

IC 10-15-2

Chapter 2. Indiana Emergency Management, Fire and Building Services, and Public Safety Training Foundation

IC 10-15-2-1

Establishment

Sec. 1. The Indiana emergency management, fire and building services, and public safety training foundation is established as a public body corporate and politic.

As added by P.L.2-2003, SEC.6.

IC 10-15-2-2

Membership; proxy voting

Sec. 2. (a) The foundation consists of fifteen (15) voting members and four (4) nonvoting advisory members.

(b) The voting members shall be appointed by the governor. The voting members are as follows:

- (1) The executive director, subject to subsection (d).
- (2) The state fire marshal.
- (3) The state building commissioner.
- (4) The deputy director of the state emergency management agency.
- (5) The deputy director of the state emergency management agency for emergency medical services.
- (6) Ten (10) individuals appointed by the governor. Each Indiana congressional district must be represented by at least one (1) member who is a resident of that congressional district. Not more than five (5) of the members appointed under this subdivision may represent the same political party.

(c) The four (4) nonvoting advisory members are as follows:

- (1) Two (2) members, one (1) from each political party, appointed by the president pro tempore of the senate with advice from the minority leader of the senate.
- (2) Two (2) members, one (1) from each political party, appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives.

(d) The executive director may vote for tie breaking purposes only.

(e) In the absence of a member, the member's vote may be cast by another member if the member casting the vote has a written proxy in proper form as required by the foundation.

As added by P.L.2-2003, SEC.6.

IC 10-15-2-3

Quorum; requirements to take action

Sec. 3. (a) A quorum consists of eight (8) of the voting members of the foundation described in section 2(b)(2) through 2(b)(6) of this chapter.

(b) One (1) of the following is necessary for the foundation to take action:

(1) An affirmative vote by at least eight (8) of the fifteen (15) members.

(2) A tie vote broken by the executive director.

As added by P.L.2-2003, SEC.6. Amended by P.L.115-2003, SEC.15.

IC 10-15-2-4

Members do not hold public office

Sec. 4. Membership on the foundation does not constitute the holding of a public office. A member may not be disqualified from holding a public office or position because of appointment to or service on the foundation. A member may not be required to forfeit an office, a position, or employment because of appointment to or service on the foundation.

As added by P.L.2-2003, SEC.6.

IC 10-15-2-5

Terms; expiration

Sec. 5. (a) The term of each member appointed under section 2(b)(6) of this chapter is four (4) years.

(b) A member appointed to fill the unexpired term of a member serves until the end of the unexpired term.

(c) At the expiration of a member's term, the member may be reappointed if the member continues to be a part of the represented entity. A person is no longer a member when the person ceases to be a part of the represented entity.

As added by P.L.2-2003, SEC.6.

IC 10-15-2-6

Start of terms

Sec. 6. The terms of the members appointed under section 2(b)(6) of this chapter begin on July 1.

As added by P.L.2-2003, SEC.6.

IC 10-15-2-7

Chairperson; vice chairperson

Sec. 7. (a) At the foundation's first meeting after June 30 of each year, the voting members appointed under section 2(b)(2) through 2(b)(6) of this chapter shall select:

(1) one (1) of the voting members who is not a state employee to serve as chairperson; and

(2) one (1) of the voting members who is not a state employee to serve as vice chairperson.

(b) The vice chairperson shall exercise all the duties and powers of the chairperson in the chairperson's absence or disability.

As added by P.L.2-2003, SEC.6.

IC 10-15-2-8

Advisers; participation

Sec. 8. (a) The executive director and agency, institute, and department staff designated by the director shall act as advisers to the

foundation.

(b) An adviser to the foundation may do the following:

- (1) Attend all meetings of the foundation.
- (2) Participate in all proceedings at foundation meetings other than voting.

As added by P.L.2-2003, SEC.6.

IC 10-15-2-9

Property of foundation

Sec. 9. (a) The foundation may acquire personal property to be donated under subsection (b). The foundation may receive donations of real property to be disposed of under subsection (c).

(b) Subject to subsection (d), the foundation may donate personal property to the following:

- (1) The department.
- (2) The institute.
- (3) The agency.
- (4) A unit of local government.

(c) The foundation shall dispose of real property donations in the following manner:

- (1) Real property may be accepted by the foundation for purpose of resale, either on the open market or to the state or a unit of local government at a price set by the foundation.
- (2) The proceeds from the sale of real property shall be donated to a fund that the donor has chosen or, if the donor has not chosen a fund, to a fund to be chosen by the foundation.

(d) The foundation must have the approval of the executive director to donate property to the state.

As added by P.L.2-2003, SEC.6.

IC 10-15-2-10

Powers

Sec. 10. The foundation may do the following:

- (1) Adopt bylaws for the regulation of the foundation's affairs and the conduct of the foundation's business.
- (2) Adopt an official seal, which may not be the seal of the state.
- (3) Maintain a principal office and other offices the foundation designates.
- (4) Sue and be sued in the name and style of "Indiana Emergency Management, Fire and Building Services, and Public Safety Training Foundation", with service of process being made to the chairperson of the foundation by leaving a copy at the principal office of the foundation or at the residence of the chairperson if the foundation has no principal office.
- (5) Exercise the powers or perform the following duties of the foundation:

(A) Acquire by any means a right or an interest in or upon personal property of any kind or nature. The foundation shall hold the legal title to property acquired in the name of the

foundation.

(B) Dispose of a right or an interest in personal property.

(6) Make and enter into all contracts, undertakings, and agreements necessary or incidental to the performance of the duties and the execution of the powers of the foundation under this chapter.

(7) Assist the agency, department, and institute to develop projects.

(8) Receive and accept from any person grants for or in aid of the acquisition, construction, improvement, or development of any part of the projects of the foundation and receive and accept aid or contributions from any source of money, personal property, labor, or other things of value to be held, used, applied, or disposed of only for the purposes consistent with the purposes of this chapter for which the grants and contributions may be made.

(9) Hold, use, administer, and expend money that may be acquired by the foundation.

(10) Do all acts and things necessary or proper to carry out the powers expressly granted in this chapter.

As added by P.L.2-2003, SEC.6.

IC 10-15-2-11

Duties

Sec. 11. (a) The foundation shall:

(1) adopt:

(A) rules under IC 4-22-2; or

(B) a policy;

establishing a code of ethics for its employees; or

(2) submit to the jurisdiction and rules adopted by the state ethics commission.

(b) A code of ethics adopted by the foundation by rule or policy under this section must be consistent with state law and approved by the governor.

As added by P.L.2-2003, SEC.6.