

HOUSE BILL No. 1350

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-22-22-12; IC 6-1.1-18.5-10.5; IC 10-14-3; IC 36-1-11-5.7; IC 36-8-19.

Synopsis: Ambulance service territories. Authorizes the legislative bodies of at least two contiguous units to establish an ambulance service territory in the same manner as a fire protection territory is established. Amends the fire protection territory statutes to provide an ambulance service territory with the same powers and duties for emergency ambulance services or emergency medical services that a fire protection territory has for fire protection services.

Effective: Upon passage.

Eberhart

January 18, 2011, read first time and referred to Committee on Local Government.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1350



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

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

- 1 SECTION 1. IC 5-22-22-12, AS AMENDED BY P.L.128-2008,
- 2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON PASSAGE]: Sec. 12. (a) This section applies to the following
- 4 surplus property:
- 5 (1) Fire trucks.
- 6 (2) Emergency service vehicles.
- 7 (3) Firefighting or emergency services equipment.
- 8 (b) As used in this section, "fire department" refers to any of the
- 9 following:
- 10 (1) A volunteer fire department (as defined in IC 36-8-12-2).
- 11 (2) The board of fire trustees of a fire protection district
- 12 established under IC 36-8-11.
- 13 (3) The provider unit of a fire protection territory established
- 14 under IC 36-8-19.
- 15 (c) Notwithstanding section 4, 4.5, or 5 of this chapter, a
- 16 governmental body may transfer title of surplus property to:
- 17 (1) a fire department for the fire department's use in providing fire



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protection or emergency services; **or**
(2) the provider unit of an ambulance service territory for use in providing emergency ambulance services or emergency medical services.

(d) A fire department located in the same county as the governmental body offering the surplus property for transfer has the right of first refusal for all surplus property offered. Surplus property that is refused by the fire departments located in the same county as the governmental body may be transferred to any fire department in Indiana **or to a provider unit of an ambulance service territory.**

(e) A governmental body may transfer title of surplus property to a fire department **or the provider unit of an ambulance service territory** under this section by:

- (1) sale;
- (2) gift; or
- (3) another arrangement acceptable to:
 - (A)** the governmental body; and
 - (B)** the fire department **or provider unit.**

SECTION 2. IC 6-1.1-18.5-10.5, AS AMENDED BY P.L.113-2010, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.5. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit for fire protection services within a fire protection territory under IC 36-8-19, if the civil taxing unit is a participating unit in a fire protection territory established before August 1, 2001. For purposes of computing the ad valorem property tax levy limits imposed on a civil taxing unit by section 3 of this chapter on a civil taxing unit that is a participating unit in a fire protection territory, established before August 1, 2001, the civil taxing unit's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed under IC 36-8-19. Any property taxes imposed by a civil taxing unit that are exempted by this subsection from the ad valorem property tax levy limits imposed by section 3 of this chapter and first due and payable after December 31, 2008, may not increase annually by a percentage greater than the result of:

- (1) the assessed value growth quotient determined under section 2 of this chapter; minus
- (2) one (1).

(b) The department of local government finance may, under this subsection, increase the maximum permissible ad valorem property tax levy that would otherwise apply to a civil taxing unit under section 3

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1 of this chapter to meet the civil taxing unit's obligations to a fire
 2 protection territory **or ambulance service territory** established under
 3 IC 36-8-19. To obtain an increase in the civil taxing unit's maximum
 4 permissible ad valorem property tax levy, a civil taxing unit shall
 5 submit a petition to the department of local government finance in the
 6 year immediately preceding the first year in which the civil taxing unit
 7 levies a tax to support the fire protection territory **or ambulance**
 8 **service territory**. The petition must be filed before the date specified
 9 in section 12(a)(1) of this chapter of that year. The department of local
 10 government finance shall make a final determination of the civil taxing
 11 unit's budget, ad valorem property tax levy, and property tax rate for the
 12 fire protection territory **or ambulance service territory** for the
 13 ensuing calendar year. In making its determination under this
 14 subsection, the department of local government finance shall consider
 15 the amount that the civil taxing unit is obligated to provide to meet the
 16 expenses of operation and maintenance of the fire protection services
 17 **or the emergency ambulance service or emergency medical service**
 18 within the territory, including the participating unit's reasonable share
 19 of an operating balance for the fire protection territory **or ambulance**
 20 **service territory**. The department of local government finance shall
 21 determine the entire amount of the allowable adjustment in the final
 22 determination. The department shall order the adjustment implemented
 23 in the amounts and over the number of years, not exceeding three (3),
 24 requested by the petitioning civil taxing unit. However, the department
 25 of local government finance may not approve under this subsection a
 26 property tax levy greater than zero (0) if the civil taxing unit did not
 27 exist as of the March 1 assessment date for which the tax levy will be
 28 imposed. For purposes of applying this subsection to the civil taxing
 29 unit's maximum permissible ad valorem property tax levy in
 30 subsequent calendar years, the department of local government finance
 31 may determine not to consider part or all of the part of the property tax
 32 levy imposed to establish the operating balance of the fire protection
 33 territory **or ambulance service territory**.

