

# HOUSE BILL No. 1382

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-1-2; IC 3-5-2; IC 3-6-9-1; IC 3-8; IC 3-9; IC 3-10; IC 3-11; IC 3-12; IC 5-11-10.5-1; IC 34-4-16.5-20; IC 36-1-2-10; IC 36-3-2-3; IC 36-4-3-7; IC 36-8.

**Synopsis:** Emergency medical service and fire protection districts. Provides for the election of the board of fire trustees of a fire protection and emergency medical service district. Changes the name of fire protection districts to fire protection and emergency medical service districts. Makes numerous conforming amendments. Provides that fire protection districts established before July 1, 1998, are not required to reorganize to provide emergency medical services in addition to fire protection.

**Effective:** July 1, 1998; January 1, 2001.

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**Whetstone, T. Adams**

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January 13, 1998, read first time and referred to Committee on Public Safety.

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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.

# HOUSE BILL No. 1382



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 3-5-1-2 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE JULY 1, 1998]: Sec. 2. The types of elections to which
- 3 this title applies are classified as follows:
- 4 (1) General election, which is conducted statewide on the first
- 5 Tuesday after the first Monday in November of each
- 6 even-numbered year.
- 7 (2) Municipal election, in which the electorate of a municipality
- 8 chooses by ballot public officials for the municipality or decides
- 9 a public question lawfully submitted to the electorate of the
- 10 municipality.
- 11 (3) Primary election, which is conducted for the purpose of
- 12 choosing by ballot the following:
- 13 (A) The candidates who will be the nominees of a political
- 14 party for elected offices in a general or municipal election.
- 15 (B) The precinct committeemen of a political party.
- 16 (C) The delegates to a political party's state convention.
- 17 (4) School district election, in which the electorate of a school

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1 district chooses by ballot members of the school board.

2 (5) Special election, which is conducted for a special purpose as  
3 provided by law.

4 **(6) Fire protection and emergency service district election, in**  
5 **which the electorate of the fire protection and emergency**  
6 **service district chooses by ballot members of the board of**  
7 **fire trustees.**

8 SECTION 2. IC 3-5-2-2.5, AS ADDED BY P.L.3-1995, SECTION  
9 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
10 1998]: Sec. 2.5. "Auxiliary party organization" means an organization  
11 located within or outside Indiana that:

12 (1) is affiliated with a political party;

13 (2) proposes to influence the election of a candidate for state,  
14 legislative, local, or school board, or **fire protection and**  
15 **emergency medical service board** office, or the outcome of a  
16 public question; and

17 (3) has not:

18 (A) had an annual budget of five thousand dollars (\$5,000)  
19 or more in at least one (1) of the last two (2) years; or

20 (B) made a contribution of more than five hundred dollars  
21 (\$500) to another committee or to a candidate.

22 SECTION 3. IC 3-5-2-17 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 17. "Elected office"  
24 means a federal office, state office, legislative office, school board  
25 office, **fire protection and emergency medical service board office**,  
26 or local office. Political party offices (such as precinct committeeman  
27 and state convention delegate) are not considered to be elected offices.

28 SECTION 4. IC 3-5-2-29 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 29. "Local office"  
30 means a circuit office, county office, city office, town office, township  
31 office, or other civil office for which the electorate of a political  
32 subdivision votes. The term includes all elected offices other than  
33 federal, state, legislative, and school board, **and fire protection and**  
34 **emergency medical service board** offices.

35 SECTION 5. IC 3-5-2-37, AS AMENDED BY P.L.3-1997,  
36 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 1998]: Sec. 37. (a) Except as provided in subsection (b),  
38 "political action committee" means an organization located within or  
39 outside Indiana that satisfies all of the following:

40 (1) The organization is not:

41 (A) affiliated with a political party; or

42 (B) a candidate's committee.

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- 1 (2) The organization proposes to influence:  
 2 (A) the election of a candidate for state, legislative, local, ~~or~~  
 3 school board, **or fire protection and emergency medical**  
 4 **service board** office; or  
 5 (B) the outcome of a public question.
- 6 (3) The organization accepts contributions or makes  
 7 expenditures during a calendar year to influence the election of  
 8 a candidate for state, legislative, local, ~~or~~ school board, **or fire**  
 9 **protection and emergency medical service board** office, or the  
 10 outcome of a public question that will appear on the ballot in  
 11 Indiana that in the aggregate exceed one hundred dollars (\$100).
- 12 ~~(D)~~ (4) The organization is not any of the following:  
 13 (i) (A) An auxiliary party organization.  
 14 (ii) (B) A legislative caucus committee.  
 15 (iii) (C) A regular party committee.  
 16 (iv) (D) A candidate's committee.
- 17 (b) A corporation or labor organization that makes a contribution  
 18 in accordance with IC 3-9-2 or makes an expenditure is not considered  
 19 a political action committee.
- 20 SECTION 6. IC 3-5-2-38 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 38. "Political  
 22 subdivision" means a county, city, town, township, school corporation,  
 23 public library, local housing authority, fire protection **and emergency**  
 24 **medical service** district, public transportation corporation, local  
 25 building authority, local hospital authority or corporation, local airport  
 26 authority, special service district, special taxing district, or other type  
 27 of local governmental corporate entity.
- 28 SECTION 7. IC 3-5-2-55 IS ADDED TO THE INDIANA CODE  
 29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 30 1, 1998]: Sec. 55. "**Fire protection and emergency medical service**  
 31 **board office**" refers to an elected position on the board of fire  
 32 **trustees of a fire protection and emergency medical service district**  
 33 **under IC 36-8-11.**
- 34 SECTION 8. IC 3-6-9-1 IS AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) If:  
 36 (1) twenty-six percent (26%) or more of all candidates of a  
 37 political party who are candidates for:  
 38 (A) nomination to elected offices at a county or municipal  
 39 primary election, not including candidates for delegates to  
 40 the state convention or candidates for precinct  
 41 committeemen; or  
 42 (B) precinct committeemen at an election for precinct

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1                   committeemen, whose names are certified to the county  
2                   election board as candidates to be voted for at the primary  
3                   election for precinct committeemen; or

4                   (2) any candidate or group of candidates for a school board  
5                   office **or fire protection and emergency medical service**  
6                   **board office;**

7                   desire to have watchers at the polls in any precinct of the county or  
8                   municipality, they shall sign a written statement indicating their desire  
9                   to name watchers.

10                   (b) If the candidates signing the statement are candidates for  
11                   nomination at a county primary election or for election as precinct  
12                   committeemen or to a school board office, **or for election to a fire**  
13                   **protection and emergency medical service board office,** the written  
14                   statement shall be filed with the circuit court clerk of the county where  
15                   the candidates reside.

16                   (c) If the candidates signing the statement are candidates for  
17                   nomination at a municipal primary election, the written statement shall  
18                   be filed with the circuit court clerk of the county that contains the  
19                   greatest percentage of the population of the election district.

20                   SECTION 9. IC 3-8-1-1, AS AMENDED BY P.L.3-1997,  
21                   SECTION 110, IS AMENDED TO READ AS FOLLOWS  
22                   [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) This section does not apply  
23                   to a candidate for any of the following offices:

24                   (1) judge of a city court in a city located in a county having a  
25                   population of:

26                   (A) more than four hundred thousand (400,000) but less  
27                   than seven hundred thousand (700,000); or

28                   (B) more than two hundred thousand (200,000) but less  
29                   than three hundred thousand (300,000);

30                   (2) judge of a city court in a third class city; or

31                   (3) judge of a town court.

32                   (b) A person is not qualified to run for:

33                   (1) a state office;

34                   (2) a legislative office;

35                   (3) a local office; ~~or~~

36                   (4) a school board office; **or**

37                   **(5) a fire protection and emergency service board office;**

38                   unless the person is registered to vote in the election district the person  
39                   seeks to represent not later than the deadline for filing the declaration  
40                   or petition of candidacy or certificate of nomination.

41                   (c) If a candidate filing error is made by the election division or a  
42                   circuit court clerk, the error does not invalidate the filing.

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1 SECTION 10. IC 3-8-1-1.6, AS AMENDED BY P.L.3-1997,  
 2 SECTION 112, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 1998]: Sec. 1.6. (a) This section does not apply  
 4 to a candidate for a school board office **or fire protection and**  
 5 **emergency service board office.**

6 (b) Not later than noon fourteen (14) days after the final day for  
 7 filing a declaration of candidacy, declaration of intent to be a write-in  
 8 candidate, petition of nomination, certificate of nomination, or  
 9 certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8,  
 10 the election division or county election board shall determine if a  
 11 candidate has complied with IC 3-9-1-5 by filing any campaign finance  
 12 statement of organization required for the candidate's committee.

13 SECTION 11. IC 3-8-1-35 IS ADDED TO THE INDIANA CODE  
 14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 15 1, 1998]: **Sec. 35. A candidate for a fire protection and emergency**  
 16 **medical service board office must have resided in the fire**  
 17 **protection and emergency medical service district for at least one**  
 18 **(1) year before the election for the office is held.**

19 SECTION 12. IC 3-8-2-2.2, AS ADDED BY P.L.3-1995,  
 20 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 1998]: Sec. 2.2. (a) A candidate for a school board **or fire**  
 22 **protection and emergency medical service board** office must file a  
 23 petition of nomination in accordance with IC 3-8-6 and as required  
 24 under IC 20-3, **or** IC 20-4, **or IC 36-8-11.** The petition of nomination,  
 25 once filed, serves as the candidate's declaration of candidacy for a  
 26 ~~school board~~ **the** office.

27 (b) A candidate for a school board **or fire protection and**  
 28 **emergency medical service board** office is not required to file a  
 29 statement of organization for the candidate's principal committee by  
 30 noon seven (7) days after the final date for filing a petition of  
 31 nomination or declaration of intent to be a write-in candidate unless the  
 32 candidate has received contributions or made expenditures requiring  
 33 the filing of a statement under IC 3-9-1-5.

