
HOUSE BILL No. 1494

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8.

Synopsis: Public safety training matters. Prohibits local governments from constructing police or fire training facilities costing more than \$75,000 unless construction of the facility is approved by the county fiscal body. Imposes training requirements on individuals who serve as administrative fire officers, as executive fire officers, or in any other position (as determined by the board of firefighting personnel standards and education) in which the person holding the position is responsible for fire ground operations. Requires individuals serving in such positions on or after December 31, 2012, to complete training for Fire Officer I or its equivalent (as defined by the board) within one year. Provides that the board may grant an individual not more than two six month extensions to complete the required training.

Effective: July 1, 2011.

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January 20, 2011, read first time and referred to Committee on Veterans Affairs and Public Safety.

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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. 1494



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 36-8-2-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) A unit may establish,
3 maintain, and operate a police and law enforcement system to preserve
4 public peace and order. ~~and~~

5 (b) **Subject to section 14 of this chapter, a unit** may provide
6 facilities and equipment for ~~that a system~~ **established under this**
7 **section.**

8 SECTION 2. IC 36-8-2-3 IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) A unit may establish,
10 maintain, and operate a firefighting and fire prevention system. ~~and~~

11 (b) **Subject to section 14 of this chapter, a unit** may provide
12 facilities and equipment for ~~that a system~~ **established under this**
13 **section.**

14 SECTION 3. IC 36-8-2-14 IS ADDED TO THE INDIANA CODE
15 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 2011]: **Sec. 14. A unit may not construct a police or fire training**
17 **facility costing more than seventy-five thousand dollars (\$75,000)**



1 unless construction of the facility is approved by the fiscal body of
2 the county in which the unit is located. In the case of a unit that is
3 located in more than one (1) county, construction of the facility
4 must be approved by the fiscal body of the county in which the
5 majority of the unit's population is located.

6 SECTION 4. IC 36-8-10.6 IS ADDED TO THE INDIANA CODE
7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2011]:

9 **Chapter 10.6. Fire Officer Training**

10 **Sec. 1. As used in this chapter, "covered administrative officer"**
11 **means any of the following positions:**

- 12 (1) An administrative fire officer, level III (as defined by the
- 13 International Association of Fire Chiefs).
- 14 (2) An executive fire officer, level IV (as defined by the
- 15 International Association of Fire Chiefs).
- 16 (3) Any other position (as determined by the education board)
- 17 in which the person holding the position is responsible for fire
- 18 ground operations.

19 **Sec. 2. As used in this chapter, "education board" means the**
20 **board of firefighting personnel standards and education.**

21 **Sec. 3. An individual who is serving as a covered administrative**
22 **officer of a:**

- 23 (1) paid fire department;
 - 24 (2) volunteer fire department; or
 - 25 (3) combination paid and volunteer fire department;
- 26 on or before December 31, 2012, may not serve as a covered
27 administrative officer in such a fire department after December 31,
28 2013, unless the individual has completed the training for Fire
29 Officer I or its equivalent (as defined by the education board).

30 **Sec. 4. An individual who first serves as a covered**
31 **administrative officer of a:**

- 32 (1) paid fire department;
 - 33 (2) volunteer fire department; or
 - 34 (3) combination paid and volunteer fire department;
- 35 after December 31, 2012, must complete the training for Fire
36 Officer I or its equivalent (as defined by the education board) not
37 later than one (1) year after the date on which the individual first
38 serves as a covered administrative officer in any such fire
39 department. If the individual does not complete the training for
40 Fire Officer I or its equivalent (as defined by the education board)
41 within one (1) year after the individual first serves as a covered
42 administrative officer in any such fire department, the individual

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1 may not continue to serve as a covered administrative officer in a
2 paid fire department, volunteer fire department, or combination
3 paid and volunteer fire department.

4 Sec. 5. The education board may grant an individual not more
5 than two (2) extensions of six (6) months each to complete the
6 training required by this chapter. An extension may be requested
7 for any reason. The education board shall determine whether an
8 individual receives an extension under this section.

9 Sec. 6. The fire department in which a person serves as a
10 covered administrative officer shall report to the education board,
11 in the manner determined by the department of homeland security,
12 when that individual has completed the training requirements
13 established by this chapter.