34 SECTION 3. IC 10-14-3-10.6, AS AMENDED BY P.L.19-2010,
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 UPON PASSAGE]: Sec. 10.6. (a) As used in this section, "participating
 37 unit" refers to a unit that does not opt out under subsection (c) from
 38 participating in the statewide mutual aid program.

39 (b) As used in this section, "unit" means the following:

- 40 (1) A unit (as defined in IC 36-1-2-23).
- 41 (2) A fire protection district established under IC 36-8-11.
- 42 (3) A provider unit (as defined in IC 36-8-19-3) acting on behalf

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- 1 of a fire protection territory **or ambulance service territory**
- 2 established under IC 36-8-19.
- 3 (c) A unit may choose not to participate in the statewide mutual aid
- 4 program if the unit:
 - 5 (1) adopts an ordinance or a resolution declaring that the unit will
 - 6 not participate in the statewide mutual aid program; and
 - 7 (2) provides a copy of the ordinance or resolution to:
 - 8 (A) the local emergency management organization that serves
 - 9 the unit; and
 - 10 (B) the department.
 - 11 (d) Each participating unit shall establish an incident management
 - 12 system and a unified command system to be used in a response to a
 - 13 disaster or an emergency.
 - 14 (e) A participating unit may request the assistance of at least one (1)
 - 15 other participating unit to:
 - 16 (1) manage disaster response or recovery; or
 - 17 (2) conduct disaster response or recovery related exercises,
 - 18 testing, or training.
 - 19 (f) A request for assistance to a participating unit under subsection
 - 20 (e) shall be made by and to the executive of the unit or the executive's
 - 21 authorized representative. A request may be oral or in writing. A
 - 22 written request shall be made on forms developed by the department.
 - 23 An oral request shall be confirmed in writing not later than twenty-four
 - 24 (24) hours after the oral request is made.
 - 25 (g) A request must include the following information:
 - 26 (1) A description of the disaster response and recovery functions
 - 27 for which assistance is needed, including the following:
 - 28 (A) Fire.
 - 29 (B) Law enforcement.
 - 30 (C) Emergency medical.
 - 31 (D) Transportation.
 - 32 (E) Communications.
 - 33 (F) Public works and engineering.
 - 34 (G) Building inspection.
 - 35 (H) Planning and information assistance.
 - 36 (I) Mass care.
 - 37 (J) Resource support.
 - 38 (K) Health and other medical services.
 - 39 (L) Search and rescue.
 - 40 (2) The amount and type of services, equipment, supplies,
 - 41 materials, personnel, and other resources needed and a reasonable
 - 42 estimate of the length of time they will be needed.

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1 (3) The specific place and time for staging of the assisting
 2 participating unit's provision of assistance and a point of contact
 3 at that location.

4 (h) A participating unit that is requested to render assistance shall
 5 take the necessary action to provide and make available the requested
 6 services, equipment, supplies, materials, personnel, and other
 7 resources.

8 (i) A participating unit's obligation to provide assistance is subject
 9 to the following restrictions:

10 (1) A participating unit's request to receive assistance is effective
 11 only:

12 (A) upon declaration of a local disaster emergency by the
 13 executive officer of the unit under section 29 of this chapter;
 14 or

15 (B) upon the commencement of the exercises, testing, or
 16 training.