34 SECTION 13. IC 3-8-2-2.5, AS AMENDED BY P.L.3-1997,  
 35 SECTION 118, IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 1998]: Sec. 2.5. (a) A person who desires to be  
 37 a write-in candidate for a federal, state, legislative, or local office or  
 38 school board **or fire protection and emergency medical service**  
 39 **board** office in a general, municipal, **or** school board, **or fire**  
 40 **protection and emergency medical service board** election must file  
 41 a declaration of intent to be a write-in candidate with the officer with  
 42 whom declaration of candidacy must be filed under sections 5 and 6 of

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1 this chapter.

2 (b) The declaration of intent to be a write-in candidate required  
3 under subsection (a) must be signed before a person authorized to  
4 administer oaths and must certify the following information:

5 (1) The candidate's name must be printed or typewritten as the  
6 candidate has set forth the candidate's name in the candidate's  
7 voter registration record, along with any nickname of the  
8 candidate permitted under IC 3-10-1-14 if the candidate wishes  
9 it to appear on the ballot.

10 (2) A statement that the candidate is a registered voter and the  
11 location of the candidate's precinct and township (or ward and  
12 city or town), county, and state.

13 (3) The candidate's complete residence address, and if the  
14 candidate's mailing address is different from the residence  
15 address, the mailing address.

16 (4) The candidate's party affiliation or a statement that the  
17 candidate is an independent candidate (not affiliated with any  
18 party).

19 (5) A statement of the candidate's intention to be a write-in  
20 candidate, the name of the office, including the district, and the  
21 date and type of election.

22 (6) If the candidate is a candidate for the office of President or  
23 Vice President of the United States, a statement declaring the  
24 names of the individuals who have consented and are eligible to  
25 be the candidate's candidates for presidential electors.

26 (7) A statement that the candidate:

27 (A) is aware of the provisions of IC 3-9 regarding campaign  
28 finance and the reporting of campaign contributions and  
29 expenditures; and

30 (B) agrees to comply with the provisions of IC 3-9.

31 The candidate must separately sign the statement required by  
32 this subdivision.

33 (8) A statement as to whether the candidate has:

34 (A) been a candidate for state or local office in a previous  
35 primary or general election; and

36 (B) filed all reports required by IC 3-9-5-10 for all previous  
37 candidacies.

38 (9) If the candidate is subject to IC 3-9-1-5, a statement that the  
39 candidate has filed a campaign finance statement of organization  
40 for the candidate's principal committee or is aware that the  
41 candidate may be required to file a campaign finance statement  
42 of organization not later than noon seven (7) days after the final

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1 date to file the declaration of intent to be a write-in candidate  
2 under section 4 of this chapter.

3 (10) A statement that if the individual is a candidate for a school  
4 board **or fire protection and emergency medical service**  
5 **board** office, the candidate is required to file a campaign finance  
6 statement of organization under IC 3-9 after the first of either of  
7 the following occurs:

8 (A) The candidate receives more than five hundred dollars  
9 (\$500) in contributions as a school board **or fire protection**  
10 **and emergency medical service board** candidate.

11 (B) The candidate makes more than five hundred dollars  
12 (\$500) in expenditures as a school board **or fire protection**  
13 **and emergency medical service board** candidate.

14 (11) A statement that the candidate complies with all  
15 requirements under the laws of the state of Indiana to be a  
16 candidate for the above named office, including any applicable  
17 residency requirements, and that the candidate is not ineligible  
18 to be a candidate due to a criminal conviction that would  
19 prohibit the candidate from serving in the office.

20 (12) The candidate's signature and telephone number.

21 (c) At the time of filing the declaration of intent to be a write-in  
22 candidate, the write-in candidate is considered a candidate for all  
23 purposes.

24 (d) A write-in candidate must comply with the requirements under  
25 IC 3-8-1 that apply to the office to which the write-in candidate seeks  
26 election.

27 (e) A person may not be a write-in candidate in a contest for  
28 nomination or for election to a political party office.

29 (f) A write-in candidate for the office of President or Vice  
30 President of the United States must list at least one (1) candidate for  
31 presidential elector and may not list more than the total number of  
32 presidential electors to be chosen in Indiana.

33 (g) The commission shall provide that the form of a declaration of  
34 intent to be a write-in candidate includes the following information  
35 near the separate signature required by subsection (b)(7):

36 (1) The dates for filing campaign finance reports under IC 3-9.

37 (2) The penalties for late filing of campaign finance reports  
38 under IC 3-9.

39 SECTION 14. IC 3-8-2-4, AS AMENDED BY P.L.3-1997,  
40 SECTION 120, IS AMENDED TO READ AS FOLLOWS  
41 [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) A declaration of candidacy  
42 for a primary election must be filed no later than noon seventy-four

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1 (74) days and no earlier than one hundred four (104) days before the  
 2 primary election. The declaration must be subscribed and sworn to  
 3 before a person authorized to administer oaths.

4 (b) A declaration of intent to be a write-in candidate must be filed  
 5 not later than noon five (5) days before the final date for the delivery  
 6 of absentee ballots under IC 3-11-4-15 and not earlier than ninety (90)  
 7 days before a general election. The declaration must be subscribed and  
 8 sworn to before a person authorized to administer oaths.

9 (c) During a year in which a federal decennial census, federal  
 10 special census, special tabulation, or corrected population count  
 11 becomes effective under IC 1-1-3.5, a declaration of:

12 (1) candidacy may be filed for an office that will appear on the  
 13 primary election ballot; or

14 (2) intent to be a write-in candidate for an office that will appear  
 15 on the general, municipal, ~~or~~ school board, **or fire protection**  
 16 **and emergency medical service board** election ballot;

17 that year as a result of the new tabulation of population or corrected  
 18 population count.

19 SECTION 15. IC 3-8-6-12, AS AMENDED BY P.L.253-1997(ss),  
 20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 1998]: Sec. 12. (a) A petition of nomination for an office filed  
 22 under section 10 of this chapter must be filed with and certified by the  
 23 person with whom a declaration of candidacy must be filed under  
 24 IC 3-8-2.

25 (b) The petition of nomination must be accompanied by the  
 26 following:

27 (1) Each candidate's written consent to become a candidate.

28 (2) A statement that the candidate:

29 (A) is aware of the provisions of IC 3-9 regarding campaign  
 30 finance and the reporting of campaign contributions and  
 31 expenditures; and

32 (B) agrees to comply with the provisions of IC 3-9.

33 The candidate must separately sign the statement required by  
 34 this subdivision.

35 (3) If the candidate is subject to IC 3-9-1-5, a statement by the  
 36 candidate that the candidate has filed a campaign finance  
 37 statement of organization under IC 3-9-1-5 or is aware that the  
 38 candidate may be required to file a campaign finance statement  
 39 of organization not later than noon seven (7) days after the final  
 40 date for filing a petition for nomination under section 10 of this  
 41 chapter.

42 (4) A statement that if the individual is a candidate for a school

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1 board **or a fire protection and emergency medical service**  
 2 **board** office, the candidate is aware of the requirement to file a  
 3 campaign finance statement of organization under IC 3-9 after  
 4 the first of either of the following occurs:

5 (A) The candidate receives more than five hundred dollars  
 6 (\$500) in contributions as a school board **or a fire**  
 7 **protection and emergency medical service board**  
 8 candidate.

9 (B) The candidate makes more than five hundred dollars  
 10 (\$500) in expenditures as a school board **or a fire**  
 11 **protection and emergency medical service board**  
 12 candidate.

13 (5) A statement indicating whether or not each candidate:

14 (A) has been a candidate for state or local office in a  
 15 previous primary or general election; and

16 (B) has filed all reports required by IC 3-9-5-10 for all  
 17 previous candidacies.

18 (6) A statement that each candidate is legally qualified to hold  
 19 the office that the candidate seeks, including any applicable  
 20 residency requirements and restrictions on service due to a  
 21 criminal conviction.

22 (7) If the petition is filed with the secretary of state for an office  
 23 not elected by the electorate of the whole state, a statement  
 24 signed by the circuit court clerk of each county in the election  
 25 district of the office sought by the individual.

26 (c) The statement required under subsection (b)(7) must:

27 (1) be certified by each circuit court clerk; and

28 (2) indicate the number of votes cast for secretary of state:

29 (A) at the last election for secretary of state; and

30 (B) in the part of the county included in the election district  
 31 of the office sought by the individual filing the petition.

32 (d) The secretary of state shall, by noon August 20, certify each  
 33 petition of nomination filed in the secretary of state's office to the  
 34 appropriate county.

35 (e) The commission shall provide that the form of a petition of  
 36 nomination includes the following information near the separate  
 37 signature required by subsection (b)(2):

38 (1) The dates for filing campaign finance reports under IC 3-9.

39 (2) The penalties for late filing of campaign finance reports  
 40 under IC 3-9.

41 SECTION 16. IC 3-9-1-1, AS AMENDED BY P.L.3-1997,  
 42 SECTION 169, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) Except as provided in  
2 subsection (b), this chapter applies to candidates in all elections and  
3 caucuses and to the following types of committees:

- 4 (1) Candidate's committees.
- 5 (2) Regular party committees.
- 6 (3) Political action committees.
- 7 (4) Legislative caucus committees.
- 8 (b) This chapter does not apply to the following:
- 9 (1) Elections to local offices for which the compensation is less
- 10 than five thousand dollars (\$5,000) per year.
- 11 (2) Candidates for school board **or fire protection and**
- 12 **emergency medical service board** office, except a candidate
- 13 who is required to file a written instrument designating a
- 14 principal committee under section 5 of this chapter.
- 15 (3) Elections for precinct committeeman or delegate to a state
- 16 convention.
- 17 (4) An auxiliary party organization.

18 SECTION 17. IC 3-9-2-1, AS AMENDED BY P.L.3-1997,  
19 SECTION 175, IS AMENDED TO READ AS FOLLOWS  
20 [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) Except as provided in  
21 subsections (b) and (c), this chapter applies to candidates in all  
22 elections and caucuses and to the following types of committees:

- 23 (1) Candidate's committees.
- 24 (2) Regular party committees.
- 25 (3) Political action committees.
- 26 (4) A legislative caucus committee.

