February 21, 2012

ENGROSSED
SENATE BILL No. 255

DIGEST OF SB 255 (Updated February 21, 2012 12:02 pm - DI 109)

Citations Affected: IC 6-6; IC 10-19.

Synopsis: Various homeland security matters. Provides that local emergency planning funds withheld by the state emergency response commission may be used by the commission for purposes related to hazardous materials. Authorizes the executive director of the department of homeland security (executive director) to grant variances to rules governing the state disaster relief fund.

Effective: July 1, 2012.

Wyss, Arnold

(HOUSE SPONSORS — FRYE R, GRUBB, YARDE, RIECKEN)

January 4, 2012, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.
January 10, 2012, amended, reported favorably — Do Pass.
January 17, 2012, read second time, ordered engrossed.
January 18, 2012, engrossed.
January 19, 2012, returned to second reading.
January 23, 2012, re-read second time, amended, ordered engrossed.
January 24, 2012, engrossed. Read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

January 31, 2012, read first time and referred to Committee on Veterans Affairs and Public Safety.
February 21, 2012, reported — Do Pass.

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February 21, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

C o p y

ENGROSSED
SENATE BILL No. 255

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 6-6-10-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. **(a)** The emergency response commission may withhold a local emergency planning committee's funding for failure to provide annually to the commission one (1) of the following:

(1) The report required under section 8 of this chapter.

(2) Proof of published legal notice required under SARA.

(3) An updated version of the local emergency planning committee's emergency preparedness plan as required under SARA.

(4) A copy of the current bylaws of the local emergency planning committee as required by SARA.

(5) Evidence of an exercise of the response plan required under SARA.

(6) A roster of the current membership of the local emergency planning committee as required under IC 13-25-1-6(b)(2).

(7) Minutes of the local emergency planning committee meetings

conducted at least two (2) times, on separate days, every six (6) months as required under IC 13-25-1-6(b)(3).

(b) If the commission withholds funding under subsection (a), and notwithstanding section 7(a)(1) of this chapter, the commission may use the balance of the withheld funding for purposes of hazardous material training, mitigation, preparedness, and recovery.

SECTION 2. IC 10-19-3-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 8. (a) The executive director may grant a variance to a rule governing the state disaster relief fund under 290 IAC 1. A variance granted under this section must promote the effective and expeditious distribution of relief assistance.**

(b) The executive director may grant a variance to a rule under subsection (a) if an applicant for financial assistance under 290 IAC 1-1 or 290 IAC 1-2 does the following:

(1) Submits to the executive director a written request for the variance in the form and manner specified by the executive director.

(2) Documents that compliance with the rule specified in the application for the variance will create an undue hardship on the applicant, as determined by the executive director.

(3) Documents that the applicant for the variance will be in substantial compliance with 290 IAC 1-1 or 290 IAC 1-2, as applicable, after the variance is granted, as determined by the executive director.

(4) Documents that noncompliance with the rule specified in the application for a variance will not be adverse to public health and safety or the purposes of the fund, as determined by the executive director.

(c) A variance granted under subsection (b) must be conditioned upon compliance with the alternative method approved by the executive director. Noncompliance with the alternative method constitutes the violation of a rule of the executive director and may be the basis for revoking the variance.

SECTION 3. IC 10-19-3-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 9. A variance granted under section 8 of this chapter expires on the earlier of the following:**

(1) The date set by the executive director for the expiration of the variance.

(2) The occurrence of an event set by the executive director

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1 **for the expiration of the variance.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 255, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, delete lines 41 through 42, begin a new paragraph and insert:

"**(b) If the commission withholds funding under subsection (a), and notwithstanding section 7(a)(1) of this chapter, the commission may use the balance of the withheld funding for purposes of hazardous material training, mitigation, preparedness, and recovery.**".

Page 4, delete lines 1 through 3.

and when so amended that said bill do pass.

(Reference is to SB 255 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 7, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 255, which is eligible for third reading, be returned to second reading for purposes of amendment.

WYSS

SENATE MOTION

Madam President: I move that Senate Bill 255 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 21.

Page 4, line 20, delete "the 290 IAC 1 or 290 IAC 2," and insert "**290 IAC 1-1 or 290 IAC 1-2,**".

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Page 4, delete lines 40 through 42.
Delete pages 5 through 10.
Renumber all SECTIONS consecutively.

(Reference is to SB 255 as printed January 11, 2012.)

WYSS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 255, 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.

BORDERS, Chair

Committee Vote: yeas 9, nays 0.

C o p y