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 2012 Regular Session of the General Assembly.

# SENATE ENROLLED ACT No. 242

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, AS AMENDED BY P.L.45-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: 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).

**(8) Proof that each committee member is properly trained in the code of ethics as required under IC 4-2-7-3(7).**

(b) If the commission withholds funding under subsection (a), and

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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 10-14-3-10.6, AS AMENDED BY P.L.29-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.6. (a) As used in this section, "participating unit" refers to a unit that does not opt out under subsection (c) from participating in the statewide mutual aid program.

(b) As used in this section, "unit" means the following:

(1) A unit (as defined in IC 36-1-2-23).

(2) A fire protection district established under IC 36-8-11.

(3) A provider unit (as defined in IC 36-8-19-3) acting on behalf of a fire protection territory established under IC 36-8-19.

(4) A fire department established by the board of trustees of a state educational institution (as defined in IC 21-7-13-32), including a fire department established by the board of trustees of Purdue University under IC 21-39-7.

(c) A unit may choose not to participate in the statewide mutual aid program if the unit:

(1) adopts an ordinance or a resolution declaring that the unit will not participate in the statewide mutual aid program; and

(2) provides a copy of the ordinance or resolution to:

(A) the local emergency management organization that serves the unit; and

(B) the department.

(d) Each participating unit shall establish an incident management system and a unified command system to be used in a response to a disaster or an emergency.

(e) A participating unit may request the assistance of at least one (1) other participating unit to:

(1) manage disaster response or recovery; or

(2) conduct disaster response or recovery related exercises, testing, or training.

**The participating unit that requests assistance shall provide a copy of the request to the emergency operations center within the division of emergency response and recovery not more than forty-eight (48) hours after making the request.**

(f) A request for assistance to a participating unit under subsection (e) shall be made by and to the executive of the unit or the executive's authorized representative. A request may be oral or in writing. A written request shall be made on forms developed by the department. An oral request shall be confirmed in writing not later than twenty-four

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(24) hours after the oral request is made.

(g) A request must include the following information:

(1) A description of the disaster response and recovery functions for which assistance is needed, including the following:

(A) Fire.
(B) Law enforcement.
(C) Emergency medical.
(D) Transportation.
(E) Communications.
(F) Public works and engineering.
(G) Building inspection.
(H) Planning and information assistance.
(I) Mass care.
(J) Resource support.
(K) Health and other medical services.
(L) Search and rescue.

(2) The amount and type of services, equipment, supplies, materials, personnel, and other resources needed and a reasonable estimate of the length of time they will be needed.

(3) The specific place and time for staging of the assisting participating unit's provision of assistance and a point of contact at that location.

**(4) A statement that the request for assistance is being made through the statewide mutual aid program.**

(h) A participating unit that is requested to render assistance shall take the necessary action to provide and make available the requested services, equipment, supplies, materials, personnel, and other resources.

(i) A participating unit's obligation to provide assistance is subject to the following restrictions:

(1) A participating unit's request to receive assistance is effective only:

(A) upon declaration of a local disaster emergency by the **principal** executive officer of the unit under section 29 of this chapter; or

(B) upon the commencement of the exercises, testing, or training.

(2) The assistance shall continue as long as:

(A) the state of emergency remains in effect and the loaned resources are required by the receiving participating unit or the loaned resources remain in the receiving participating unit; or

(B) the exercises, testing, or training is in progress.

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(3) The participating unit rendering the assistance may withhold resources or recall loaned resources to the extent necessary to provide for the participating unit's own reasonable protection.

(4) Emergency forces providing assistance shall continue under the command and control of their regular leaders, but operationally those forces shall be under the control of the incident commander or unified commander designated by the requesting participating unit.

SECTION 3. IC 10-14-3-10.7, AS AMENDED BY P.L.19-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.7. (a) As used in this section, "participating unit" has the meaning set forth in section 10.6(a) of this chapter.

(b) Each participating unit shall provide for the payment of compensation and benefits to:

(1) an injured member; and

(2) a representative of a deceased member;

of the participating unit's emergency forces if the member is injured or killed while rendering assistance under section 10.6 of this chapter in the same manner and on the same terms as if the injury or death were sustained while the member was rendering assistance for or within the member's own unit. Expenses incurred under this subsection are not reimbursable under subsection (c).