17 (2) The assistance shall continue as long as:

18 (A) the state of emergency remains in effect and the loaned
 19 resources are required by the receiving participating unit or the
 20 loaned resources remain in the receiving participating unit; or

21 (B) the exercises, testing, or training is in progress.

22 (3) The participating unit rendering the assistance may withhold
 23 resources or recall loaned resources to the extent necessary to
 24 provide for the participating unit's own reasonable protection.

25 (4) Emergency forces providing assistance shall continue under
 26 the command and control of their regular leaders, but
 27 operationally those forces shall be under the control of the
 28 incident commander or unified commander designated by the
 29 requesting participating unit.

30 SECTION 4. IC 10-14-3-10.7, AS AMENDED BY P.L.19-2010,
 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 10.7. (a) As used in this section, "participating
 33 unit" has the meaning set forth in section 10.6(a) of this chapter.

34 (b) Each participating unit shall provide for the payment of
 35 compensation and benefits to:

36 (1) an injured member; and

37 (2) a representative of a deceased member;

38 of the participating unit's emergency forces if the member is injured or
 39 killed while rendering assistance under section 10.6 of this chapter in
 40 the same manner and on the same terms as if the injury or death were
 41 sustained while the member was rendering assistance for or within the
 42 member's own unit. Expenses incurred under this subsection are not

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reimbursable under subsection (c).

(c) A participating unit rendering assistance for disaster response or recovery to another participating unit under section 10.6 of this chapter shall be reimbursed by the participating unit receiving the assistance for the following:

- (1) A loss of, damage to, or expense incurred in the operation of any equipment in answering the request for assistance, to the extent the loss, damage, or expense is not covered by a reimbursement from insurance to the participating unit rendering assistance.
- (2) An expense incurred in the provision of a service in answering the request for assistance, to the extent the expense is not covered by a reimbursement from insurance to the participating unit rendering assistance.
- (3) An expense incurred in answering the request for assistance, to the extent the expense is not covered by a reimbursement from insurance to the participating unit rendering assistance.
- (4) An amount equal to the deductible portion of an insurance policy used to reimburse all or part of an expense or other cost described in subdivisions (1) through (3).

(d) Except as provided by an agreement entered into under subsection (e), the following labor and equipment reimbursement rates apply to reimbursement under subsection (c):

- (1) The labor reimbursement rates are as follows:
 - (A) The straight time costs of the labor force of the participating unit rendering assistance shall be reimbursed at the normal pay rates for responding personnel.
 - (B) The overtime costs of the labor force of the participating unit rendering assistance shall be reimbursed at one hundred fifty percent (150%) of the normal pay rates for the responding personnel if it is the normal practice of the requesting unit to pay these personnel overtime.
- (2) The equipment reimbursement rates are the lesser of the following:
 - (A) The rates for equipment costs reimbursement established by the Federal Emergency Management Agency or its successor agency.
 - (B) The equipment costs established by the participating unit rendering assistance.

(e) At least two (2) participating units may enter into agreements establishing a different allocation of loss, damage, expense, or costs among themselves than that specified in subsections (c) and (d).

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1 (f) Officers and employees of a participating unit rendering
2 assistance to another participating unit under this section shall be
3 considered agents of the requesting participating unit for the purpose
4 of tort liability and immunity.

5 (g) This section does not prevent any participating unit from
6 entering into a mutual aid or other agreement with another unit, fire
7 protection district, or provider unit (as defined in IC 36-8-19-3) acting
8 on behalf of a fire protection territory **or ambulance service territory**,
9 or affect any other agreement to which a unit, a fire protection district,
10 ~~or~~ a fire protection territory, **or an ambulance service territory** is a
11 party, including an agreement entered into under this chapter or
12 IC 36-1-7.

13 SECTION 5. IC 36-1-11-5.7, AS AMENDED BY P.L.128-2008,
14 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 UPON PASSAGE]: Sec. 5.7. (a) As used in this section, "fire
16 department" refers to any of the following:

- 17 (1) A volunteer fire department (as defined in IC 36-8-12-2).
- 18 (2) The board of fire trustees of a fire protection district
19 established under IC 36-8-11.
- 20 (3) The provider unit of a fire protection territory established
21 under IC 36-8-19.