27 (b) Sections 2 through 10 of this chapter do not apply to the  
28 following:

- 29 (1) Elections to local offices for which the compensation is less
- 30 than five thousand dollars (\$5,000) per year.
- 31 (2) Elections for precinct committeeman or delegate to a state
- 32 convention.

33 (c) Section 9 of this chapter does not apply to a candidate for  
34 school board **or fire protection and emergency medical service**  
35 **board** office unless the candidate is required to file a written  
36 instrument designating a principal committee under IC 3-9-1-5.

37 (d) Sections 9 and 10 of this chapter apply to an auxiliary party  
38 organization.

39 SECTION 18. IC 3-9-2-4 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. During a year a  
41 corporation or labor organization may not make total contributions in  
42 excess of:

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- 1 (1) an aggregate of five thousand dollars (\$5,000) apportioned  
 2 in any manner among all candidates for state offices (including  
 3 a judge of the court of appeals whose retention in office is voted  
 4 on by a district that does not include all of Indiana);  
 5 (2) an aggregate of five thousand dollars (\$5,000) apportioned  
 6 in any manner among all state committees of political parties;  
 7 (3) an aggregate of two thousand dollars (\$2,000) apportioned in  
 8 any manner among all candidates for the senate of the general  
 9 assembly;  
 10 (4) an aggregate of two thousand dollars (\$2,000) apportioned in  
 11 any manner among all candidates for the house of  
 12 representatives of the general assembly;  
 13 (5) an aggregate of two thousand dollars (\$2,000) apportioned in  
 14 any manner among regular party committees organized by a  
 15 legislative caucus of the senate of the general assembly;  
 16 (6) an aggregate of two thousand dollars (\$2,000) apportioned in  
 17 any manner among regular party committees organized by a  
 18 legislative caucus of the house of representatives of the general  
 19 assembly;  
 20 (7) an aggregate of two thousand dollars (\$2,000) apportioned in  
 21 any manner among all candidates for school board offices **or fire**  
 22 **protection and emergency medical service board** and local  
 23 offices; and  
 24 (8) an aggregate of two thousand dollars (\$2,000) apportioned in  
 25 any manner among all central committees other than state  
 26 committees.
- 27 SECTION 19. IC 3-9-4-1, AS AMENDED BY P.L.3-1997,  
 28 SECTION 184, IS AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) Except as provided in  
 30 subsection (b), this chapter applies to candidates in all elections and  
 31 caucuses and to the following types of committees:  
 32 (1) Candidate's committees.  
 33 (2) Regular party committees.  
 34 (3) Political action committees.  
 35 (4) A legislative caucus committee.  
 36 (b) This chapter does not apply to the following:  
 37 (1) Elections to local offices for which the compensation is less  
 38 than five thousand dollars (\$5,000) per year.  
 39 (2) Elections for precinct committeeman or delegate to a state  
 40 convention.  
 41 (3) A candidate for a school board **or fire protection and**  
 42 **emergency medical service board** office except a candidate

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1 who is required to file a written instrument designating a  
2 principal committee under IC 3-9-1-5.

3 (4) An auxiliary party organization.

4 SECTION 20. IC 3-9-5-1, AS AMENDED BY P.L.3-1997,  
5 SECTION 200, IS AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) Except as provided in  
7 subsection (b), this chapter applies to candidates in all elections and  
8 caucuses and to the following types of committees:

9 (1) Candidate's committees.

10 (2) Regular party committees.

11 (3) Political action committees.

12 (4) A legislative caucus committee.

13 (b) This chapter does not apply to the following:

14 (1) Elections to local or school board offices for which the  
15 compensation is less than five thousand dollars (\$5,000) per  
16 year.

17 (2) Candidates for school board **or fire protection and**  
18 **emergency medical service board** office, except a candidate  
19 who is required to file a written instrument designating a  
20 principal committee under IC 3-9-1-5.

21 (3) Elections for precinct committeeman or delegate to a state  
22 convention.

23 (4) An auxiliary party organization.

24 SECTION 21. IC 3-10-1-18, AS AMENDED BY P.L.5-1994,  
25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 1998]: Sec. 18. (a) Except as provided by subsection (b), the  
27 names of all candidates for each office who have qualified under IC 3-8  
28 shall be arranged in alphabetical order by surnames under the  
29 designation of the office.

30 (b) This subsection applies to a county having a population of  
31 more than four hundred thousand (400,000) but less than seven  
32 hundred thousand (700,000). The names of all candidates for each  
33 office who have qualified under IC 3-8, except for a school board **or**  
34 **fire protection and emergency medical service board** office,  
35 precinct committeeman, or state convention delegate, shall be arranged  
36 in random order by surnames under the designation of the office. The  
37 random order shall be determined using a lottery. The lottery held in  
38 accordance with this subsection shall be conducted in public by the  
39 county election board. The lottery shall be held not later than fifteen  
40 (15) days following the last day for a declaration of candidacy under  
41 IC 3-8-2-4. All candidates whose names are to be arranged by way of  
42 the lottery shall be notified at least five (5) days prior to the lottery of

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1 the time and place at which the lottery is to be held. Each candidate  
2 may have one (1) designated watcher and each county political party  
3 may have one (1) designated watcher who shall be allowed to observe  
4 the lottery procedure.

5 (c) For paper ballots, the left margin of the ballot for each political  
6 party must show the name of the uppermost candidate printed to the  
7 right of the number 1, the next candidate number 2, the next candidate  
8 number 3, and so on, consecutively to the end of the ballot as  
9 prescribed in section 19 of this chapter. The same order shall be  
10 followed for the printing of ballot labels and their placement on the  
11 voting machine or electronic voting system and for the printing of  
12 ballot cards.

13 (d) This subsection applies to a county having a population of  
14 more than four hundred thousand (400,000) but less than seven  
15 hundred thousand (700,000). If there is insufficient room on a row to  
16 list each candidate of a political party, a second or subsequent row may  
17 be utilized. However, a second or subsequent row may not be utilized  
18 unless the first row, and all preceding rows, have been filled.

19 SECTION 22. IC 3-10-1-19, AS AMENDED BY P.L.3-1997,  
20 SECTION 216, IS AMENDED TO READ AS FOLLOWS  
21 [EFFECTIVE JULY 1, 1998]: Sec. 19. (a) The ballot for a primary  
22 election shall be printed in substantially the following form for all the  
23 offices for which candidates have qualified under IC 3-8:

24 OFFICIAL PRIMARY BALLOT

25 \_\_\_\_\_ Party

26 To vote for a person make a voting mark (X or ✓) on or in the box  
27 before the person's name in the proper column.

28 Vote for one only

29 Representative in Congress

30  (1) AB \_\_\_\_\_

31  (2) CD \_\_\_\_\_

32  (3) EF \_\_\_\_\_

33  (4) GH \_\_\_\_\_

34 (b) The offices with candidates for nomination shall be placed on  
35 the primary election ballot in the following order:

36 (1) Federal and state offices:

37 (A) President of the United States.

38 (B) United States Senator.

39 (C) Governor.

40 (D) United States Representative.

41 (2) Legislative offices:

42 (A) State senator.

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- 1 (B) State representative.
- 2 (3) Circuit offices and county judicial offices:
- 3 (A) Judge of the circuit court, and unless otherwise
- 4 specified under IC 33, with each division separate if there
- 5 is more than one (1) judge of the circuit court.
- 6 (B) Judge of the superior court, and unless otherwise
- 7 specified under IC 33, with each division separate if there
- 8 is more than one (1) judge of the superior court.
- 9 (C) Judge of the probate court.
- 10 (D) Judge of the county court, with each division separate,
- 11 as required by IC 33-10.5-4-2.
- 12 (E) Prosecuting attorney.
- 13 (F) Clerk of the circuit court.
- 14 (4) County offices:
- 15 (A) County auditor.
- 16 (B) County recorder.
- 17 (C) County treasurer.
- 18 (D) County sheriff.
- 19 (E) County coroner.
- 20 (F) County surveyor.
- 21 (G) County assessor.
- 22 (H) County commissioner.
- 23 (I) County council member.
- 24 (5) Township offices:
- 25 (A) Township assessor.
- 26 (B) Township trustee.
- 27 (C) Township board member.
- 28 (D) Judge of the small claims court.
- 29 (E) Constable of the small claims court.
- 30 (6) City offices:
- 31 (A) Mayor.
- 32 (B) Clerk or clerk-treasurer.
- 33 (C) Judge of the city court.
- 34 (D) City-county council member or common council
- 35 member.
- 36 (7) Town offices:
- 37 (A) Clerk-treasurer.
- 38 (B) Judge of the town court.
- 39 (C) Town council member.
- 40 (c) The political party offices with candidates for election shall be
- 41 placed on the primary election ballot in the following order after the
- 42 offices described in subsection (b):

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- 1 (1) Precinct committeeman.
- 2 (2) State convention delegate.
- 3 (d) The following offices and public questions shall be placed on
- 4 the primary election ballot in the following order after the offices
- 5 described in subsection (c):
- 6 (1) School board offices to be elected at the primary election.
- 7 (2) **Fire protection and emergency medical service board**
- 8 **offices to be elected at the primary election.**
- 9 ~~(3)~~ (3) Other local offices to be elected at the primary election.
- 10 ~~(4)~~ (4) Local public questions.
- 11 (e) The offices and public questions described in subsection (d)
- 12 shall be placed in a separate column on the ballot if voting is by paper
- 13 ballot, ballot card voting system, or electronic voting system or in a
- 14 separate column of ballot labels if voting is by voting machine.
- 15 (f) A public question shall be placed on the primary election ballot
- 16 in the following form:
- 17 (The explanatory text for the public question,
- 18 if required by law.)
- 19 "Shall (insert public question)?"
- 20  YES
- 21  NO
- 22 SECTION 23. IC 3-10-1-32 IS AMENDED TO READ AS
- 23 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 32. Primary election
- 24 returns must contain the whole number of votes cast for:
- 25 (1) each candidate of each political party;
- 26 (2) each public question voted on at the primary election; and
- 27 (3) each candidate for election to a school board **or fire**
- 28 **protection and emergency medical service board** office or
- 29 political party office.
- 30 SECTION 24. IC 3-10-8-1 IS AMENDED TO READ AS
- 31 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. A special election
- 32 shall be held in the following cases:
- 33 (1) Whenever two (2) or more candidates for a federal, state,
- 34 legislative, circuit, ~~or~~ school board, **or fire protection and**
- 35 **emergency medical service board** office receive the highest
- 36 and an equal number of votes for the office, except as provided
- 37 in Article 5, Section 5 of the Constitution of the State of Indiana
- 38 or in IC 20.
- 39 (2) Whenever a vacancy occurs in the office of United States
- 40 Senator, as provided in IC 3-13-3-1.
- 41 (3) Whenever a vacancy occurs in the office of United States
- 42 Representative unless the vacancy occurs less than thirty (30)

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1 days before a general election.

