

SENATE BILL No. 329

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-13.

Synopsis: Volunteer fire department contracts. Requires a volunteer fire department that enters into or renews a contract with a township for fire protection services after June 30, 2013, to be organized as a domestic nonprofit corporation. Requires the board of directors of a volunteer fire department that contracts with a township after June 30, 2013, to have as a majority of the members of the board of directors: (1) directors appointed by the township executive of each township that contracts with the volunteer fire department; or (2) township executives or designees of the township executives of each township that contracts with the volunteer fire department for fire protection services.

Effective: July 1, 2013.

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January 8, 2013, read first time and referred to Committee on Local Government.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 329



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 36-8-13-3, AS AMENDED BY P.L.110-2010,
2 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 3. (a) The executive of a township, with the
4 approval of the legislative body, may do the following:
5 (1) Purchase firefighting and emergency services apparatus and
6 equipment for the township, provide for the housing, care,
7 maintenance, operation, and use of the apparatus and equipment
8 to provide services within the township but outside the corporate
9 boundaries of municipalities, and employ full-time or part-time
10 personnel to operate the apparatus and equipment and to provide
11 services in that area. Preference in employment under this section
12 shall be given according to the following priority:
13 (A) A war veteran who has been honorably discharged from
14 the United States armed forces.
15 (B) A person whose mother or father was a:
16 (i) firefighter of a unit;
17 (ii) municipal police officer; or



- 1 (iii) county police officer;
 2 who died in the line of duty (as defined in IC 5-10-10-2).
 3 The executive of a township may give a preference for
 4 employment under this section to a person who was employed
 5 full-time or part-time by another township to provide fire
 6 protection and emergency services and has been laid off by the
 7 township. The executive of a township may also give a preference
 8 for employment to a firefighter laid off by a city under
 9 IC 36-8-4-11. A person described in this subdivision may not
 10 receive a preference for employment unless the person applies for
 11 employment and meets all employment requirements prescribed
 12 by law, including physical and age requirements, and all
 13 employment requirements prescribed by the fire department.
- 14 (2) Contract with a municipality in the township or in a
 15 contiguous township that maintains adequate firefighting or
 16 emergency services apparatus and equipment to provide fire
 17 protection or emergency services for the township in accordance
 18 with IC 36-1-7.
- 19 (3) Cooperate with a municipality in the township or in a
 20 contiguous township in the purchase, maintenance, and upkeep of
 21 firefighting or emergency services apparatus and equipment for
 22 use in the municipality and township in accordance with
 23 IC 36-1-7.
- 24 (4) Contract with a volunteer fire department that:
 25 **(A) meets the requirements of section 3.5 of this chapter,**
 26 **for contracts entered into or renewed after June 30, 2013;**
 27 **and**
 28 **(B) has been organized to fight fires in the township for the**
 29 **use and operation of firefighting apparatus and equipment that**
 30 **has been purchased by the township in order to save the**
 31 **private and public property of the township from destruction**
 32 **by fire, including use of the apparatus and equipment in an**
 33 **adjoining township by the department if the department has**
 34 **made a contract with the executive of the adjoining township**
 35 **for the furnishing of firefighting service within the township.**
- 36 (5) Contract with a volunteer fire department that:
 37 **(A) meets the requirements of section 3.5 of this chapter,**
 38 **for contracts entered into or renewed after June 30, 2013;**
 39 **and**
 40 **(B) maintains adequate firefighting service in accordance with**
 41 **IC 36-8-12.**
- 42 (b) This subsection applies only to townships that provide fire

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1 protection or emergency services or both under subsection (a)(1) and
 2 to municipalities that have some part of the municipal territory within
 3 a township and do not have a full-time paid fire department. A
 4 township may provide fire protection or emergency services or both
 5 without contracts inside the corporate boundaries of the municipalities
 6 if before July 1 of a year the following occur:

7 (1) The legislative body of the municipality adopts an ordinance
 8 to have the township provide the services without a contract.

9 (2) The township legislative body passes a resolution approving
 10 the township's provision of the services without contracts to the
 11 municipality.

12 In a township providing services to a municipality under this section,
 13 the legislative body of either the township or a municipality in the
 14 township may opt out of participation under this subsection by adopting
 15 an ordinance or a resolution, respectively, before July 1 of a year.

16 (c) This subsection applies only to a township that:

17 (1) is located in a county containing a consolidated city;

18 (2) has at least three (3) included towns (as defined in
 19 IC 36-3-1-7) that have all municipal territory completely within
 20 the township on January 1, 1996; and

21 (3) provides fire protection or emergency services, or both, under
 22 subsection (a)(1);

23 and to included towns (as defined in IC 36-3-1-7) that have all the
 24 included town's municipal territory completely within the township. A
 25 township may provide fire protection or emergency services, or both,
 26 without contracts inside the corporate boundaries of the municipalities
 27 if, before August 1 of the year preceding the first calendar year to
 28 which this subsection applies, the township legislative body passes a
 29 resolution approving the township's provision of the services without
 30 contracts to the municipality. The resolution must identify the included
 31 towns to which the resolution applies. In a township providing services
 32 to a municipality under this section, the legislative body of the
 33 township may opt out of participation under this subsection by adopting
 34 a resolution before July 1 of a year. A copy of a resolution adopted
 35 under this subsection shall be submitted to the executive of each
 36 included town covered by the resolution, the county auditor, and the
 37 department of local government finance.

38 SECTION 2. IC 36-8-13-3.5 IS ADDED TO THE INDIANA CODE
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2013]: **Sec. 3.5. After June 30, 2013, a township may not enter
 41 into or renew a contract with a volunteer fire department for fire
 42 protection services unless the volunteer fire department meets the**

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- 1 following requirements:
- 2 (1) The volunteer fire department is organized as a domestic
- 3 corporation (as defined in IC 23-17-2-11).
- 4 (2) Under the articles of incorporation or bylaws of the
- 5 volunteer fire department, a majority of the members of the
- 6 board of directors of the volunteer fire department:
- 7 (A) are appointed by the township executive; or
- 8 (B) are township executives or designees of the township
- 9 executives;
- 10 of each township that contracts with the volunteer fire
- 11 department for fire protection services.

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