22 (b) Notwithstanding IC 5-22-22 and sections 4, 4.1, 4.2, and 5 of
23 this chapter, a disposing agent of a political subdivision may sell or
24 transfer:

- 25 (1) real property; or
- 26 (2) tangible or intangible personal property, licenses, or any
27 interest in the tangible or intangible personal property or licenses;
28 without consideration or for a nominal consideration to a fire
29 department for construction of a fire station or other purposes related
30 to firefighting **or to the provider unit of an ambulance service**
31 **territory for any purposes related to providing emergency**
32 **ambulance services or emergency medical services.**

33 SECTION 6. IC 36-8-19-1, AS AMENDED BY P.L.227-2005,
34 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: Sec. 1. Except as provided in section 1.5 of this
36 chapter, this chapter applies to any geographic area that is established
37 as a fire protection territory **or ambulance service territory.**

38 SECTION 7. IC 36-8-19-3 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. As used in this
40 chapter, "provider unit" refers to the participating unit that is
41 responsible for providing:

- 42 (1) the fire protection services within the territory, **in the case of**

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1 **a fire protection territory; or**
2 **(2) the emergency ambulance services or emergency medical**
3 **services within the territory, in the case of an ambulance**
4 **service territory.**

5 SECTION 8. IC 36-8-19-4 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. As used in this
7 chapter, "territory" refers to a fire protection territory **or ambulance**
8 **service territory** established under this chapter.

9 SECTION 9. IC 36-8-19-5 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Subject to
11 subsections ~~(b)~~ and (c) and **(d)**, the legislative bodies of at least two (2)
12 contiguous units may establish a fire protection territory for any of the
13 following purposes:

- 14 (1) Fire protection, including the capability for extinguishing all
15 fires that might be reasonably expected because of the types of
16 improvements, personal property, and real property within the
17 boundaries of the territory.
- 18 (2) Fire prevention, including identification and elimination of all
19 potential and actual sources of fire hazard.
- 20 (3) Other purposes or functions related to fire protection and fire
21 prevention.

22 **(b) Subject to subsections (c) and (d), the legislative bodies of at**
23 **least two (2) contiguous units may establish an ambulance service**
24 **territory to provide any of the following:**

- 25 **(1) Emergency ambulance services (as defined in**
26 **IC 16-18-2-107).**
- 27 **(2) Emergency medical services (as defined in**
28 **IC 16-18-2-110).**

29 ~~(b)~~ (c) Not more than one (1) unit within the proposed territory may
30 be designated as the provider unit for the territory.

31 ~~(c)~~ (d) The boundaries of a territory need not coincide with those of
32 other political subdivisions.

33 SECTION 10. IC 36-8-19-6, AS AMENDED BY P.L.47-2007,
34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: Sec. 6. (a) To establish a fire protection territory
36 **or an ambulance service territory**, the legislative bodies of each unit
37 desiring to become a part of the proposed territory must adopt an
38 ordinance (if the unit is a county or municipality) or a resolution (if the
39 unit is a township) that meets the following requirements:

- 40 (1) The ordinance or resolution is identical to the ordinances and
41 resolutions adopted by the other units desiring to become a part
42 of the proposed territory.

