

IC 13-25

ARTICLE 25. HAZARDOUS SUBSTANCES

IC 13-25-1

Chapter 1. Indiana Emergency Response Commission

IC 13-25-1-1

Establishment

Sec. 1. The Indiana emergency response commission is established.

As added by P.L.1-1996, SEC.15.

IC 13-25-1-2

Members

Sec. 2. (a) The commission consists of the following thirteen (13) members:

- (1) The commissioner or the commissioner's designee.
- (2) The executive director of the department of homeland security or the executive director's designee.
- (3) The superintendent of the state police department or the superintendent's designee.
- (4) The state fire marshal or the state fire marshal's designee.
- (5) Three (3) representatives of business and industry.
- (6) Three (3) representatives of the public.
- (7) Three (3) representatives of local government.

(b) The governor shall appoint the members provided for in subsection (a)(5) through (a)(7). A member appointed under this subsection serves at the pleasure of the governor.

As added by P.L.1-1996, SEC.15. Amended by P.L.1-2006, SEC.204.

IC 13-25-1-2.5

Emergency response commission membership not a lucrative office

Sec. 2.5. For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, membership on the commission is not a lucrative office.

As added by P.L.68-2016, SEC.1.

IC 13-25-1-3

Compensation

Sec. 3. (a) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).

(b) Each member of the commission is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.1-1996, SEC.15.

IC 13-25-1-4

Officers

Sec. 4. The governor shall appoint:

- (1) a chairman; and
- (2) a vice chairman;

of the commission from among the members of the commission.

As added by P.L.1-1996, SEC.15.

IC 13-25-1-5

Meetings; quorum

Sec. 5. (a) The commission shall meet as follows:

- (1) At least one (1) time every three (3) months.
- (2) At the call of the chairman.

(b) A majority of the members constitutes a quorum for the authority to conduct business.

As added by P.L.1-1996, SEC.15.

IC 13-25-1-6

Duties of commission and local emergency planning committee; membership on local committee not a lucrative office; appointment of local committee members

Sec. 6. (a) The commission shall do the following:

- (1) Encourage and support the development of emergency planning efforts to provide:

- (A) state government entities;
- (B) local governments; and
- (C) the public;

with information concerning potential chemical hazards in Indiana.

- (2) Assist the state in complying with the requirements of SARA.

- (3) Design and supervise the operation of emergency planning districts in Indiana.

- (4) Gather and distribute information needed for effective emergency response planning.

- (5) Appoint the members of the local emergency planning committee of each emergency planning district.

(b) A local emergency planning committee shall do the following:

- (1) Satisfy the requirements of SARA.
- (2) Prepare and submit a roster of committee members to the commission at least one (1) time each year.
- (3) Meet at least two (2) times, on separate days, every six (6) months.
- (4) Each year, prepare and submit a report to the commission that describes the expenditures of the local emergency planning committee in the preceding year that were paid for with the money distributed under IC 13-25-2-10.6.

(c) A local emergency planning committee member may appoint

a designee to act on the committee member's behalf under this chapter. An appointment under this subsection must:

- (1) be in writing;
- (2) specify the duration of the appointment; and
- (3) be submitted to the committee at least two (2) calendar days before the first meeting that the designee attends on behalf of the member.

(d) For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, membership on a local emergency planning committee is not a lucrative office.

(e) The members of a local emergency planning committee shall elect officers of the local emergency planning committee from among its members.

(f) The commission may appoint the number of members of a local emergency planning committee that the commission considers appropriate. The members of a local emergency planning committee must include representatives of each of the following:

- (1) State and local officials.
- (2) Law enforcement, emergency management, firefighting, emergency medical services, health, local environmental, hospital, and transportation personnel.
- (3) Broadcast and print media.
- (4) Community groups.
- (5) Owners and operators of facilities subject to IC 13-25-2-10.

(g) The commission may revise its appointment of members of a local emergency planning committee under subsection (a)(5). Interested persons, including a county executive, may petition the commission to modify the membership of a local emergency planning committee.

(h) A local emergency planning committee is a county board of the county identified in one (1) of the following:

- (1) If the emergency planning district of the local emergency planning committee is wholly within the boundaries of one (1) county, the local emergency planning committee is a county board of the county in which the emergency planning district is located.
- (2) If the emergency planning district of the local emergency planning committee includes more than one (1) county, the local emergency planning committee is a county board of only one (1) of the counties, and the county of which the local emergency planning committee is a county board must be determined by agreement of the counties included in the emergency planning district.

(i) The commission may not establish an emergency planning district that includes more than one (1) county unless all the counties to be included in the emergency planning district have agreed which of the counties will be the county of which the local emergency planning committee will be a county board under subsection (h)(2).

*As added by P.L.1-1996, SEC.15. Amended by P.L.92-2001, SEC.2;
P.L.26-2010, SEC.17; P.L.85-2015, SEC.10; P.L.68-2016, SEC.2.*

IC 13-25-1-7

Assistance from public or private sources; implementation of chapter

Sec. 7. The commission may receive:

- (1) appropriations;
- (2) grants;
- (3) donations;
- (4) equipment;
- (5) supplies; and
- (6) services;

from a public or a private source to assist the commission in implementing this chapter.

As added by P.L.1-1996, SEC.15.