

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Public Policy, to which was referred House Bill No. 1177, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, delete lines 1 through 15.
- 2 Page 2, delete lines 1 through 18, begin a new paragraph and
- 3 insert:
- 4 "SECTION 1. IC 36-6-6-14 IS AMENDED TO READ AS
- 5 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 14. (a) A special
- 6 meeting may be held by the legislative body if the executive, the
- 7 chairman of the legislative body, or a majority of the members of the
- 8 legislative body issue a written notice of the meeting to each member
- 9 of the legislative body. The notice must state the time, place, and
- 10 purpose of the meeting.
- 11 (b) At the special meeting, if two (2) or more members give their
- 12 consent, the legislative body may determine whether there is an
- 13 emergency requiring the expenditure of ~~monies~~ **money** not included in
- 14 the township's budget estimates and levy. Subject to section 14.5 of this
- 15 chapter, if the legislative body finds that such an emergency exists, it
- 16 may issue a special order, entered and signed on the record, authorizing
- 17 the executive to borrow a specified amount of money sufficient to meet
- 18 the emergency. **Notwithstanding IC 36-8-13-4(a), the legislative**
- 19 **body may authorize the executive to borrow a specified sum from**
- 20 **a township fund other than the township firefighting fund if the**

1 **legislative body finds that the emergency requiring the expenditure**
 2 **of money is related to paying the operating expenses of a township**
 3 **fire department or a volunteer fire department.** At its next annual
 4 session, the legislative body shall cover the debt created by making a
 5 levy to the credit of the fund for which the amount was borrowed
 6 **under this subsection."**

7 Page 2, delete lines 28 through 42, begin a new paragraph and
 8 insert:

9 "SECTION 3. IC 36-8-12-13, AS AMENDED BY P.L.1-1996,
 10 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 1998]: Sec. 13. (a) A volunteer fire company may impose a
 12 charge on the **owner of property**, owner of a vehicle, or a responsible
 13 party (**as defined in IC 13-11-2-191(d)**) that is involved in a hazardous
 14 material or fuel spill or chemical or hazardous material related fire (as
 15 defined in IC 13-11-2-96(b)): ~~on a public highway, including a~~
 16 ~~highway that is part of the interstate system (IC 8-23-1-25):~~

17 (1) that is responded to by the volunteer fire company; and
 18 (2) that members of that volunteer fire company assisted in
 19 extinguishing, containing, or cleaning up.

20 (b) The volunteer fire company shall bill the owner or responsible
 21 party of the vehicle for the total dollar value of the assistance that was
 22 provided, with that value determined by a method that the state fire
 23 marshal shall establish under IC 36-8-12-16. A copy of the fire incident
 24 report to the state fire marshal must accompany the bill. This billing
 25 must take place within thirty (30) days after the assistance was
 26 provided. The owner **or responsible party** shall remit payment directly
 27 to the governmental unit providing the service. Any money that is
 28 collected under this section may be:

29 (1) deposited in the township firefighting fund established in
 30 IC 36-8-13-4;
 31 (2) used to pay principal and interest on a loan under IC 22-14-5;
 32 or
 33 (3) used for the purchase of equipment, buildings, and property
 34 for firefighting, fire protection, and other emergency services.

35 (c) The volunteer fire company may maintain a civil action to
 36 recover an unpaid charge that is imposed under subsection (a).

37 SECTION 4. IC 36-8-12-16, AS AMENDED BY P.L.1-1996,
 38 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 1998]: Sec. 16. (a) A volunteer fire ~~department~~ **company** that
 2 provides service within a jurisdiction served by the ~~department~~
 3 **company** may establish a schedule of charges for the services that the
 4 department provides not to exceed the state fire marshal's
 5 recommended schedule for services. ~~Except as provided in~~
 6 ~~IC 36-8-12-13~~; The volunteer fire ~~department~~ **company** may collect a
 7 service charge according to this schedule from the owner of property
 8 ~~or responsible party (as defined in IC 13-11-2-191(d))~~ that receives
 9 service ~~including a service charge for extinguishing, containing, or~~
 10 ~~cleaning up hazardous materials (as defined in IC 13-11-2-96(b))~~ if the
 11 following conditions are met:

12 (1) At the following times, the ~~department~~ **company** gives notice
 13 under ~~IC 5-3-1~~ **IC 5-3-1-4(d) in each political subdivision**
 14 **served by the company** of the amount of the service charge for
 15 each service that the department provides:

16 (A) Before the schedule of service charges is initiated.

17 (B) When there is a change in the amount of a service
 18 charge.

19 (2) The property owner has not sent written notice to the
 20 ~~department~~ **company** to refuse service by the ~~department~~
 21 **company** to the owner's property.

22 (3) The ~~department's~~ **company's** bill for payment of the service
 23 charge:

24 (A) is submitted to the property owner ~~or a responsible~~
 25 **party** in writing within thirty (30) days after the services are
 26 provided; and

27 (B) includes a copy of a fire incident report in the form
 28 prescribed by the state fire marshal, if the service was
 29 provided for an event that requires a fire incident report.

30 (b) A volunteer fire ~~department~~ **company** shall use the revenue the
 31 department collects from the fire service charges under this section for:

32 (1) the purchase of equipment, buildings, and property for
 33 firefighting, fire protection, or other emergency services;

34 (2) deposit in the township firefighting fund established under
 35 IC 36-8-13-4; or

36 (3) to pay principal and interest on a loan under IC 22-14-5.

37 (c) If at least twenty-five percent (25%) of the money received by
 38 a volunteer fire ~~department~~ **company** for providing fire protection or

1 emergency services is received under one (1) or more contracts with
 2 one (1) or more political subdivisions (as defined in IC 34-4-16.5-2),
 3 the legislative body of a contracting political subdivision must approve
 4 the schedule of service charges established under subsection (a) before
 5 the schedule of service charges is initiated in that political subdivision.

6 (d) A volunteer fire company that:
 7 (1) has contracted with a political subdivision to provide fire
 8 protection or emergency services; and
 9 (2) charges for services under this section;
 10 must submit a report to the legislative body of the political subdivision
 11 before April 1 of each year indicating the amount of service charges
 12 collected during the previous calendar year and how those funds have
 13 been expended.

14 (e) The state fire marshal shall annually prepare and publish a
 15 recommended schedule of service charges for fire protection services.

16 (f) The volunteer fire company may maintain a civil action to
 17 recover an unpaid service charge under this section."

18 Delete pages 3 through 4.

19 Renumber all SECTIONS consecutively.

(Reference is to HB 1177 as printed January 30, 1998.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

Senator Wyss, Chairperson