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- 1 (2) The ordinance or resolution is adopted after January 1 but
- 2 before April 1.
- 3 (3) The ordinance or resolution authorizes the unit to become a
- 4 party to an agreement for the establishment of ~~a fire protection~~
- 5 ~~the~~ territory.
- 6 (4) The ordinance or resolution is adopted after the legislative
- 7 body holds a public hearing to receive public comment on the
- 8 proposed ordinance or resolution. The legislative body must give
- 9 notice of the hearing under IC 5-3-1.
- 10 (b) The notice required under this section shall include all of the
- 11 following:
- 12 (1) A list of the provider unit and all participating units in the
- 13 proposed territory.
- 14 (2) The date, time, and location of the hearing.
- 15 (3) The location where the public can inspect the proposed
- 16 ordinance or resolution.
- 17 (4) A statement as to whether the proposed ordinance or
- 18 resolution requires uniform tax rates or different tax rates within
- 19 the territory.
- 20 (5) The name and telephone number of a representative of the unit
- 21 who may be contacted for further information.
- 22 (c) The ordinance or resolution adopted under this section shall
- 23 include at least the following:
- 24 (1) The boundaries of the proposed territory.
- 25 (2) The identity of the provider unit and all other participating
- 26 units desiring to be included within the territory.
- 27 (3) An agreement to impose:
- 28 (A) a uniform tax rate upon all of the taxable property within
- 29 the territory for fire protection services **(in the case of a fire**
- 30 **protection territory) or emergency ambulance services or**
- 31 **emergency medical services (in the case of an ambulance**
- 32 **service territory); or**
- 33 (B) different tax rates for fire protection services **(in the case**
- 34 **of a fire protection territory) or emergency ambulance**
- 35 **services or emergency medical services (in the case of an**
- 36 **ambulance service territory) for the units desiring to be**
- 37 **included within the territory, so long as a tax rate applies**
- 38 **uniformly to all of a unit's taxable property within the territory.**
- 39 (4) The contents of the agreement to establish the territory.
- 40 (d) An ordinance or a resolution adopted under this section takes
- 41 effect July 1 of the year the ordinance or resolution is adopted.
- 42 SECTION 11. IC 36-8-19-8, AS AMENDED BY P.L.182-2009(ss),

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1 SECTION 443, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Upon the adoption of
 3 identical ordinances or resolutions, or both, by the participating units
 4 under section 6 of this chapter, the designated provider unit must
 5 establish:

6 (1) a fire protection territory fund, **in the case of a fire protection**
 7 **territory; or**

8 (2) **an ambulance service territory fund, in the case of an**
 9 **ambulance service territory;**

10 from which all expenses of operating and maintaining the fire
 11 protection services (**in the case of a fire protection territory**) **or**
 12 **emergency ambulance services or emergency medical services (in**
 13 **the case of an ambulance service territory)** within the territory,
 14 including repairs, fees, salaries, depreciation on all depreciable assets,
 15 rents, supplies, contingencies, and all other expenses lawfully incurred
 16 within the territory shall be paid. The purposes described in this
 17 subsection are the sole purposes of the fund, and money in the fund
 18 may not be used for any other expenses. Except as allowed in
 19 subsections (d) and (e) and section 8.5 of this chapter, the provider unit
 20 is not authorized to transfer money out of the fund at any time.

21 (b) The fund consists of the following:

22 (1) All receipts from the tax imposed under this section **for the**
 23 **territory.**

24 (2) Any money transferred to the fund by the provider unit as
 25 authorized under subsection (d).

26 (3) Any receipts from a false alarm fee or service charge imposed
 27 by the participating units under IC 36-8-13-4 (**in the case of a**
 28 **fire protection territory).**

29 (4) Any money transferred to the fund by a participating unit
 30 under section 8.6 of this chapter.

31 (5) **Any receipts from a service charge imposed by the**
 32 **participating units for services provided by the ambulance**
 33 **service territory (in the case of an ambulance service**
 34 **territory).**

35 (c) The provider unit, with the assistance of each of the other
 36 participating units, shall annually budget the necessary money to meet
 37 the expenses of operation and maintenance of the fire protection
 38 services (**in the case of a fire protection territory**) **or**
 39 **ambulance services or emergency medical services (in the case of**
 40 **an ambulance service territory)** within the territory, plus a reasonable
 41 operating balance, not to exceed twenty percent (20%) of the budgeted
 42 expenses. Except as provided in IC 6-1.1-18.5-10.5, after estimating

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1 expenses and receipts of money, the provider unit shall establish the tax
2 levy required to fund the estimated budget. The amount budgeted under
3 this subsection shall be considered a part of each of the participating
4 unit's budget.

5 (d) If the amount levied in a particular year is insufficient to cover
6 the costs incurred in providing fire protection services **(in the case of**
7 **a fire protection territory) or emergency ambulance services or**
8 **emergency medical services (in the case of an ambulance service**
9 **territory)** within the territory, the provider unit may transfer from
10 available sources to the fire protection territory fund **or ambulance**
11 **service territory fund** the money needed to cover those costs. In this
12 case:

13 (1) the levy in the following year shall be increased by the amount
14 required to be transferred; and

15 (2) the provider unit is entitled to transfer the amount described
16 in subdivision (1) from the fund as reimbursement to the provider
17 unit.

