services.
- 29 (6) Emergency support services.
- 30 (7) Emergency transportation services.
- 31 (8) Any other function necessary or incidental to civilian and
- 32 infrastructure protection and support.

33 Sec. 5. As used in this chapter, "fund" refers to the responder  
34 assistance fund established by section 13 of this chapter.

35 Sec. 6. As used in this chapter, "political subdivision" has the  
36 meaning set forth in IC 36-1-2-13.

37 Sec. 7. As used in this chapter, "responder" means an individual  
38 who:

- 39 (1) is credentialed through a district to provide one (1) or
- 40 more emergency and disaster services; and
- 41 (2) is rostered by a district to participate in a training event as
- 42 a provider of emergency and disaster services for which the

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individual is credentialed.

**Sec. 8.** As used in this chapter, "training event" means training, drills, or exercises that:

- (1) are sanctioned and scheduled by the state, a political subdivision, a district, or another governmental unit; and
- (2) have as their primary purpose preparation for:
  - (A) a homeland security emergency;
  - (B) a federal, state, or local disaster; or
  - (C) civilian and infrastructure protection and support.

**Sec. 9.** (a) Any activity carried out in connection with or relating to a training event is a governmental function. Except in cases of willful misconduct, gross negligence, or bad faith, a:

- (1) district; or
- (2) responder;

that is carrying out or reasonably attempting to carry out duties assigned by, or complying with or reasonably attempting to comply with any rule or order of, the state, a political subdivision, a district, or another governmental unit during a training event is not liable for the death of or injury to persons or for damage to property as the result of the activity.

(b) A requirement for a license to practice a professional, mechanical, or other skill does not apply to a responder who, in the course of performing duties as a responder, practices a professional, mechanical, or other skill during a training event.

(c) A responder participating in a training event is covered by the medical treatment and burial expense provisions of the worker's compensation law (IC 22-3-2 through IC 22-3-6) and the worker's occupational diseases compensation law (IC 22-3-7). The fund shall pay the benefits required under this subsection. If compensability of the injury is an issue, the administrative procedures of IC 22-3-2 through IC 22-3-7 shall be used to determine the issue.

**Sec. 10.** (a) As used in this section, "child" refers to a biological or adopted child.

(b) As used in this section, "parent" refers to a biological or adoptive father or mother.

(c) The survivor of a responder who dies in the line of duty is entitled to receive from the fund a death benefit of one hundred fifty thousand dollars (\$150,000) paid in a lump sum as follows:

- (1) To the surviving spouse.
- (2) If there is no surviving spouse, to the surviving child or children in equal shares.

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1           (3) If there is no surviving spouse or children, to the surviving  
2           parent or parents in equal shares.  
3           (d) The death benefit provided by this section is in addition to  
4           any other benefit provided by federal law.  
5           (e) If the survivor of a responder is entitled to receive a death  
6           benefit paid:  
7           (1) under this section; and  
8           (2) another line-of-duty death benefit provision of state law;  
9           the survivor must choose which death benefit to accept and may  
10          not receive more than one (1) line-of-duty death benefit paid under  
11          state law.  
12          Sec. 11. (a) A district participating in a training event shall be  
13          reimbursed from the fund for the following:  
14          (1) The loss of, damage to, or an expense incurred in the  
15          operation of any equipment used in the training event.  
16          (2) Other expenses incurred in participating in a training  
17          event.  
18          (b) The following reimbursement rates apply to a  
19          reimbursement under subsection (a):  
20          (1) The equipment reimbursement rates are the lesser of the  
21          following:  
22                  (A) The rates for equipment costs reimbursement  
23                  established by the Federal Emergency Management  
24                  Agency or its successor agency.  
25                  (B) The equipment costs established by the district that  
26                  incurred the loss, damage, or expense.  
27          (2) Reimbursement for other expenses is limited to a  
28          reasonable amount as determined under:  
29                  (A) policies established by the National Fire Protection  
30                  Association; or  
31                  (B) guidelines adopted by the department;  
32          as applicable.  
33          Sec. 12. (a) A district participating in a training event may be  
34          reimbursed from the fund for an expense incurred in the provision  
35          of a service during a training event.  
36          (b) The reimbursement rates that apply to a reimbursement  
37          under subsection (a) are the rates paid under:  
38                  (1) the policies of the participating district; or  
39                  (2) guidelines adopted by the department;  
40          as applicable.  
41          Sec. 13. (a) The responder assistance fund is established for the  
42          purpose of paying districts and responders reimbursements and

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1       **compensation under this chapter. The support and services**  
 2       **division of the department shall administer the fund.**  
 3       **(b) The expenses of administering the fund shall be paid from**  
 4       **money in the fund.**  
 5       **(c) The treasurer of state shall invest the money in the fund not**  
 6       **currently needed to meet the obligations of the fund in the same**  
 7       **manner as other public money may be invested. Interest that**  
 8       **accrues from these investments shall be deposited in the fund.**  
 9       **(d) Money in the fund at the end of a state fiscal year does not**  
 10       **revert to the state general fund.**  
 11       **(e) The fund consists of the following:**  
 12               **(1) An appropriation under subsection (f).**  
 13               **(2) An appropriation from any other source.**  
 14               **(3) Gifts, bequests, donations, or other transfers to the fund.**  
 15               **(4) Money from any other source intended for deposit in the**  
 16               **fund.**  
 17       **(f) There is annually appropriated to the fund one million**  
 18       **dollars (\$1,000,000) from the state general fund. Money in the fund**  
 19       **is continuously appropriated to the department to carry out the**  
 20       **purposes of this chapter.**  
 21       SECTION 2. IC 34-30-2-39.2 IS ADDED TO THE INDIANA  
 22       CODE AS A NEW SECTION TO READ AS FOLLOWS  
 23       [EFFECTIVE SEPTEMBER 1, 2007 (RETROACTIVE)]: **Sec. 39.2.**  
 24       **IC 10-19-11-9 (Concerning districts and responders for injury,**  
 25       **death, or property damage during training events).**  
 26       SECTION 3. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1273, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

CRAWFORD, Chair

Committee Vote: yeas 10, nays 8.

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