

STATE OF INDIANA

DEPARTMENT OF LOCAL GOVERNMENT FINANCE



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TO: All Fire Protection Territory Provider and Participating Units
FROM: Micah G. Vincent, Commissioner *MGV*
RE: Fire Equipment Replacement Fund
DATE: May 17, 2013

On May 11, 2013, Governor Mike Pence signed into law Senate Enrolled Act 459 ("SEA 459"). Section 16 amends IC 36-8-19-8.5, the statute governing the fire equipment replacement fund, to make the establishment or reestablishment of a fire equipment replacement fund subject to the procedures governing cumulative funds under IC 6-1.1-41. The amendment took effect May 11, 2013. Please note, this memorandum is intended to be an informative bulletin; it is not a substitute for reading the law.

In addition to complying with the requirements of IC 36-8-19-8.5 for establishing an equipment replacement fund, before adopting the ordinance or resolution, each participating unit must comply with the notice and hearing requirements of IC 6-1.1-41-3. An ordinance or a resolution adopted thereby takes effect as provided in IC 6-1.1-41.

Under IC 36-8-19-8.5, as amended, the requirements and procedures specified in IC 6-1.1-41 concerning the establishment or reestablishment of a cumulative fund, the imposing of a property tax for a cumulative fund, and the increasing of a property tax rate for a cumulative fund apply to:

- (1) the establishment or reestablishment of a fund;
- (2) the imposing of a property tax for a fund; and
- (3) the increasing of a property tax rate for a fund.

Notwithstanding IC 6-1.1-18-12, if a fund is reestablished in the manner provided in IC 6-1.1-41, the property tax rate imposed for the fund in the first year after the fund is reestablished may not exceed \$0.0333 per \$100 of assessed value.

Contact Information

Questions may be directed to Staff Attorney Mike Duffy at (317) 233-9219 or mduffy@dlgf.in.gov.