18 (e) If the amount levied in a particular year exceeds the amount
19 necessary to cover the costs incurred in providing fire protection
20 services **(in the case of a fire protection territory) or emergency**
21 **ambulance services or emergency medical services (in the case of**
22 **an ambulance service territory)** within the territory, the levy in the
23 following year shall be reduced by the amount of surplus money that
24 is not transferred to the equipment replacement fund established under
25 section 8.5 of this chapter. The amount that may be transferred to the
26 equipment replacement fund may not exceed five percent (5%) of the
27 levy for that fund for that year. Each participating unit must agree to
28 the amount to be transferred by adopting an ordinance (if the unit is a
29 county or municipality) or a resolution (if the unit is a township) that
30 specifies an identical amount to be transferred.

31 (f) The tax under this section is subject to the tax levy limitations
32 imposed under IC 6-1.1-18.5-10.5.

33 SECTION 12. IC 36-8-19-8.5, AS AMENDED BY P.L.47-2007,
34 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: Sec. 8.5. (a) Participating units may agree to
36 establish an equipment replacement fund under this section to be used
37 to purchase fire protection equipment **(in the case of a fire protection**
38 **territory) or emergency ambulance or emergency medical**
39 **equipment (in the case of an ambulance service territory)**, including
40 housing, that will be used to serve the entire territory. To establish the
41 fund, the legislative bodies of each participating unit must adopt an
42 ordinance (if the unit is a county or municipality) or a resolution (if the

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- 1 unit is a township) that meets the following requirements:
- 2 (1) The ordinance or resolution is identical to the ordinances and
- 3 resolutions adopted by the other participating units under this
- 4 section.
- 5 (2) The ordinance or resolution is adopted after January 1 but
- 6 before April 1.
- 7 (3) The ordinance or resolution authorizes the provider unit to
- 8 establish the fund.
- 9 (4) The ordinance or resolution includes at least the following:
- 10 (A) The name of each participating unit and the provider unit.
- 11 (B) An agreement to impose a uniform tax rate upon all of the
- 12 taxable property within the territory for the equipment
- 13 replacement fund.
- 14 (C) The contents of the agreement to establish the fund.

15 An ordinance or a resolution adopted under this section takes effect

16 July 1 of the year the ordinance or resolution is adopted.

- 17 (b) If a fund is established, the participating units may agree to:
- 18 (1) impose a property tax to provide for the accumulation of
- 19 money in the fund to purchase fire protection equipment (**in the**
- 20 **case of a fire protection territory) or emergency ambulance or**
- 21 **emergency medical equipment (in the case of an ambulance**
- 22 **service territory);**
- 23 (2) incur debt to purchase fire protection equipment (**in the case**
- 24 **of a fire protection territory) or emergency ambulance or**
- 25 **emergency medical equipment (in the case of an ambulance**
- 26 **service territory) and impose a property tax to retire the loan; or**
- 27 (3) transfer an amount from the fire protection territory fund (**in**
- 28 **the case of a fire protection territory) or ambulance service**
- 29 **territory fund (in the case of an ambulance service territory)**
- 30 **to the fire equipment replacement fund not to exceed five percent**
- 31 **(5%) of the levy for the fire protection territory fund or**
- 32 **ambulance service territory fund for that year;**

33 or any combination of these options. The property tax rate for the levy

34 imposed under this section may not exceed three and thirty-three

35 hundredths cents (\$0.0333) per one hundred dollars (\$100) of assessed

36 value. Before debt may be incurred, the fiscal body of a participating

37 unit must adopt an ordinance (if the unit is a county or municipality) or

38 a resolution (if the unit is a township) that specifies the amount and

39 purpose of the debt. The ordinance or resolution must be identical to

40 the other ordinances and resolutions adopted by the participating units.

41 In addition, the department of local government finance must approve

42 the incurrence of the debt using the same standards as applied to the

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1 incurrence of debt by civil taxing units.

2 (c) Money in the fund may be used by the provider unit only for
3 those purposes set forth in the agreement among the participating units
4 that permits the establishment of the fund.

