

IC 10-19-3

Chapter 3. Executive Director

IC 10-19-3-1

Appointment

Sec. 1. The governor shall appoint an individual to be the executive director of the department.

As added by P.L.22-2005, SEC.17.

IC 10-19-3-2

Service; compensation

Sec. 2. The executive director:

- (1) serves at the governor's pleasure; and
- (2) is entitled to receive compensation in an amount set by the governor.

As added by P.L.22-2005, SEC.17.

IC 10-19-3-3

Duties

Sec. 3. The executive director shall do the following:

- (1) Serve as the chief executive and administrative officer of the department.
- (2) Serve as the director of the council.
- (3) Administer the application for, and disbursement of, federal and state homeland security money for all Indiana state and local governments.
- (4) Develop a single strategic plan for preparing and responding to homeland security emergencies in consultation with the council.
- (5) Serve as the state coordinating officer under federal law for all matters relating to emergency and disaster mitigation, preparedness, response, and recovery.
- (6) Use and allocate the services, facilities, equipment, personnel, and resources of any state agency, on the governor's behalf, as is reasonably necessary in the preparation for, response to, or recovery from an emergency or disaster situation that threatens or has occurred in Indiana.
- (7) Develop a plan to protect key state assets and public infrastructure from a disaster or terrorist attack.

As added by P.L.22-2005, SEC.17. Amended by P.L.101-2006, SEC.18; P.L.27-2010, SEC.4.

IC 10-19-3-4

Appointment of employees

Sec. 4. The executive director may appoint employees in the manner provided by IC 4-15-2.2 and fix their compensation, subject to the approval of the budget agency under IC 4-12-1-13.

As added by P.L.22-2005, SEC.17. Amended by P.L.6-2012, SEC.73.

IC 10-19-3-5

Delegation of authority

Sec. 5. The executive director may delegate the executive director's authority to the appropriate department staff.

As added by P.L.22-2005, SEC.17.

IC 10-19-3-6

Ultimate authority for administrative proceedings

Sec. 6. For purposes of IC 4-21.5, the executive director, or the executive director's designee, is the ultimate authority for the department.

As added by P.L.22-2005, SEC.17.

IC 10-19-3-7

Adoption of rules; exceptions

Sec. 7. (a) Except as provided in this section, for purposes of IC 4-22-2, the executive director is the authority that adopts rules for the department.

(b) The Indiana emergency medical services commission is the authority that adopts rules under IC 16-31.

(c) Except as provided in subsection (e) or (f), the fire prevention and building safety commission is the authority that adopts rules under any of the following:

- (1) IC 22-11.
- (2) IC 22-12.
- (3) IC 22-13.
- (4) IC 22-14.
- (5) IC 22-15.

(d) The board of firefighting personnel standards and education is the authority that adopts rules under IC 22-14-2-7(c)(7) and IC 36-8-10.5.

(e) The boiler and pressure vessel rules board established by IC 22-12-4-1 is the authority that adopts:

- (1) emergency rules under IC 22-13-2-8(c); and
- (2) rules under IC 22-15-6.

(f) The regulated amusement device safety board established by IC 22-12-4.5-2 is the authority that adopts rules under IC 22-15-7.

(g) The executive director may adopt rules governing:

- (1) emergency action plans; or
- (2) emergency response plans;

for outdoor performances (as defined in IC 22-12-1-17.5) where outdoor event equipment (as defined in IC 22-12-1-17.7) is used.

As added by P.L.22-2005, SEC.17. Amended by P.L.142-2013, SEC.1.

IC 10-19-3-8

Variations to rules governing state disaster relief fund

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.

As added by P.L.45-2012, SEC.2.

IC 10-19-3-9

Expiration of rule variances

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 for the expiration of the variance.

As added by P.L.45-2012, SEC.3.