14 SECTION 5. IC 36-8-11-15 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. (a) The board:

16 (1) has the same powers and duties as a township executive with
17 respect to fire protection functions, including those duties and
18 powers prescribed by IC 36-8-13, although all cooperative and
19 joint actions permitted by that chapter must be undertaken
20 according to this chapter;

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

24 (3) shall appoint, fix the compensation, and prescribe the duties
25 of a fiscal officer, secretarial staff, persons performing special and
26 temporary services or providing legal counsel, and other
27 personnel considered necessary for the proper functioning of the
28 district; however, a person appointed as fiscal officer must be
29 bonded by good and sufficient sureties in an amount ordered by
30 the county legislative body to protect the district from financial
31 loss;

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

34 (5) shall prescribe uniform rules pertaining to investigations and
35 hearings;

36 (6) shall supervise the fiscal affairs and responsibilities of the
37 district;

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

41 (8) shall keep accurate and complete records of all departmental
42 proceedings, record and file all bonds and contracts, and assume

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1 responsibility for the custody and preservation of all papers and
2 documents of the district;
3 (9) shall make an annual report to the executive and the fiscal
4 body of the county that at least lists the financial transactions of
5 the district and a statement of the progress in accomplishing the
6 purposes for which the district has been established;
7 (10) shall adopt a seal and certify all official acts;
8 (11) may sue and be sued collectively by its legal name ("Board
9 of Fire Trustees, _____ Fire Protection District"), with
10 service of process made on the chairman of the board, but costs
11 may not be taxed against the members individually in an action;
12 (12) may invoke any legal, equitable, or special remedy for the
13 enforcement of this chapter or of proper action of the board taken
14 in a court;
15 (13) shall prepare and submit to the fiscal body of the county an
16 annual budget for operation and maintenance expenses and for the
17 retirement of obligations of the district, subject to review and
18 approval by the fiscal body;
19 (14) may, if advisable, establish one (1) or more advisory
20 committees;
21 (15) may enter into agreements with and accept money from a
22 federal or state agency and enter into agreements with a
23 municipality located within or outside the district, whether or not
24 the municipality is a part of the district, for a purpose compatible
25 with the purposes for which the district exists and with the
26 interests of the municipality;
27 (16) may accept gifts of money or other property to be used for
28 the purposes for which the district is established;
29 (17) may levy taxes at a uniform rate on the real and personal
30 property within the district;
31 (18) may issue bonds and tax anticipation warrants;
32 (19) may incur other debts and liabilities;
33 (20) may purchase or rent property;
34 (21) may sell services or property that are produced incident to
35 the operations of the district making a fair and reasonable charge
36 for it;
37 (22) may make contracts or otherwise enter into agreements with
38 public or private persons and federal or state agencies for
39 construction, maintenance, or operations of or in part of the
40 district;
41 (23) may receive and disburse money; and
42 (24) may impose a false alarm fee or service charge under

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1 IC 36-8-13-4.

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

8 **(c) A fire protection district may not construct a fire training**
9 **facility costing more than seventy-five thousand dollars (\$75,000)**
10 **unless construction of the facility is approved by the fiscal body of**
11 **the county in which the district is located. In the case of a fire**
12 **protection district that is located in more than one (1) county,**
13 **construction of the facility must be approved by the fiscal body of**
14 **the county in which the majority of the district's population is**
15 **located.**

16 SECTION 6. IC 36-8-13-3, AS AMENDED BY P.L.110-2010,
17 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2011]: Sec. 3. (a) The executive of a township, with the
19 approval of the legislative body, may do the following:

20 (1) Purchase firefighting and emergency services apparatus and
21 equipment for the township, provide for the housing, care,
22 maintenance, operation, and use of the apparatus and equipment
23 to provide services within the township but outside the corporate
24 boundaries of municipalities, and employ full-time or part-time
25 personnel to operate the apparatus and equipment and to provide
26 services in that area. Preference in employment under this section
27 shall be given according to the following priority:

28 (A) A war veteran who has been honorably discharged from
29 the United States armed forces.

30 (B) A person whose mother or father was a:

- 31 (i) firefighter of a unit;
- 32 (ii) municipal police officer; or
- 33 (iii) county police officer;

34 who died in the line of duty (as defined in IC 5-10-10-2).