5 SECTION 13. IC 36-8-19-8.6, AS ADDED BY P.L.128-2008,
6 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: Sec. 8.6. (a) A participating unit may adopt an
8 ordinance or a resolution to transfer any money belonging to the
9 participating unit: ~~to:~~

10 (1) **to the fire protection territory fund established under section**
11 **8 of this chapter (in the case of a fire protection territory) or**
12 **the ambulance service territory fund established under**
13 **section 8 of this chapter (in the case of an ambulance service**
14 **territory);**

15 (2) **to the fire protection territory equipment replacement fund**
16 **established under section 8.5 of this chapter (in the case of a fire**
17 **protection territory) or the ambulance service territory**
18 **equipment replacement fund established under section 8.5 of**
19 **this chapter (in the case of an ambulance service territory); or**

20 (3) **both funds to:**

21 (A) **both the fire protection territory fund and the fire**
22 **protection territory equipment replacement fund (in the**
23 **case of a fire protection territory) described in subdivisions**
24 **(1) and (2); or**

25 (B) **both the ambulance service territory fund and the**
26 **ambulance service territory equipment replacement fund**
27 **(in the case of an ambulance service territory) described in**
28 **subdivisions (1) and (2).**

29 (b) An ordinance or a resolution adopted under this section must
30 state both of the following:

31 (1) The amount of money transferred to either fund.

32 (2) The source of the money.

33 (c) The transfer of money from a participating unit to a fire
34 protection territory before July 1, 2008, is legalized.

35 SECTION 14. IC 36-8-19-8.7 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.7. After a
37 sufficient appropriation for the purchase of firefighting apparatus and
38 equipment **(in the case of a fire protection territory) or emergency**
39 **ambulance or emergency medical apparatus and equipment (in the**
40 **case of an ambulance service territory), including housing, is made**
41 **and is available, the participating units, with the approval of the fiscal**
42 **body of each participating unit, may purchase the firefighting apparatus**

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- 1 and equipment for the territory on an installment conditional sale or
- 2 mortgage contract running for a period not exceeding:
- 3 (1) six (6) years; or
- 4 (2) fifteen (15) years for a territory that:
- 5 (A) has a total assessed value of sixty million dollars
- 6 (\$60,000,000) or less, as determined by the department of
- 7 local government finance; and
- 8 (B) is purchasing the ~~firefighting~~ equipment with funding from
- 9 the:
- 10 (i) state or its instrumentalities; or
- 11 (ii) federal government or its instrumentalities.

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

14 SECTION 15. IC 36-8-19-9 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The
 16 department of local government finance, when approving a rate and
 17 levy fixed by the provider unit, shall verify that a duplication of tax
 18 levies does not exist within participating units, so that taxpayers do not
 19 bear two (2) levies for the same service, except as provided by
 20 subsection (b) or (c).

21 (b) A unit that incurred indebtedness for fire protection services **or**
 22 **for emergency ambulance services or emergency medical services**
 23 before becoming a participating unit under this chapter shall continue
 24 to repay that indebtedness by levies within the boundaries of the unit
 25 until the indebtedness is paid in full.

26 (c) A unit that agreed to the borrowing of money to purchase fire
 27 protection equipment **or emergency ambulance or emergency**
 28 **medical equipment** while a participating unit under this chapter shall
 29 continue to repay the unit's share of that indebtedness by imposing a
 30 property tax within the boundaries of the unit until the indebtedness is
 31 paid in full. The department of local government finance shall
 32 determine the amount of the indebtedness that represents the unit's fair
 33 share, taking into account the equipment purchased, the useful life of
 34 the equipment, the depreciated value of the equipment, and the number
 35 of years the unit benefited from the equipment.

36 SECTION 16. IC 36-8-19-10, AS AMENDED BY P.L.47-2007,
 37 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 10. This chapter does not require a
 39 municipality or township to disband its fire department **or its**
 40 **emergency ambulance service or emergency medical service** unless
 41 its legislative body consents by ordinance (if the unit is a municipality)
 42 or resolution (if the unit is a township) to do so.

