

Adopted Rejected

COMMITTEE REPORT

YES: 5
NO: 4

MR. SPEAKER:

*Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1439, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, delete lines 1 through 17.
- 2 Delete page 2.
- 3 Page 3, delete lines 1 through 6.
- 4 Page 3, between lines 6 and 7, begin a new paragraph and insert:
- 5 "SECTION 1. IC 36-8-12-16, AS AMENDED BY
- 6 P.L.182-2009(ss), SECTION 436, IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) A volunteer fire
- 8 department that provides service within a jurisdiction served by the
- 9 department may establish a schedule of charges for the services that the
- 10 department provides not to exceed the state fire marshal's
- 11 recommended schedule for services. The volunteer fire department or
- 12 its agent may collect a service charge according to this schedule from
- 13 the owner of property that receives service if the following conditions

1 are met:

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

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

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

8 (2) The property owner has not sent written notice to the
9 department to refuse service by the department to the owner's
10 property.

11 (3) The bill for payment of the service charge:

12 (A) is submitted to the property owner in writing within thirty
13 (30) days after the services are provided; ~~and~~

14 (B) includes a copy of a fire incident report in the form
15 prescribed by the state fire marshal, if the service was
16 provided for an event that requires a fire incident report;

17 **(C) must contain verification that the bill has been**
18 **approved by the chief of the volunteer fire department;**
19 **and**

20 **(D) must contain language indicating that correspondence**
21 **from the property owner regarding the bill should be**
22 **directed to the department.**

23 (4) Payment is remitted directly to the governmental unit
24 providing the service.

25 (b) A volunteer fire department shall use the revenue collected from
26 the fire service charges under this section:

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

29 (2) for deposit in the township firefighting fund established under
30 IC 36-8-13-4; or

31 (3) to pay principal and interest on a loan made by the department
32 of homeland security established by IC 10-19-2-1 or a division of
33 the department for the purchase of new or used firefighting and
34 other emergency equipment or apparatus.

35 (c) Any administrative fees charged by a fire department's agent
36 must be paid only from fees that are collected and allowed by Indiana
37 law and the fire marshal's schedule of fees.

38 (d) An agent who processes fees on behalf of a fire department shall

1 send all bills, notices, and other related materials to both the fire
2 department and the person being billed for services. **The chief of the**
3 **volunteer fire department must:**

4 (1) **approve all bills for services before an agent may send the**
5 **bill to the person being billed for services; and**

6 (2) **review all bills for services before authorizing an agent to**
7 **proceed with collection efforts for the bill.**

8 (e) All fees allowed by Indiana law and the fire marshal's fee
9 schedule must be itemized separately from any other charges.

10 (f) If at least twenty-five percent (25%) of the money received by a
11 volunteer fire department for providing fire protection or emergency
12 services is received under one (1) or more contracts with one (1) or
13 more political subdivisions (as defined in IC 34-6-2-110), the
14 legislative body of a contracting political subdivision must approve the
15 schedule of service charges established under subsection (a) before the
16 schedule of service charges is initiated in that political subdivision.

17 (g) A volunteer fire department that:

18 (1) has contracted with a political subdivision to provide fire
19 protection or emergency services; and

20 (2) charges for services under this section;

21 must submit a report to the legislative body of the political subdivision
22 before April 1 of each year indicating the amount of service charges
23 collected during the previous calendar year and how those funds have
24 been expended.

25 (h) The state fire marshal shall annually prepare and publish a
26 recommended schedule of service charges for fire protection services.

27 (i) The volunteer fire department or its agent may maintain a civil
28 action to recover an unpaid service charge under this section."

- 1 Page 3, line 12, delete "seven percent (7%)" and insert "**ten percent**
- 2 **(10%)**".
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1439 as introduced.)

and when so amended that said bill do pass.

Representative Borders