2 (4) Whenever a vacancy occurs in any local office the filling of  
3 which is not otherwise provided by law.

4 (5) Whenever required by law for a public question.

5 (6) Whenever ordered by a court under IC 3-12-8-17 or the state  
6 recount commission under IC 3-12-11-18.

7 SECTION 25. IC 3-10-8-6, AS AMENDED BY P.L.3-1997,  
8 SECTION 239, IS AMENDED TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 1998]: Sec. 6. (a) Except as provided in  
10 subsection (b) or (c), if a special election is held at a time other than the  
11 time of a general election, the election shall be held in accordance with  
12 this title. Each county election board and other local public official who  
13 is required to perform any duties in connection with a general election  
14 shall perform the same duties for the special election, subject to the  
15 same provisions and penalties as for a general election.

16 (b) If a special election is held:

17 (1) under a court order under IC 3-12-8; or

18 (2) for a local public question;

19 the county election board may provide that several precincts may vote  
20 in the special election at the same polling place, if the county election  
21 board finds by unanimous vote of the entire membership of the board  
22 that the consolidation of polling places will not result in undue  
23 inconvenience to voters.

24 (c) If a special election is held:

25 (1) under a court order under IC 3-12-8 for a school board **or**  
26 **fire protection and emergency medical service board** office;

27 or

28 (2) for a local public question;

29 the county election board may by unanimous vote of the entire  
30 membership of the board adopt a resolution to provide that each  
31 precinct election board will include only one (1) inspector and one (1)  
32 judge, and that only one (1) sheriff and one (1) poll clerk may be  
33 nominated as precinct election officers. A resolution adopted under this  
34 subsection may not be rescinded by the county election board and  
35 expires the day after the special election is conducted.

36 (d) The following procedures apply if a county election board  
37 adopts a resolution under subsection (c):

38 (1) The inspector shall be nominated by the county chairman  
39 entitled to nominate an inspector under IC 3-6-6-8.

40 (2) The judge shall act as a clerk whenever this title requires that  
41 two (2) clerks perform a duty.

42 (3) The poll clerk shall act as a judge whenever this title requires

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- 1 that two (2) judges perform a duty.
- 2 SECTION 26. IC 3-10-11-1, AS ADDED BY P.L.12-1995,  
3 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 1998]: Sec. 1. This chapter applies to a general, municipal,  
5 primary, school district, **fire protection and emergency medical**  
6 **service district**, and special election.
- 7 SECTION 27. IC 3-10-12-2, AS ADDED BY P.L.12-1995,  
8 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 1998]: Sec. 2. This chapter applies to a general, municipal,  
10 primary, school district, **fire protection and emergency medical**  
11 **service district**, and special election.
- 12 SECTION 28. IC 3-11-2-4, AS AMENDED BY P.L.3-1997,  
13 SECTION 257, IS AMENDED TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) Except as provided in  
15 subsection (c), the election division and county election boards shall  
16 use the following colors for paper ballots:
- 17 (1) For President and Vice President of the United States, cherry  
18 red paper.
- 19 (2) For United States Senator, state offices, and public questions,  
20 if the public question:
- 21 (A) is voted on by the entire electorate of Indiana; or  
22 (B) concerns the retention of a justice of the Indiana  
23 supreme court or a judge of the Indiana court of appeals;  
24 pink paper.
- 25 (3) For municipal offices, blue paper.
- 26 (4) For township offices, yellow paper.
- 27 (5) For United States Representative, county offices, school  
28 board **or fire protection and emergency medical service**  
29 **board** offices, and all other offices, white paper.
- 30 (6) For local public questions, green paper.
- 31 (b) The chairman or committee responsible for supplying pasters  
32 under IC 3-11-3-29 shall supply pasters of the same color as the ballot  
33 on which the paster will be placed.
- 34 (c) A county election board, by unanimous vote of its entire  
35 membership, may print ballots for township offices in any color if the  
36 ballot for township offices in each township within the county is not the  
37 same color as any:
- 38 (1) other township ballot within the county; or  
39 (2) ballot for other offices or public questions listed in  
40 subsection (a).
- 41 SECTION 29. IC 3-11-12-10 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 10. (a) In school

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1 district elections the county election board shall arrange the names of  
2 candidates in alphabetical order on the voting machines in such a way  
3 that the name of each candidate appears in the same column of each  
4 machine used in each precinct.

5 **(b) In fire protection and emergency medical service district**  
6 **elections the county election board shall arrange the names of the**  
7 **candidates in alphabetical order on the voting machines in such a**  
8 **way that the name of each candidate appears in the same column**  
9 **of each machine used in each precinct.**

10 SECTION 30. IC 3-11-14-12 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 12. (a) In school  
12 district elections, the county election board shall arrange the names of  
13 candidates in alphabetical order on an electronic voting system in such  
14 a way that the name of each candidate appears in the same column of  
15 each system used in each precinct.

16 **(b) In fire protection and emergency medical service district**  
17 **elections the county election board shall arrange the names of the**  
18 **candidates in alphabetical order on an electronic voting system in**  
19 **such a way that the name of each candidate appears in the same**  
20 **column of each system used in each precinct.**

21 SECTION 31. IC 3-12-4-9, AS AMENDED BY P.L.3-1997,  
22 SECTION 342, IS AMENDED TO READ AS FOLLOWS  
23 [EFFECTIVE JULY 1, 1998]: Sec. 9. (a) This subsection applies to:

24 (1) a local, ~~or~~ school board, **or fire protection and emergency**  
25 **medical service board** office with an election district located  
26 entirely within one (1) county, except for an office for which a  
27 declaration of candidacy is filed with the election division under  
28 IC 3-8-2; and

29 (2) a political party office, such as precinct committeeman or  
30 state convention delegate, elected at a primary election.

31 After the county election board has tabulated the vote, the board shall  
32 declare the candidate receiving the highest number of votes for each  
33 office to be elected.

34 (b) The county election board shall tabulate the votes cast for and  
35 against each local public question placed on the ballot by the county  
36 election board under IC 3-10-9-2 and, if the local public question is  
37 placed on the ballot only in that county, declare the public question  
38 approved or rejected.

39 (c) The county election board shall tabulate the votes cast for and  
40 against each public question voted on by the electorate of the whole  
41 state.

42 (d) The board shall certify the election results in a statement

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prepared by the circuit court clerk.

SECTION 32. IC 3-12-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) Whenever a candidate is elected to a local, ~~or~~ school board, **or fire protection and emergency service board** office other than:

(1) one for which a town clerk-treasurer issues a certificate of election under IC 3-10-7-34; or

(2) one commissioned by the governor under IC 4-3-1-5;

the circuit court clerk shall, after the expiration of the period required under section 16 of this chapter, prepare and deliver to the candidate on demand a certificate of the candidate's election.

(b) This subsection applies to a local or school board office described in subsection (a) with an election district located in more than one (1) county or a local public question placed on the ballot in more than one (1) county. The circuit court clerk of the county that contains the greatest percentage of the population of the election district shall, upon demand of the candidate or a person entitled to request a recount of the votes cast on a public question under IC 3-12-12:

(1) obtain the certified statement of the votes cast for that office or on that question that was prepared under IC 3-12-4-9 from the circuit court clerk in each other county in which the election district is located;

(2) tabulate the total votes cast for that office or on that question as shown on the certified statement of each county in the election district; and

(3) issue a certificate of election to the candidate upon the expiration of the period required under section 16 of this chapter or a certificate declaring the local public question approved or rejected.

SECTION 33. IC 3-12-6-1, AS AMENDED BY P.L.4-1996, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) Any candidate for nomination or election to a local, ~~or~~ school board, **or fire protection and emergency service board** office is entitled to have the votes cast for that office recounted under this chapter.

(b) If a candidate who is entitled to have the votes recounted under this chapter does not file a petition within the period established by section 2 of this chapter, the county chairman of a political party in the precinct in which the recount is desired may file a petition to have the votes recounted. A county chairman is entitled to have the votes recounted only in a partisan race.

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1 (c) The right of recount may be exercised for one (1) or more of  
2 the precincts in which votes were cast for the office.

3 SECTION 34. IC 3-12-8-1, AS AMENDED BY P.L.4-1996,  
4 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 1998]: Sec. 1. (a) Any candidate for nomination or election to  
6 a local, ~~or~~ school board, **or fire protection and emergency service**  
7 **board** office may contest the nomination or election of a candidate who  
8 is declared nominated or elected to the office.

9 (b) If a candidate who is entitled to contest the nomination or  
10 election of a candidate under this chapter does not file a petition within  
11 the period established by section 5 of this chapter, the county chairman  
12 of a political party of which the candidate entitled to file a petition  
13 under this chapter was a member may file a petition to contest the  
14 nomination or election of a candidate. A county chairman is entitled to  
15 contest an election under this chapter only in a partisan race.

16 SECTION 35. IC 3-12-9-1 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) Whenever a tie  
18 vote at an election for:

- 19 (1) a federal office;  
20 (2) a state office (other than governor and lieutenant governor);  
21 (3) a legislative office;  
22 (4) a circuit office; ~~or~~  
23 (5) a school board office not covered under IC 20-4-1 or  
24 IC 20-4-8; **or**

25 **(6) a fire protection and emergency service board office;**  
26 occurs, a special election shall be held.