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1 SECTION 17. IC 36-8-19-11 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. Any area that
 3 is part of a territory and that is annexed by a municipality that is not a
 4 part of the territory ceases to be a part of the territory when the
 5 municipality begins to provide fire protection services **(in the case of**
 6 **a fire protection territory) or emergency ambulance services or**
 7 **emergency medical services (in the case of an ambulance service**
 8 **territory) to the area.**

9 SECTION 18. IC 36-8-19-12 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. In the same
 11 year that a tax levy is imposed under this chapter, each respective
 12 participating unit's tax levies attributable to providing fire protection
 13 services **(in the case of a fire protection territory) or emergency**
 14 **ambulance services or emergency medical services (in the case of**
 15 **an ambulance service territory) within the unit shall be reduced by**
 16 **an amount equal to the amount levied for fire protection services (in**
 17 **the case of a fire protection territory) or emergency ambulance**
 18 **services or emergency medical services (in the case of an**
 19 **ambulance service territory) in the year immediately preceding the**
 20 **year in which each respective unit became a participating unit.**

21 SECTION 19. IC 36-8-19-13, AS AMENDED BY P.L.47-2007,
 22 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: Sec. 13. (a) If a unit elects to withdraw from a fire
 24 protection territory **or ambulance service territory** established under
 25 this chapter, the unit must after January 1 but before April 1, adopt an
 26 ordinance (if the unit is a county or municipality) or a resolution (if the
 27 unit is a township) providing for the withdrawal. An ordinance or
 28 resolution adopted under this section takes effect July 1 of the year that
 29 the ordinance or resolution is adopted.

30 (b) If an ordinance or a resolution is adopted under subsection (a):

31 (1) the unit's maximum permissible ad valorem property tax levy
 32 with respect to fire protection services **(in the case of a fire**
 33 **protection territory) or emergency ambulance services or**
 34 **emergency medical services (in the case of an ambulance**
 35 **service territory) shall be initially increased by the amount of the**
 36 **particular unit's previous year levy under this chapter; and**

37 (2) additional increases with respect to fire protection services
 38 levy amounts **or emergency ambulance services or emergency**
 39 **medical services levy amounts** are subject to the tax levy
 40 limitations under IC 6-1.1-18.5, except for the part of the unit's
 41 levy that is necessary to retire the unit's share of any debt incurred
 42 while the unit was a participating unit.

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1 SECTION 20. IC 36-8-19-14 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) A provider
3 unit shall pay for the care of a full-time, paid firefighter **or emergency**
4 **medical services provider** who:

- 5 (1) suffers an injury; or
 - 6 (2) contracts an illness;
- 7 during the performance of the ~~firefighter's~~ **individual's** duty.

8 (b) The provider unit shall pay for the following expenses incurred
9 by a ~~firefighter~~ **an individual** described in subsection (a):

- 10 (1) Medical and surgical care.
- 11 (2) Medicines and laboratory, curative, and palliative agents and
12 means.
- 13 (3) X-ray, diagnostic, and therapeutic service, including during
14 the recovery period.
- 15 (4) Hospital and special nursing care if the physician or surgeon
16 in charge considers it necessary for proper recovery.

17 (c) Expenditures required by subsection (a) shall be paid from the
18 fund used by the provider unit for payment of the costs attributable to
19 providing fire protection services **(in the case of a fire protection**
20 **territory) or emergency ambulance services or emergency medical**
21 **services (in the case of an ambulance service territory)** in the
22 provider unit.

23 (d) A provider unit that has paid for the care of a ~~firefighter~~ **an**
24 **individual** under subsection (a) has a cause of action for
25 reimbursement of the amount paid under subsection (a) against any
26 third party against whom the ~~firefighter~~ **individual** has a cause of
27 action for an injury sustained because of, or an illness caused by, the
28 third party. The provider unit's cause of action under this subsection is
29 in addition to, and not in lieu of, the cause of action of the ~~firefighter~~
30 **individual** against the third party.

31 SECTION 21. IC 36-8-19-15, AS ADDED BY P.L.128-2008,
32 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 UPON PASSAGE]: Sec. 15. (a) For purposes of this section, a fire
34 protection territory **or ambulance service territory** is dissolved if all
35 participating units withdraw from the ~~fire protection~~ territory as
36 provided in section 13 of this chapter.

37 (b) When a ~~fire protection~~ territory dissolves, title to any real
38 property transferred to the provider unit reverts to the participating unit
39 that transferred the real property to the provider unit.

40 SECTION 22. **An emergency is declared for this act.**

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