(c) A participating unit ~~rendering~~ **that complies with subsection (h) and renders** assistance for disaster response or recovery to another participating unit under section 10.6 of this chapter shall be reimbursed by the participating unit receiving the assistance for the following:

(1) A loss of, damage to, or expense incurred in the operation of any equipment in answering the request for assistance, to the extent the loss, damage, or expense is not covered by a reimbursement from insurance to the participating unit rendering assistance.

(2) An expense incurred in the provision of a service in answering the request for assistance, to the extent the expense is not covered by a reimbursement from insurance to the participating unit rendering assistance.

(3) An expense incurred in answering the request for assistance, to the extent the expense is not covered by a reimbursement from insurance to the participating unit rendering assistance.

(4) An amount equal to the deductible portion of an insurance policy used to reimburse all or part of an expense or other cost described in subdivisions (1) through (3).

(d) Except as provided by an agreement entered into under

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subsection (e), the following labor and equipment reimbursement rates apply to reimbursement under subsection (c):

(1) The labor reimbursement rates are as follows:

(A) The straight time costs of the labor force of the participating unit rendering assistance shall be reimbursed at the normal pay rates for responding personnel.

(B) The overtime costs of the labor force of the participating unit rendering assistance shall be reimbursed at one hundred fifty percent (150%) of the normal pay rates for the responding personnel if it is the normal practice of the requesting unit to pay these personnel overtime.

(2) The equipment reimbursement rates are the lesser of the following:

(A) The rates for equipment costs reimbursement established by the Federal Emergency Management Agency or its successor agency.

(B) The equipment costs established by the participating unit rendering assistance.

(e) At least two (2) participating units may enter into agreements establishing a different allocation of loss, damage, expense, or costs among themselves than that specified in subsections (c) and (d).

(f) Officers and employees of a participating unit rendering assistance to another participating unit under this section shall be considered agents of the requesting participating unit for the purpose of tort liability and immunity.

(g) This section does not prevent any participating unit from entering into a mutual aid or other agreement with another unit, fire protection district, or provider unit (as defined in IC 36-8-19-3) acting on behalf of a fire protection territory, or affect any other agreement to which a unit, a fire protection district, or a fire protection territory is a party, including an agreement entered into under this chapter or IC 36-1-7.

**(h) A participating unit rendering assistance that seeks reimbursement under subsection (c) must submit to the participating unit receiving assistance, not more than thirty (30) days after the date on which the assistance is rendered, an itemized statement of the expenses described in subsection (c) for which the participating unit rendering assistance seeks reimbursement.**

SECTION 4. IC 10-14-8-3, AS AMENDED BY P.L.26-2010, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) Before a person may transport high level radioactive waste in Indiana, the shipper must submit the following to

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the director:

(1) An appropriate permit issued under section 2.9 of this chapter.

(2) The following fees:

(A) For each truck shipment, two thousand five hundred dollars ($2,500) per truck.

(B) For each rail shipment:

(i) four thousand five hundred dollars ($4,500) for the first cask; and

(ii) three thousand dollars ($3,000) for ~~the second and~~ **each** additional ~~casks.~~ **cask.**

(b) The director shall deposit fees collected under this section in the nuclear response fund established by section 6 of this chapter.

(c) As used in this section, "cask" means a heavily shielded container:

(1) used for the shipment of radioactive materials, including high level radioactive waste and spent nuclear fuel; and

(2) whose design is approved by the United States Nuclear Regulatory Commission.

SECTION 5. IC 10-14-8-6, AS AMENDED BY P.L.26-2010, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) The nuclear response fund is established to:

(1) provide appropriate education, training, and equipment to state and local emergency responders:

(A) that respond to a release of radioactive waste **or materials** caused by or during the transportation of radioactive waste **or materials** under this chapter; and

(B) to prevent, prepare for, and respond to acts of terrorism; and

(2) otherwise enforce this chapter **and IC 10-14-9.**

(b) Sources of money for the fund consist of transportation fees deposited under section 3(b) or 3.1(b) of this chapter, **fees received under IC 10-14-9-7(b), and civil penalties deposited under IC 10-14-9-8(c).**

(c) The department of homeland security shall administer the fund. Money in the fund is annually appropriated to the department of homeland security to be used for purposes described in subsection (a).

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(f) Money in the fund at the end of a fiscal year does not revert to

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the state general fund.