27 (b) Whenever a tie vote occurs at a primary election for the  
28 nomination of a candidate to be voted for at the general or municipal  
29 election, IC 3-13-1-17 applies.

30 SECTION 36. IC 3-12-9-5 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. Whenever a tie vote  
32 at an election for:

- 33 (1) a state office;  
34 (2) a local office; ~~or~~  
35 (3) a school board office; **or**

36 **(4) a fire protection and emergency service board office;**  
37 occurs, the incumbent public official remains in office in accordance  
38 with Article 15, Section 3 of the Constitution of the State of Indiana  
39 until a successor is elected under this chapter and qualified.

40 SECTION 37. IC 5-11-10.5-1 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. As used in this  
42 chapter, "political subdivision" means county, township, city, town,

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1 school corporation, library district, fire protection **and emergency**  
 2 **medical service** district, public transportation corporation, local  
 3 hospital authority or corporation, local airport authority district, special  
 4 service district, special taxing district, or other separate local  
 5 governmental entity that may sue and be sued.

6 SECTION 38. IC 34-4-16.5-20 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 20. (a) For purposes of  
 8 this chapter, the following shall be treated as political subdivisions:

9 (1) A community action agency (as defined in IC 12-14-23-2).

10 (2) An individual or corporation rendering public transportation  
 11 services under a contract with a commuter transportation district  
 12 created under IC 8-5-15.

13 (3) A volunteer fire company (as defined in IC 36-8-12-2) that  
 14 is acting under:

15 (A) a contract with a unit or a fire protection **and**  
 16 **emergency medical service** district; or

17 (B) IC 36-8-17.

18 (b) The treatment provided for under subsection (a)(2) shall be  
 19 accorded only in relation to a loss that occurs in the course of rendering  
 20 public transportation services under contract with a commuter  
 21 transportation district.

22 SECTION 39. IC 36-1-2-10 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 10. "Municipal  
 24 corporation" means unit, school corporation, library district, local  
 25 housing authority, fire protection **and emergency medical service**  
 26 district, public transportation corporation, local building authority,  
 27 local hospital authority or corporation, local airport authority, special  
 28 service district, or other separate local governmental entity that may  
 29 sue and be sued. The term does not include special taxing district.

30 SECTION 40. IC 36-3-2-3 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) A special service  
 32 district of the consolidated city:

33 (1) may sue and be sued;

34 (2) may exercise powers of the consolidated city to the extent  
 35 that those powers are delegated to it by law, but may not issue  
 36 bonds; and

37 (3) shall provide services to property owners only in the district,  
 38 unless a law provides otherwise.

39 (b) A special service district or special taxing district shall be  
 40 administered under the jurisdiction of a department of the consolidated  
 41 city. The territory of a special service district or special taxing district  
 42 may be expanded, in the manner prescribed by law, to include territory



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1 inside the county that is not originally included in the district. The  
 2 city-county legislative body may, by ordinance, expand the territory of  
 3 a special service district, subject to the following conditions:

4 (1) In the case of the fire **and emergency medical service**  
 5 district, the ordinance may not be considered unless a petition to  
 6 include additional territory in the district is first submitted to the  
 7 metropolitan development commission for study and  
 8 recommendation. The petition must be signed by a majority of  
 9 the landowners, or by owners of land amounting to seventy-five  
 10 percent (75%) in assessed valuation, in the proposed additional  
 11 territory. After receiving the petition, the metropolitan  
 12 development commission shall make findings of fact and  
 13 recommendations and serve copies of these on the fire chief, the  
 14 executive of each township affected, and the petitioners at least  
 15 thirty (30) days before a public hearing before the legislative  
 16 body. After the public hearing, the legislative body may pass the  
 17 ordinance only if it determines:

18 (A) that reasonable and adequate fire protection service can  
 19 be provided within the additional territory by the  
 20 consolidated city; and

21 (B) that expansion of the district is in the public interest.

22 (2) In the case of the police district, the legislative body must  
 23 hold a public hearing and then may pass the ordinance only if it  
 24 determines:

25 (A) that reasonable and adequate police protection can be  
 26 provided within the additional territory by the consolidated  
 27 city; and

28 (B) that expansion of the district is in the public interest.

29 (3) In the case of the solid waste collection district, the ordinance  
 30 may not be considered unless a petition to include additional  
 31 territory in the district is first submitted to the works board for  
 32 study and recommendation. The petition must be signed by at  
 33 least ten (10) interested residents in the proposed additional  
 34 territory. After receiving the petition, the works board shall set  
 35 a date for a public hearing, publish notice of the hearing in  
 36 accordance with IC 5-3-1, and upon hearing the matter  
 37 determine whether the territory should be added to the district.  
 38 If the works board recommends that the territory should be  
 39 added to the district, the legislative body must hold a public  
 40 hearing and then may pass the ordinance. Territory in the solid  
 41 waste collection district may also be removed from the district  
 42 in the manner prescribed by this subdivision.

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1 SECTION 41. IC 36-4-3-7 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. (a) After an  
3 ordinance is adopted under section 3, 4, or 5 of this chapter, it must be  
4 published in the manner prescribed by IC 5-3-1. Except as provided in  
5 subsection (b) or (c), in the absence of remonstrance and appeal under  
6 section 11 or 15.5 of this chapter, the ordinance takes effect at least  
7 sixty (60) days after its publication and upon the filing required by  
8 section 22(a) of this chapter.

9 (b) An ordinance described in subsection (d) or adopted under  
10 section 3, 4, or 5 of this chapter may not take effect during the year  
11 preceding a year in which a federal decennial census is conducted. An  
12 ordinance that would otherwise take effect during the year preceding  
13 a year in which a federal decennial census is conducted takes effect  
14 January 2 of the year in which a federal decennial census is conducted.

15 (c) Subsections (d) and (e) apply to fire protection **and emergency**  
16 **medical service** districts that are established after June 14, 1987.

17 (d) Except as provided in subsection (b), whenever a municipality  
18 annexes territory, all or part of which lies within a fire protection **and**  
19 **emergency medical service** district (IC 36-8-11), the annexation  
20 ordinance (in the absence of remonstrance and appeal under section 11  
21 or 15.5 of this chapter) takes effect the second January 1 that follows  
22 the date the ordinance is adopted and upon the filing required by  
23 section 22(a) of this chapter. The municipality shall:

24 (1) provide fire protection to that territory beginning the date the  
25 ordinance is effective; and

26 (2) send written notice to the fire protection **and emergency**  
27 **medical service** district of the date the municipality will begin  
28 to provide fire protection to the annexed territory within ten (10)  
29 days of the date the ordinance is adopted.

30 (e) If the fire protection **and emergency medical service** district  
31 from which a municipality annexes territory under subsection (d) is  
32 indebted or has outstanding unpaid bonds or other obligations at the  
33 time the annexation is effective, the municipality is liable for and shall  
34 pay that indebtedness in the same ratio as the assessed valuation of the  
35 property in the annexed territory (that is part of the fire protection **and**  
36 **emergency medical service** district) bears to the assessed valuation of  
37 all property in the fire protection district, as shown by the most recent  
38 assessment for taxation before the annexation, unless the assessed  
39 property within the municipality is already liable for the indebtedness.  
40 The annexing municipality shall pay its indebtedness under this section  
41 to the board of fire trustees. If the indebtedness consists of outstanding  
42 unpaid bonds or notes of the fire protection **and emergency medical**

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1 **service** district, the payments to the board of fire trustees shall be made  
2 as the principal or interest on the bonds or notes becomes due.

3 SECTION 42. IC 36-8-8-18 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 18. (a) Except as  
5 provided in subsection (b), if a unit becomes a participant in the 1977  
6 fund, credit for prior service by police officers or firefighters before the  
7 date of participation may be given by the PERF board only if:

8 (1) the unit contributes to the 1977 fund the amount necessary to  
9 amortize prior service liability over a period of not more than  
10 forty (40) years, the amount and period to be determined by the  
11 PERF board; and

12 (2) the police officers or firefighters pay, either in a lump sum or  
13 in a series of payments determined by the PERF board, the  
14 amount that they would have contributed if they had been  
15 members of the 1977 fund during their prior service.

16 If the requirements of subdivisions (1) and (2) are not met, a fund  
17 member is entitled to credit only for years of service after the date of  
18 participation.

19 (b) If a unit becomes a participant in the 1977 fund under section  
20 3(c) of this chapter, or if a firefighter becomes a member of the 1977  
21 fund under section 7(g) of this chapter, credit for prior service before  
22 the date of participation or membership may be given by the PERF  
23 board only if the following requirements are met:

24 (1) The unit contributes to the 1977 fund the amount necessary  
25 to fund prior service liability amortized over a period of not more  
26 than ten (10) years. The amount of contributions must be based  
27 on the actual salary earned by a first class firefighter at the time  
28 the unit becomes a participant in the 1977 fund, or the firefighter  
29 becomes a member of the 1977 fund, or if no such salary  
30 designation exists, the actual salary earned by the firefighter.  
31 However, credit for prior service is limited to the amount  
32 necessary to allow the firefighter to accrue twenty (20) years of  
33 service credit in the 1977 fund by the time the firefighter reaches  
34 fifty-five (55) years of age. The limit on credit for prior service  
35 does not apply if the firefighter was a member of the 1937 fund  
36 or 1977 fund whose participation was terminated due to the  
37 creation of a new fire protection district under IC 36-8-11-5 and  
38 who subsequently became a member of the 1977 fund. A  
39 firefighter who was a member of or reentered the 1937 fund or  
40 1977 fund whose participation was terminated due to the  
41 creation of a new fire protection **and emergency medical**  
42 **service** district under IC 36-8-11-5 is entitled to full credit for

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1 prior service in an amount equal to the firefighter's years of  
 2 service before becoming a member of or reentering the 1977  
 3 fund. Service may only be credited for time as a full-time, fully  
 4 paid firefighter or as an emergency medical technician under  
 5 section 7(g) of this chapter.