35 The executive of a township may give a preference for
36 employment under this section to a person who was employed
37 full-time or part-time by another township to provide fire
38 protection and emergency services and has been laid off by the
39 township. The executive of a township may also give a preference
40 for employment to a firefighter laid off by a city under
41 IC 36-8-4-11. A person described in this subdivision may not
42 receive a preference for employment unless the person applies for

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1 employment and meets all employment requirements prescribed
 2 by law, including physical and age requirements, and all
 3 employment requirements prescribed by the fire department.
 4 (2) Contract with a municipality in the township or in a
 5 contiguous township that maintains adequate firefighting or
 6 emergency services apparatus and equipment to provide fire
 7 protection or emergency services for the township in accordance
 8 with IC 36-1-7.
 9 (3) Cooperate with a municipality in the township or in a
 10 contiguous township in the purchase, maintenance, and upkeep of
 11 firefighting or emergency services apparatus and equipment for
 12 use in the municipality and township in accordance with
 13 IC 36-1-7.
 14 (4) Contract with a volunteer fire department that has been
 15 organized to fight fires in the township for the use and operation
 16 of firefighting apparatus and equipment that has been purchased
 17 by the township in order to save the private and public property
 18 of the township from destruction by fire, including use of the
 19 apparatus and equipment in an adjoining township by the
 20 department if the department has made a contract with the
 21 executive of the adjoining township for the furnishing of
 22 firefighting service within the township.
 23 (5) Contract with a volunteer fire department that maintains
 24 adequate firefighting service in accordance with IC 36-8-12.
 25 (b) This subsection applies only to townships that provide fire
 26 protection or emergency services or both under subsection (a)(1) and
 27 to municipalities that have some part of the municipal territory within
 28 a township and do not have a full-time paid fire department. A
 29 township may provide fire protection or emergency services or both
 30 without contracts inside the corporate boundaries of the municipalities
 31 if before July 1 of a year the following occur:
 32 (1) The legislative body of the municipality adopts an ordinance
 33 to have the township provide the services without a contract.
 34 (2) The township legislative body passes a resolution approving
 35 the township's provision of the services without contracts to the
 36 municipality.
 37 In a township providing services to a municipality under this section,
 38 the legislative body of either the township or a municipality in the
 39 township may opt out of participation under this subsection by adopting
 40 an ordinance or a resolution, respectively, before July 1 of a year.
 41 (c) This subsection applies only to a township that:
 42 (1) is located in a county containing a consolidated city;

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1 (2) has at least three (3) included towns (as defined in
 2 IC 36-3-1-7) that have all municipal territory completely within
 3 the township on January 1, 1996; and
 4 (3) provides fire protection or emergency services, or both, under
 5 subsection (a)(1);
 6 and to included towns (as defined in IC 36-3-1-7) that have all the
 7 included town's municipal territory completely within the township. A
 8 township may provide fire protection or emergency services, or both,
 9 without contracts inside the corporate boundaries of the municipalities
 10 if before August 1 of the year preceding the first calendar year to which
 11 this subsection applies the township legislative body passes a
 12 resolution approving the township's provision of the services without
 13 contracts to the municipality. The resolution must identify the included
 14 towns to which the resolution applies. In a township providing services
 15 to a municipality under this section, the legislative body of the
 16 township may opt out of participation under this subsection by adopting
 17 a resolution before July 1 of a year. A copy of a resolution adopted
 18 under this subsection shall be submitted to the executive of each
 19 included town covered by the resolution, the county auditor, and the
 20 department of local government finance.

21 **(d) A township may not construct a fire training facility costing**
 22 **more than seventy-five thousand dollars (\$75,000) unless**
 23 **construction of the facility is approved by the fiscal body of the**
 24 **county in which the township is located.**

25 SECTION 7. IC 36-8-19-16 IS ADDED TO THE INDIANA CODE
 26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 27 1, 2011]: **Sec. 16. A fire protection territory may not construct a**
 28 **fire training facility costing more than seventy-five thousand**
 29 **dollars (\$75,000) unless construction of the facility is approved by**
 30 **the fiscal body of the county in which the territory is located. In the**
 31 **case of a fire protection territory that is located in more than one**
 32 **(1) county, construction of the facility must be approved by the**
 33 **fiscal body of the county in which the majority of the territory's**
 34 **population is located.**

35 SECTION 8. [EFFECTIVE JULY 1, 2011] (a) **IC 36-8-2-14 and**
 36 **IC 36-8-19-16, both as added by this act, apply to projects initiated**
 37 **after June 30, 2011.**

38 (b) **IC 36-8-11-15 and IC 36-8-13-3, both as amended by this act,**
 39 **apply to projects initiated after June 30, 2011.**

40 (c) **This SECTION expires July 1, 2013.**

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