SECTION 6. IC 10-14-9 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

**Chapter 9. Transportation of Highway Route Controlled Quantity Radioactive Material**

**Sec. 1. As used in this chapter, "cask" has the meaning set forth in IC 10-14-8-3(c).**

**Sec. 2. As used in this chapter, "highway route controlled quantity (HRCQ) radioactive material" means a quantity within a single package that exceeds the least of the following:**

**(1) For special form Class 7 (radioactive) material, three thousand (3,000) times the $A_1$ value of the radionuclides listed in 49 CFR 173.435.**

**(2) For normal form Class 7 (radioactive) material, three thousand (3,000) times the $A_2$ value of the radionuclides listed in 49 CFR 173.435.**

**(3) One thousand (1,000) TBq (27,000 Ci).**

**Sec. 3. As used in this chapter, "licensee" has the meaning set forth in IC 10-14-8-2.3.**

**Sec. 4. As used in this chapter, "nuclear response fund" refers to the nuclear response fund established by IC 10-14-8-6.**

**Sec. 5. As used in this chapter, "package" has the meaning set forth in 49 CFR 173.403.**

**Sec. 6. As used in this chapter, "radionuclide" means an unstable isotope of an element that emits radiation when it decays or disintegrates.**

**Sec. 7. (a) A shipper who intends to ship HRCQ materials must submit an application for a permit to the department of homeland security in the form and manner prescribed by the department of homeland security.**

**(b) The department of homeland security may issue a permit to a shipper that:**

**(1) submits a completed application under subsection (a); and**

**(2) pays a minimum fee as follows:**

**(A) For each truck shipment, one thousand eight hundred dollars ($1,800) per truck.**

**(B) For each rail shipment:**

**(i) one thousand three hundred dollars ($1,300) for the first cask; and**

**(ii) one hundred twenty-five dollars ($125) for each additional cask.**

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**(c) The director:**

**(1) shall deposit fees received under subsection (b) in the nuclear response fund; and**

**(2) may increase a minimum fee under subsection (b)(2) if the increase:**

**(A) applies uniformly across all fees; and**

**(B) is limited to an amount necessary to cover the costs of administering this section.**

**(d) A permit issued under subsection (b) must:**

**(1) specify the purpose for which the permit is issued; and**

**(2) contain an expiration date.**

**(e) A shipper of HRCQ materials shall notify the state emergency operations center at least seven (7) business days before shipping the HRCQ materials.**

**Sec. 8. (a) A shipper that:**

**(1) is required to obtain a permit and pay a fee under section 7 of this chapter; and**

**(2) fails to obtain the permit or pay the fee;**

**is subject to a civil penalty for each violation in an amount equal to two (2) times the applicable fee.**

**(b) A shipper that fails to notify the state emergency operations center of a shipment of HRCQ materials under section 7(e) of this chapter is subject to a civil penalty in an amount equal to two (2) times the applicable fee for the shipment.**

**(c) The director shall deposit a civil penalty received under this section in the nuclear response fund.**

SECTION 7. IC 10-15-3-12, AS AMENDED BY P.L.57-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) The regional public safety training fund is established for the purpose of providing regional and advanced training for public safety service providers, **including fire investigation training.** The ~~fund shall be administered by the~~ department **shall administer the fund. The fund consists of the following:**

**(1) Public safety fees deposited under IC 22-11-14-12(c)(1).**

**(2) Money transferred from the statewide arson investigation financial assistance fund under IC 22-12-6-2(e) (before its expiration).**

**(3) Money appropriated to the fund by the general assembly.**

**(4) Donations, gifts, and money received from any other source, including transfers from other funds or accounts.**

**Money described in subdivision (2) must be used for fire investigation training.**

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(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. Any amount remaining in the fund at the end of a state fiscal year that has not been encumbered shall be transferred to the fire training infrastructure fund established by IC 22-14-6-2.

SECTION 8. IC 22-12-6-2, AS AMENDED BY P.L.107-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The statewide arson investigation financial assistance fund is established to provide resources to:

(1) prosecuting attorneys;
(2) local police departments;
(3) the state police department;
(4) arson task forces;
(5) fire departments that have arson investigating teams or arson task forces; and
(6) the division of fire and building safety established by IC 10-19-7-1 for purposes of fire investigation.

(b) The department shall administer the fund.

(c) The fund consists of money deposited in the fund by the executive director of the department. The department, the state fire marshal, and the division of fire and building safety may accept gifts and grants from any source to be deposited in the fund and to be used for the purposes of this section.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

**(e) Not later than June 30, 2013, the department shall transfer all money in the fund to the regional public safety training fund established by IC 10-15-3-12 to be used for fire investigation training.**

**(f) This section expires July 1, 2013.**

SECTION 9. IC 22-14-2-7, AS AMENDED BY P.L.2-2007, SECTION 308, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This section does not limit the powers, rights, duties, and other responsibilities of municipal or county governments or impose requirements affecting pension laws or any other laws.

