

February 13, 1998

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# ENGROSSED HOUSE BILL No. 1210

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DIGEST OF HB 1210 (Updated February 11, 1998 5:11 pm - DI 87)

**Citations Affected:** IC 5-22; IC 36-8; noncode.

**Synopsis:** Fire equipment purchases. Transfer of property to volunteer fire departments. Provides that a governmental body in Indiana may transfer surplus fire trucks, emergency service vehicles, or firefighting or emergency services equipment to a volunteer fire company without conducting an auction or a public sale. Requires the governmental body to give a volunteer fire company located in the same county the right of first refusal for surplus equipment offered. Allows a township, fire protection district, or fire protection territory to pay for firefighting equipment over a 15 year period if it: (1) has a total assessed value of \$20,000,000 or less; and (2) purchases the equipment with funding  
(Continued next page)

**Effective:** July 1, 1998.

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**Tincher, Foley, Leuck, Ruppel,  
Bischoff**

(SENATE SPONSORS — LANDSKE, WOLF, SKILLMAN)

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January 8, 1998, read first time and referred to Committee on Local Government.  
January 21, 1998, amended, reported — Do Pass.  
January 26, 1998, read second time, ordered engrossed. Engrossed.  
January 27, 1998, read third time, passed. Yeas 99, nays 0.  
SENATE ACTION  
January 30, 1998, read first time and referred to Committee on Governmental and Regulatory Affairs.  
February 12, 1998, amended, reported favorably — Do Pass.

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from the state or its instrumentalities or the federal government or its instrumentalities. Provides that a township, fire protection district, or fire protection territory must pay for firefighting equipment over a six year period for all other contracts or mortgages. (Current law requires townships to pay for firefighting equipment over a six year period.)

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EH 1210—LS 6371/DI 94+



February 13, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

## ENGROSSED HOUSE BILL No. 1210

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

- 1 SECTION 1. IC 5-22-22-12 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 1998]: **Sec. 12. (a) This section applies to the following surplus  
4 property:**  
5 (1) **Fire trucks.**  
6 (2) **Emergency service vehicles.**  
7 (3) **Firefighting or emergency services equipment.**  
8 (b) **As used in this section, "volunteer fire company" has the  
9 meaning set forth in IC 36-8-12-2.**  
10 (c) **Notwithstanding section 4 or 5 of this chapter, a  
11 governmental body may transfer title of surplus property to a  
12 volunteer fire company for the volunteer fire company's use in  
13 providing fire protection or emergency services.**  
14 (d) **A volunteer fire company located in the same county as the  
15 governmental body offering the surplus property for transfer has**

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1 the right of first refusal for all surplus property offered. Surplus  
 2 property that is refused by the volunteer fire companies located in  
 3 the same county as the governmental body may be transferred to  
 4 any volunteer fire company in Indiana.

5 (e) A governmental body may transfer title of surplus property  
 6 to a volunteer fire company under this section by:

- 7 (1) sale;  
 8 (2) gift; or  
 9 (3) another arrangement acceptable to the governmental body  
 10 and the volunteer fire company.

11 SECTION 2. IC 36-8-11-26 IS ADDED TO THE INDIANA  
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 1998]: **Sec. 26. After a sufficient**  
 14 **appropriation for the purchase of firefighting apparatus and**  
 15 **equipment, including housing, is made and is available, the**  
 16 **district's fiscal officer, with the approval of the board and the**  
 17 **county fiscal body, may purchase the firefighting apparatus and**  
 18 **equipment for the district on an installment conditional sale or**  
 19 **mortgage contract running for a period not exceeding:**

- 20 (1) six (6) years; or  
 21 (2) fifteen (15) years for a district that:  
 22 (A) has a total assessed value of twenty million dollars  
 23 (\$20,000,000) or less, as determined by the state board of  
 24 tax commissioners; and  
 25 (B) is purchasing the firefighting equipment with funding  
 26 from the:  
 27 (i) state or its instrumentalities; or  
 28 (ii) federal government or its instrumentalities.