6 (2) The amount the firefighter would have contributed if the  
 7 firefighter had been a member of the 1977 fund during the  
 8 firefighter's prior service must be fully paid and must be based  
 9 on the firefighter's actual salary earned during that period before  
 10 service can be credited under this section.

11 (3) Any amortization schedule for contributions paid under  
 12 subdivision (1) and contributions to be paid under subdivision  
 13 (2) must include interest at a rate determined by the PERF board.

14 (c) This subsection applies to a unit that:

15 (1) becomes a participant in the 1977 fund under section 3(c) of  
 16 this chapter; and

17 (2) is a fire protection district created under IC 36-8-11 that  
 18 includes a township or a municipality that had a 1937 fund.

19 A firefighter who continues uninterrupted service with a unit covered  
 20 by this subsection and who participated in the township or municipality  
 21 1937 fund is entitled to receive service credit for such service in the  
 22 1977 fund. However, credit for such service is limited to the amount  
 23 accrued by the firefighter in the 1937 fund or the amount necessary to  
 24 allow the firefighter to accrue twenty (20) years of service credit in the  
 25 1977 fund by the time the firefighter becomes fifty-five (55) years of  
 26 age, whichever is less.

27 (d) The unit shall contribute into the 1977 fund the amount  
 28 necessary to fund the amount of past service determined in accordance  
 29 with subsection (c), amortized over a period not to exceed ten (10)  
 30 years with interest at a rate determined by the PERF board.

31 (e) If the township or municipality has accumulated money in its  
 32 1937 fund, any amount accumulated that exceeds the present value of  
 33 all projected future benefits from the 1937 plan shall be paid by the  
 34 township or municipality to the unit for the sole purpose of making the  
 35 contributions determined in subsection (d).

36 SECTION 43. IC 36-8-11-1 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. This chapter applies  
 38 to any area within one (1) county that is established as a fire protection  
 39 **and emergency medical service** district.

40 SECTION 44. IC 36-8-11-2 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. As used in this  
 42 chapter:

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1 "Board" refers to the board of fire trustees of a fire protection **and**  
2 **emergency medical service** district.

3 "Fiscal officer" means a bonded employee of the fire protection  
4 **and emergency medical service** district charged with the faithful  
5 receipt and disbursement of the funds of the district.

6 "Freeholder" means an individual who holds land in fee, for life,  
7 or for some indeterminate period of time, whether or not in joint title.

8 "Interested person" includes a freeholder or corporation owning  
9 lands within the proposed or established fire protection **and**  
10 **emergency medical service** district, a person whose property may be  
11 condemned or injured by the district, the proper officer of a  
12 municipality, an affected state agency, and all local plan commissions.

13 "Joint title" means joint tenancy, tenancy in common, or tenancy  
14 by the entireties.

15 SECTION 45. IC 36-8-11-4 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) A county  
17 legislative body may establish fire protection **and emergency medical**  
18 **service** districts for any of the following purposes:

19 (1) Fire protection, including the capability for extinguishing all  
20 fires that might be reasonably expected because of the types of  
21 improvements, personal property, and real property within the  
22 boundaries of the district.

23 (2) Fire prevention, including identification and elimination of  
24 all potential and actual sources of fire hazard.

25 (3) Other purposes or functions related to fire protection and fire  
26 prevention.

27 **(4) Emergency medical services.**

28 (b) Any area may be established as a fire protection **and**  
29 **emergency medical service** district, but one (1) part of a district may  
30 not be completely separate from another part. A municipality may be  
31 included in a district, but only if it consents by ordinance, unless a  
32 majority of the freeholders of the municipality have petitioned to be  
33 included in the district. The territory of a district may consist of:

34 (1) one (1) or more townships and parts of one (1) or more  
35 townships in the same county; or

36 (2) all of the townships in the same county.

37 The boundaries of a district need not coincide with those of other  
38 political subdivisions.

39 SECTION 46. IC 36-8-11-5 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) Freeholders who  
41 desire the establishment of a fire protection **and emergency medical**  
42 **service** district must initiate proceedings by filing a petition in the



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1 office of the county auditor. The petition may also be filed by a  
2 municipality, under an ordinance adopted by its legislative body.

3 (b) The petition must be signed:

4 (1) by at least twenty percent (20%), with a minimum of five  
5 hundred (500), of the freeholders owning land within the  
6 proposed district; or

7 (2) by a majority of those freeholders owning land within the  
8 proposed district;

9 whichever number is less.

10 SECTION 47. IC 36-8-11-8 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. (a) After a petition  
12 is filed under section 5 of this chapter, the county auditor shall present  
13 it to the county legislative body at its next regularly scheduled meeting  
14 or at a special meeting called for that purpose. Before or at the meeting,  
15 the legislative body shall determine whether the petition bears the  
16 necessary signatures and complies with requirements as to form and  
17 content. The legislative body may not dismiss a petition with the  
18 requisite signatures because of alleged defects without permitting  
19 amendments to correct errors in form or content.

20 (b) In determining whether the signers of a petition are  
21 freeholders, the names as they appear on the tax duplicates are prima  
22 facie evidence of the ownership of land.

23 (c) If the legislative body determines that the petition conforms to  
24 the requirements of this chapter, it may set a date for a public hearing  
25 on whether a fire protection **and emergency medical service** district  
26 should, as a matter of public policy, be established in the area proposed  
27 in the petition. The legislative body may also prepare an ordinance or  
28 resolution to establish the district for its consideration, in accordance  
29 with applicable laws.

30 SECTION 48. IC 36-8-11-9 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 9. (a) A petition against  
32 the establishment of the fire protection **and emergency medical**  
33 **service** district may be presented to the county legislative body at or  
34 after a hearing on the petition to establish a district and before the  
35 adoption of an ordinance or resolution establishing the district.

36 (b) If the legislative body finds that it contains the signatures of  
37 fifty-one percent (51%) of the freeholders within the proposed district  
38 or of the freeholders who own two-thirds (2/3) of the real property  
39 within the proposed district, determined by assessed valuation, the  
40 legislative body shall dismiss the petition for the establishment of the  
41 district.

42 SECTION 49. IC 36-8-11-11 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 11. To add area to a fire  
 2 protection **and emergency medical service** district already  
 3 established, the same procedure must be followed as is provided for the  
 4 establishment of a district. The petition must be addressed to the  
 5 legislative body of the county in which the district is located.

6 SECTION 50. IC 36-8-11-12 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 12. (a) **This section**  
 8 **applies to a fire protection district established before July 1, 1998.**

9 (b) Within thirty (30) days after the ordinance or resolution  
 10 establishing the district becomes final, the county legislative body shall  
 11 appoint a board of fire trustees. The trustees must be qualified by  
 12 knowledge and experience in matters pertaining to fire protection, and  
 13 related activities in the district. A person who:

14 (1) is a party to a contract with the district; or

15 (2) is a member, an employee, a director, or a shareholder of any  
 16 corporation or association that has a contract with the district;  
 17 may not be appointed or serve as a trustee. The legislative body shall  
 18 appoint one (1) trustee from each township or part of a township  
 19 contained in the district and one (1) trustee from each municipality  
 20 contained in the district. If the number of trustees selected by this  
 21 method is an even number, the legislative body shall appoint one (1)  
 22 additional trustee so that the number of trustees is always an odd  
 23 number. If the requirements of this section do not provide at least three  
 24 (3) trustees, the legislative body shall make additional appointments so  
 25 that there is a minimum of three (3) trustees.

26 ~~(b)~~ (c) The original trustees shall be appointed as follows:

27 (1) One (1) for a term of one (1) year.

28 (2) One (1) for a term of two (2) years.

29 (3) One (1) for a term of three (3) years.

30 (4) All others for a term of four (4) years.

31 The terms expire on the first Monday of January of the year their  
 32 appointments expire. As the terms expire, each new appointment is for  
 33 a term of four (4) years. **However, the term of each trustee appointed**  
 34 **under this section expires July 1 following an election for a fire**  
 35 **protection and emergency medical service board office under**  
 36 **IC 3-10-1.**

37 ~~(c)~~ (d) If a vacancy occurs on the board **before a board is elected**  
 38 **under IC 3-10-1**, the county legislative body shall appoint a trustee  
 39 with the qualifications specified in subsection (a) for the unexpired  
 40 term. **If a vacancy occurs on the board after a board is elected**  
 41 **under IC 3-10-1, the board shall fill the vacancy as provided under**  
 42 **section 12.7 of this chapter.**



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1 (e) A board shall be elected under IC 3-10-1 in 2000.

2 SECTION 51. IC 36-8-11-12.1 IS ADDED TO THE INDIANA  
3 CODE AS A NEW SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 1998]: Sec. 12.1. (a) This section applies to a  
5 fire protection and emergency medical service district established  
6 after June 30, 1998.

7 (b) Within thirty (30) days after the ordinance or resolution  
8 establishing a fire protection and emergency medical service  
9 district becomes final, the county legislative body shall appoint a  
10 board of fire trustees. The trustees must be qualified by knowledge  
11 and experience in matters pertaining to fire protection and related  
12 activities in the district. A person who:

13 (1) is a party to a contract with the district; or

14 (2) is a member, an employee, a director, or a shareholder of  
15 any corporation or association that has a contract with the  
16 district;

17 may not be appointed or serve as a trustee. The legislative body  
18 shall appoint one (1) trustee from each township or part of a  
19 township contained in the district and one (1) trustee from each  
20 municipality contained in the district. If the number of trustees  
21 selected by this method is an even number, the legislative body  
22 shall appoint one (1) additional trustee so that the number of  
23 trustees is always an odd number. If the requirements of this  
24 section do not provide at least three (3) trustees, the legislative  
25 body shall make additional appointments to provide a minimum of  
26 three (3) trustees.

27 (c) The term of each trustee appointed under this section  
28 expires July 1 following an election for a fire protection and  
29 emergency medical service board office under IC 3-10-1.