(b) This section does not require a member of a fire department to

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be certified.

(c) The education board may:

(1) certify firefighting training and education programs that meet the standards set by the education board;

(2) certify fire department instructors who meet the qualifications set by the education board;

(3) direct research in the field of firefighting and fire prevention and accept gifts and grants to direct this research;

(4) recommend curricula for advanced training courses and seminars in fire science or fire engineering training to public and private postsecondary educational institutions;

(5) certify fire service personnel and nonfire service personnel who meet the qualifications set by the education board;

(6) require fire service personnel certified at any level to fulfill continuing education requirements in order to maintain certification;

(7) contract or cooperate with any person and adopt rules under IC 4-22-2, **including emergency rules in the manner provided under IC 4-22-2-37.1 and as authorized under IC 36-8-10.5-7,** to carry out its responsibilities under this section; or

(8) grant a variance to a rule the education board has adopted.

(d) The education board may impose a reasonable fee for the issuance of a certification described in subsection (c). The board shall deposit the fee in the fire and building services fund established by IC 22-12-6-1.

SECTION 10. IC 36-8-10.5-7, AS AMENDED BY P.L.1-2010, SECTION 152, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The education board shall adopt rules under IC 4-22-2 establishing minimum basic training requirements for full-time firefighters and volunteer firefighters, subject to subsection (b) and section 7.5 of this chapter. The requirements must include training in the following areas:

(1) Orientation.

(2) Personal safety.

(3) Forcible entry.

(4) Ventilation.

(5) Apparatus.

(6) Ladders.

(7) Self-contained breathing apparatus.

(8) Hose loads.

(9) Streams.

(10) Basic recognition of special hazards.

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(b) A person who fulfills the certification requirements for:

(1) Firefighter I, as described in 655 IAC 1-2.1-4; or

(2) Firefighter II, as described in 655 IAC 1-2.1-5;

is considered to comply with the requirements established under subsection (a).

(c) In addition to the requirements of subsections (a) and (d), the minimum basic training requirements for full-time firefighters and volunteer firefighters must include successful completion of a basic or inservice course of education and training on sudden infant death syndrome that is certified by the Indiana emergency medical services commission (created under IC 16-31-2-1) in conjunction with the state health commissioner.

(d) In addition to the requirements of subsections (a) and (c), the minimum basic training requirements for full-time and volunteer firefighters must include successful completion of an instruction course on vehicle emergency response driving safety. The education board shall adopt rules under IC 4-22-2 to operate this course.

(e) In addition to the requirements of subsections (a), (c), and (d), the minimum basic training requirements for full-time and volunteer firefighters must include successful completion of a basic or inservice course of education and training in interacting with individuals with autism that is certified by the Indiana emergency medical services commission (created under IC 16-31-2-1).

**(f) The education board may adopt emergency rules in the manner provided under IC 4-22-2-37.1 concerning the adoption of the most current edition of the following National Fire Protection Association standards, subject to amendment by the board:**

**(1) NFPA 472.**

**(2) NFPA 1001.**

**(3) NFPA 1002.**

**(4) NFPA 1003.**

**(5) NFPA 1021.**

**(6) NFPA 1031.**

**(7) NFPA 1033.**

**(8) NFPA 1035.**

**(9) NFPA 1041.**

**(10) NFPA 1521.**

**(11) NFPA 1670.**

**(g) Notwithstanding any provision in IC 4-22-2-37.1 to the contrary, an emergency rule described in subsection (f) expires on the earlier of the following dates:**

**(1) Two (2) years after the date on which the emergency rule**

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**is accepted for filing with the publisher of the Indiana Register.**

**(2) The date a permanent rule is adopted under this chapter.**

**(h) At least sixty (60) days before the education board adopts an emergency rule under subsection (f), the education board shall:**

**(1) notify the public of its intention to adopt an emergency rule by publishing a notice of intent to adopt an emergency rule in the Indiana Register; and**

**(2) provide a period for public hearing and comment for the proposed rule.**

**The publication notice described in subdivision (1) must include an overview of the intent and scope of the proposed emergency rule and the statutory authority for the rule.**

SECTION 11. **An emergency is declared for this act.**

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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