29 **The purchase shall be amortized in equal or approximately equal**  
 30 **installments payable on January 1 and July 1 each year.**

31 SECTION 3. IC 36-8-13-5 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 5. After a sufficient**  
 33 **appropriation has been made and approved and is available for the**  
 34 **purchase of firefighting apparatus and equipment, including housing,**  
 35 **the township executive, with the approval of the township legislative**  
 36 **body, may purchase it for the township on an installment conditional**  
 37 **sale or mortgage contract running for a period not exceeding:**

- 38 (1) six (6) years; or  
 39 (2) fifteen (15) years for a township that:  
 40 (A) has a total assessed value of twenty million dollars  
 41 (\$20,000,000) or less, as determined by the state board of  
 42 tax commissioners; and



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1           **(B) is purchasing the firefighting equipment with funding**  
 2           **from the:**

3           **(i) state or its instrumentalities; or**

4           **(ii) federal government or its instrumentalities.**

5           The purchase shall be amortized in equal or approximately equal  
 6           installments payable on January 1 and July 1 each year.

7           SECTION 4. IC 36-8-19-8.7 IS ADDED TO THE INDIANA CODE  
 8           AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 9           1, 1998]: **Sec. 8.7. After a sufficient appropriation for the purchase**  
 10          **of firefighting apparatus and equipment, including housing, is**  
 11          **made and is available, the participating units, with the approval of**  
 12          **the fiscal body of each participating unit, may purchase the**  
 13          **firefighting apparatus and equipment for the territory on an**  
 14          **installment conditional sale or mortgage contract running for a**  
 15          **period not exceeding:**

16          **(1) six (6) years; or**

17          **(2) fifteen (15) years for a territory that:**

18               **(A) has a total assessed value of twenty million dollars**  
 19               **(\$20,000,000) or less, as determined by the state board of**  
 20               **tax commissioners; and**

21               **(B) is purchasing the firefighting equipment with funding**  
 22               **from the:**

23               **(i) state or its instrumentalities; or**

24               **(ii) federal government or its instrumentalities.**

25          The purchase shall be amortized in equal or approximately equal  
 26          installments payable on January 1 and July 1 each year.

27          SECTION 5. [EFFECTIVE JULY 1, 1998] (a) IC 36-8-13-5, as  
 28          amended by this act, applies only to purchases that occur after  
 29          June 30, 1998.

30          (b) IC 36-8-11-26 and IC 36-8-19-8.7, both as added by this act,  
 31          applies only to purchases that occur after June 30, 1998.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1210, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-22-22-12 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 1998]: **Sec. 12. (a) This section applies to the following surplus property:**

- (1) **Fire trucks.**
- (2) **Emergency service vehicles.**
- (3) **Firefighting or emergency services equipment.**

**(b) As used in this section, "volunteer fire company" has the meaning set forth in IC 36-8-12-2.**

**(c) Notwithstanding section 4 or 5 of this chapter, a governmental body may transfer title of surplus property to a volunteer fire company for the volunteer fire company's use in providing fire protection or emergency services.**

**(d) A volunteer fire company located in the same county as the governmental body offering the surplus property for transfer has the right of first refusal for all surplus property offered. Surplus property that is refused by the volunteer fire companies located in the same county as the governmental body may be transferred to any volunteer fire company in Indiana.**

**(e) A governmental body may transfer title of surplus property to a volunteer fire company under this section by:**

- (1) **sale;**
- (2) **gift; or**
- (3) **another arrangement acceptable to the governmental body and the volunteer fire company."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to House Bill 1210 as introduced.)

STEVENSON, Chair

Committee Vote: yeas 11, nays 1.

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SENATE MOTION

Mr. President: I move that Senator Skillman be added as cosponsor of Engrossed House Bill 1210.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred House Bill 1210, 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 2, delete lines 11 through 31.

Page 4, line 9, delete "IC 36-8-2-14,".

Page 4, line 9, after "IC 36-8-11-26" delete ",".

Page 4, line 9, delete "all" and insert "**both**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to House Bill 1210 as printed January 22, 1998.)

GARD, Chairperson

Committee Vote: Yeas 7, Nays 0.

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