30 (d) A board shall be elected under IC 3-10-1 in 2000.

31 SECTION 52. IC 36-8-11-12.2 IS ADDED TO THE INDIANA  
32 CODE AS A NEW SECTION TO READ AS FOLLOWS  
33 [EFFECTIVE JULY 1, 1998]: Sec. 12.2. (a) The board of fire  
34 trustees of a fire protection and emergency medical service district  
35 consists of at least three (3) members who are elected on a  
36 nonpartisan basis.

37 (b) One (1) member is elected from each municipality  
38 contained in the district by the eligible voters residing within the  
39 municipalities. However, each member elected under this  
40 subsection shall, upon election and in conducting the business of  
41 the governing body, represent the interests of the entire fire  
42 protection and emergency medical service district.



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1 (c) One (1) member is elected from each township or part of a  
 2 township contained in the district by the eligible voters residing  
 3 within the part of the township not contained within a  
 4 municipality. However, each member elected under this subsection  
 5 shall, upon election and in conducting the business of the governing  
 6 body, represent the interests of the entire fire protection and  
 7 emergency medical service district.

8 (d) If the number of trustees elected from the municipalities  
 9 and townships contained in the district is an even number, one (1)  
 10 member is elected at large by eligible voters residing within the  
 11 boundaries of the fire protection and emergency medical service  
 12 district and shall, upon election and in conducting the business of  
 13 the governing body, represent the interests of the entire fire  
 14 protection and emergency medical service district.

15 SECTION 53. IC 36-8-11-12.3 IS ADDED TO THE INDIANA  
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 1998]: Sec. 12.3. To be eligible to be a  
 18 candidate for the board of fire trustees under this chapter, the  
 19 following apply:

20 (1) Each prospective candidate must file a petition of  
 21 nomination with the clerk of the circuit court at least  
 22 seventy-four (74) days before the primary election at which  
 23 the members are to be elected that includes the following  
 24 information:

25 (A) The name of the prospective candidate.

26 (B) Whether the prospective candidate is a municipality  
 27 candidate or a township candidate.

28 (C) A certification that the candidate meets the  
 29 qualifications for candidacy imposed under this chapter.

30 (D) The signatures of at least one hundred (100)  
 31 registered voters residing within the fire protection and  
 32 emergency medical service district.

33 (2) Each prospective candidate for a municipality position  
 34 must:

35 (A) reside within the municipality; and

36 (B) have resided within the municipality for at least the  
 37 one (1) year immediately preceding the election.

38 (3) Each prospective candidate for a township position must:

39 (A) reside within a part of the township that is not  
 40 contained within a municipality; and

41 (B) have resided within the township for at least the one  
 42 (1) year immediately preceding the election.



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- 1           **(4) Each prospective candidate for an at-large position must:**  
 2           **(A) reside within the boundaries of the fire protection**  
 3           **and emergency medical service district; and**  
 4           **(B) have resided within the boundaries of the fire**  
 5           **protection and emergency medical service district for at**  
 6           **least the one (1) year immediately preceding the**  
 7           **election.**
- 8           **(5) Each prospective candidate (regardless of whether the**  
 9           **candidate is a municipality candidate, a township candidate,**  
 10           **or an at-large candidate) must be a registered voter and**  
 11           **must have been a registered voter for at least the three (3)**  
 12           **years immediately preceding the election.**
- 13           **(6) A prospective candidate may not:**  
 14           **(A) hold any other elective or appointive office; or**  
 15           **(B) have a pecuniary interest in any contract with the**  
 16           **fire protection and emergency medical service district or**  
 17           **its board of fire trustees.**

18           SECTION 54. IC 36-8-11-12.4 IS ADDED TO THE INDIANA  
 19           CODE AS A NEW SECTION TO READ AS FOLLOWS  
 20           [EFFECTIVE JULY 1, 1998]: **Sec. 12.4. (a) With regard to the**  
 21           **municipality and township positions, the candidate who receives**  
 22           **the greatest number of votes of all candidates against whom the**  
 23           **candidate runs is elected.**

24           **(b) With regard to the at-large position, the at-large candidate**  
 25           **who receives the greatest number of votes of all at-large candidates**  
 26           **is elected.**

27           SECTION 55. IC 36-8-11-12.5 IS ADDED TO THE INDIANA  
 28           CODE AS A NEW SECTION TO READ AS FOLLOWS  
 29           [EFFECTIVE JULY 1, 1998]: **Sec. 12.5. The county election board**  
 30           **shall establish balloting procedures under IC 3 for the election and**  
 31           **all other procedures required to implement this chapter.**

32           SECTION 56. IC 36-8-11-12.6 IS ADDED TO THE INDIANA  
 33           CODE AS A NEW SECTION TO READ AS FOLLOWS  
 34           [EFFECTIVE JULY 1, 1998]: **Sec. 12.6. The term of each person**  
 35           **elected to serve on the board of fire trustees is four (4) years,**  
 36           **beginning July 1 following the election.**

37           SECTION 57. IC 36-8-11-12.7 IS ADDED TO THE INDIANA  
 38           CODE AS A NEW SECTION TO READ AS FOLLOWS  
 39           [EFFECTIVE JULY 1, 1998]: **Sec. 12.7. A vacancy on the governing**  
 40           **body shall be filled temporarily by the board of fire trustees as**  
 41           **soon as practicable after the vacancy occurs. The member chosen**  
 42           **must reside in the same municipality or township as the vacating**



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1 **member. A member chosen by the board of fire trustees to fill a**  
 2 **vacancy holds office for the remainder of the unexpired term.**

3 SECTION 58. IC 36-8-11-15 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 15. (a) The board:

5 (1) has the same powers and duties as a township executive with  
 6 respect to fire protection **and emergency medical service**  
 7 functions, including those duties and powers prescribed by  
 8 IC 36-8-13, although all cooperative and joint actions permitted  
 9 by that chapter must be undertaken according to this chapter;

10 (2) has the same powers and duties as a township executive  
 11 relative to contracting with volunteer firefighting companies, as  
 12 prescribed by IC 36-8-12 and IC 36-8-13;

13 (3) shall appoint, fix the compensation, and prescribe the duties  
 14 of a fiscal officer, secretarial staff, persons performing special  
 15 and temporary services or providing legal counsel, and other  
 16 personnel considered necessary for the proper functioning of the  
 17 district; however, a person appointed as fiscal officer must be  
 18 bonded by good and sufficient sureties in an amount ordered by  
 19 the county legislative body to protect the district from financial  
 20 loss;

21 (4) shall exercise general supervision of and make regulations  
 22 for the administration of the district's affairs;

23 (5) shall prescribe uniform rules pertaining to investigations and  
 24 hearings;

25 (6) shall supervise the fiscal affairs and responsibilities of the  
 26 district;

27 (7) may delegate to employees of the district the authority to  
 28 perform ministerial acts, except in cases in which final action of  
 29 the board is necessary;

30 (8) shall keep accurate and complete records of all departmental  
 31 proceedings, record and file all bonds and contracts, and assume  
 32 responsibility for the custody and preservation of all papers and  
 33 documents of the district;

34 (9) shall make an annual report to the executive and the fiscal  
 35 body of the county that at least lists the financial transactions of  
 36 the district and a statement of the progress in accomplishing the  
 37 purposes for which the district has been established;

38 (10) shall adopt a seal and certify all official acts;

39 (11) may sue and be sued collectively by its legal name ("Board  
 40 of Fire Trustees, \_\_\_\_\_ Fire Protection **and Emergency**  
 41 **Medical Service** District"), with service of process made on the  
 42 chairman of the board, but costs may not be taxed against the

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- 1 members individually in an action;
- 2 (12) may invoke any legal, equitable, or special remedy for the
- 3 enforcement of this chapter or of proper action of the board
- 4 taken in a court;
- 5 (13) shall prepare and submit to the fiscal body of the county an
- 6 annual budget for operation and maintenance expenses and for
- 7 the retirement of obligations of the district, subject to review and
- 8 approval by the fiscal body;
- 9 (14) may, if advisable, establish one (1) or more advisory
- 10 committees;
- 11 (15) may enter into agreements with and accept money from a
- 12 federal or state agency and enter into agreements with a
- 13 municipality located within or outside the district, whether or not
- 14 the municipality is a part of the district, for a purpose compatible
- 15 with the purposes for which the district exists and with the
- 16 interests of the municipality;
- 17 (16) may accept gifts of money or other property to be used for
- 18 the purposes for which the district is established;
- 19 (17) may levy taxes at a uniform rate on the real and personal
- 20 property within the district;
- 21 (18) may issue bonds and tax anticipation warrants;
- 22 (19) may incur other debts and liabilities;
- 23 (20) may purchase or rent property;
- 24 (21) may sell services or property that are produced incident to
- 25 the operations of the district making a fair and reasonable charge
- 26 for it;
- 27 (22) may make contracts or otherwise enter into agreements with
- 28 public or private persons and federal or state agencies for
- 29 construction, maintenance, or operations of or in part of the
- 30 district; and
- 31 (23) may receive and disburse money.

32 (b) Powers granted by this chapter may be used only to accomplish  
 33 the purpose or purposes as stated in the ordinance or resolution  
 34 establishing the district. However, an act of the board necessary and  
 35 proper to accomplish the purposes for which the district is established  
 36 is not invalid because it incidentally accomplishes a purpose other than  
 37 one for which the district is established.

38 SECTION 59. IC 36-8-11-16 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 16. All the real  
 40 property within a fire protection **and emergency medical service**  
 41 district constitutes a taxing district for the purpose of levying taxes to  
 42 pay for the construction, operation, and maintenance of district

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1 programs and facilities. A tax levied must be levied at a uniform rate  
 2 upon all taxable property within the district. A fire protection **and**  
 3 **emergency medical service** district is a municipal corporation within  
 4 the meaning of the Constitution of Indiana and all general statutes.

5 SECTION 60. IC 36-8-11-17, AS AMENDED BY P.L.1-1995,  
 6 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 1998]: Sec. 17. Bonds may be issued only against the taxable  
 8 property of a fire protection **and emergency medical service** district  
 9 and may be paid in part by revenues derived from reasonable charges  
 10 for services or property produced incident to the operation of the  
 11 district. Bonds shall be issued in the same manner as conservancy  
 12 district bonds are issued under IC 14-33-11.

13 SECTION 61. IC 36-8-11-19 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 19. The state board of  
 15 tax commissioners, when approving a rate and levy fixed by the board,  
 16 shall verify that a duplication of tax levies does not exist between a fire  
 17 protection **and emergency medical service** district and a municipality  
 18 or township within the boundaries of the district, so that taxpayers do  
 19 not bear two (2) levies for the same service, except as provided by  
 20 section 20 of this chapter.

21 SECTION 62. IC 36-8-11-20 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 20. A unit that incurred  
 23 indebtedness for fire protection services before the establishment of a  
 24 fire protection **and emergency medical service** district under this  
 25 chapter shall continue to repay that indebtedness by levies within the  
 26 boundaries of the unit until the indebtedness is paid in full.

27 SECTION 63. IC 36-8-11-22 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 22. Any area that is  
 29 part of a fire protection **and emergency medical service** district and  
 30 is annexed by a municipality that is not a part of the district ceases to  
 31 be a part of the fire protection district when the municipality begins to  
 32 provide fire protection services to the area.

33 SECTION 64. IC 36-8-11-23 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 23. (a) Any fire  
 35 protection **and emergency medical service** district may merge with  
 36 one (1) or more **fire protection and emergency medical service**  
 37 districts to form a single district if at least one-eighth (1/8) of the  
 38 aggregate external boundaries of the districts coincide.

39 (b) The legislative body of the county where at least two (2)  
 40 districts are located (or if the districts are located in more than one (1)  
 41 county, the legislative body of each county) shall, if petitioned by  
 42 freeholders in the two (2) districts, adopt an ordinance merging the

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1 districts into a single fire protection **and emergency medical service**  
2 district.

3 (c) Freeholders who desire the merger of at least two (2) fire  
4 protection **and emergency medical service** districts must initiate  
5 proceedings by filing a petition in the office of the county auditor of  
6 each county where a district is located. The petition must be signed:

7 (1) by at least twenty percent (20%), with a minimum of five  
8 hundred (500) from each district, of the freeholders owning land  
9 within the district; or

10 (2) by a majority of the freeholders from the districts;  
11 whichever is less.

12 (d) The petition described in subsection (c) must state the same  
13 items listed in section 7 of this chapter. Sections 6, 8, and 9 of this  
14 chapter apply to the petition and to the legislative body of each county  
15 in the proposed district.

16 (e) **This subsection applies to districts that merge before July**  
17 **1, 1998.** The board of fire trustees for each district shall form a single  
18 board, which shall continue to be appointed as prescribed by section 12  
19 of this chapter. **However, the term of each trustee expires on July 1**  
20 **following an election for a fire protection board office under**  
21 **IC 3-10-1.**

22 (f) **This subsection applies to districts that merge after June 30,**  
23 **1998. The board of fire trustees for each district shall form a single**  
24 **board which shall continue to be elected as prescribed by section**  
25 **12.2 of this chapter.**

26 (g) ~~In addition,~~ Sections 13, 14, and 15 of this chapter relating to  
27 the board of fire trustees apply to the board of the merged district,  
28 except that if the merged district lies in more than one (1) county, the  
29 county legislative bodies serving the combined district shall jointly  
30 decide where the board shall locate (or approve relocation of) its office.

31 ~~(f)~~ (h) Sections 16, 17, 18, 19, and 21 of this chapter relating to the  
32 taxing district, bonds, annual budget, tax levies, and disbanding of fire  
33 departments apply to a merged district. However, the budget must be  
34 approved by the county fiscal body and county board of tax adjustment  
35 in each county in the merged district. In addition, the auditor of each  
36 county in the district shall perform the duties described in section 18(c)  
37 of this chapter.

38 SECTION 65. IC 36-8-11-24 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 24. (a) Proceedings to  
40 dissolve a fire protection **and emergency medical service** district may  
41 be instituted by the filing of a petition with the county legislative body  
42 that formed the district.



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1 (b) The petition must be signed:

2 (1) by at least twenty percent (20%), with a minimum of five  
3 hundred (500), of the freeholders owning land within the district;

4 or

5 (2) by a majority of those freeholders owning land within the  
6 district;

7 whichever is less.

8 (c) The provisions of section 8 of this chapter concerning a  
9 petition to establish a district apply to a dissolution petition.

10 (d) A petition against the dissolution of the fire protection **and**  
11 **emergency medical service** district may be presented to the county  
12 legislative body at or after a hearing on the petition to dissolve a district  
13 and before the adoption of an ordinance or resolution dissolving the  
14 district. If the legislative body finds that it contains the signatures of  
15 fifty-one percent (51%) of the freeholders within the district or of the  
16 freeholders who own two-thirds (2/3) of the real property within the  
17 district, determined by assessed valuation, the legislative body shall  
18 dismiss the petition for the dissolution of the district.

19 (e) If, after the public hearing, the legislative body determines that  
20 dissolution should occur, it shall adopt an ordinance dissolving the  
21 district.

22 (f) A dissolution takes effect three (3) months after the adoption  
23 of the ordinance under subsection (a). The property owned by the  
24 district after payment of debts and liabilities shall be disposed of in the  
25 manner chosen by the county legislative body. Dissolution of a district  
26 does not affect the validity of any contract to which the district is a  
27 party.

28 (g) A person aggrieved by a decision made by the county  
29 legislative body under this section may, within thirty (30) days, appeal  
30 the decision to the circuit court for the county in which the district is  
31 located. The appeal is instituted by giving written notice to the county  
32 legislative body and filing with the circuit court clerk a bond in the sum  
33 of five hundred dollars (\$500), with surety approved by the legislative  
34 body. The bond must provide that the appeal will be duly prosecuted  
35 and that the appellants will pay all costs if the appeal is decided against  
36 them. When an appeal is instituted, the county legislative body shall  
37 file with the circuit court clerk a transcript of all proceedings in the  
38 case, together with all papers filed in the case. The county legislative  
39 body may not take further action in the case until the appeal is heard  
40 and determined. An appeal under this subsection shall be heard by the  
41 circuit court without a jury. Change of venue from the judge may be  
42 granted, but change of venue from the county may not be granted.



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1 SECTION 66. IC 36-8-11-26 IS ADDED TO THE INDIANA  
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 1998]: **Sec. 26. A fire protection district**  
 4 **established before July 1, 1998, is not required to reorganize under**  
 5 **this chapter for the purpose of providing emergency medical**  
 6 **service to the district. The board of fire trustees of the district may**  
 7 **exercise the powers and duties prescribed by section 15 of this**  
 8 **chapter with respect to emergency medical services without any**  
 9 **other procedures.**

10 SECTION 67. IC 36-8-14-2, AS AMENDED BY P.L.17-1995,  
 11 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 1998]: Sec. 2. (a) As used in this section, "emergency medical  
 13 services" has the meaning set forth in IC 16-18-2-110.

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

16 (c) The legislative body of a unit or the board of fire trustees of a  
 17 fire protection **and emergency medical service** district may provide  
 18 a cumulative building and equipment fund under IC 6-1.1-41 for the  
 19 following purposes:

20 (1) The purchase, construction, renovation, or addition to  
 21 buildings used by the fire department or a volunteer fire  
 22 company serving the unit.

23 (2) The purchase of firefighting equipment for use of the fire  
 24 department or a volunteer fire company serving the unit,  
 25 including making the required payments under a lease rental  
 26 with option to purchase agreement made to acquire the  
 27 equipment.

28 (3) In a municipality, the purchase of police radio equipment.

29 (4) The purchase, construction, renovation, or addition to a  
 30 building, or the purchase of equipment, for use of a provider of  
 31 emergency medical services under IC 16-31-5 to the unit  
 32 establishing the fund.

33 (d) In addition to the requirements of IC 6-1.1-41, before a  
 34 cumulative fund may be established by a township fire protection **and**  
 35 **emergency medical service** district, the county legislative body which  
 36 appoints the trustees of the fire protection **and emergency medical**  
 37 **service** district must approve the establishment of the fund.

38 SECTION 68. IC 36-8-14-4, AS AMENDED BY P.L.17-1995,  
 39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 1998]: Sec. 4. (a) To provide for the cumulative building and  
 41 equipment fund established under this chapter, the legislative body may  
 42 levy a tax on all taxable property within the taxing district in

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1 compliance with IC 6-1.1-41. The tax rate may not exceed ten cents  
 2 (\$0.10) on each one hundred dollars (\$100) of assessed valuation of  
 3 property in the taxing district.  
 4 (b) As the tax is collected, it shall be deposited in a qualified  
 5 public depository or depositories and held in a special fund to be  
 6 known as the "building or remodeling, firefighting, and police radio  
 7 equipment fund" in the case of a municipality or as the "building or  
 8 remodeling and fire equipment fund" in the case of a township or fire  
 9 protection **and emergency medical service** district.  
 10 SECTION 69. IC 36-8-14-4, AS AMENDED BY P.L.6-1997,  
 11 SECTION 213, IS AMENDED TO READ AS FOLLOWS  
 12 [EFFECTIVE JANUARY 1, 2001]: Sec. 4. (a) To provide for the  
 13 cumulative building and equipment fund established under this chapter,  
 14 the legislative body may levy a tax on all taxable property within the  
 15 taxing district in compliance with IC 6-1.1-41. The tax rate may not  
 16 exceed three and thirty-three hundredths cents (\$0.0333) on each one  
 17 hundred dollars (\$100) of assessed valuation of property in the taxing  
 18 district.  
 19 (b) As the tax is collected, it shall be deposited in a qualified  
 20 public depository or depositories and held in a special fund to be  
 21 known as the "building or remodeling, firefighting, and police radio  
 22 equipment fund" in the case of a municipality or as the "building or  
 23 remodeling and fire equipment fund" in the case of a township or fire  
 24 protection **and emergency medical service** district.

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