

HOUSE BILL No. 1125

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-6-4; IC 36-8.

Synopsis: Volunteer fire department contracts. Requires a township trustee to: (1) make a separate estimated expenditure for legal services related to a contract with a volunteer fire department for fire protection services or emergency services; and (2) get the approval of the township board before hiring an attorney or paying legal fees related to a contract with a volunteer fire department for fire protection or emergency services. Specifies the requirements for a contract for services between a political subdivision and a volunteer fire department.

Effective: July 1, 2018.

May

January 4, 2018, read first time and referred to Committee on Local Government.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1125

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 36-6-4-4 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2018]: Sec. 4. The executive may do the
3 following:
4 (1) Administer oaths when necessary in the discharge of official
5 duties.
6 (2) **Subject to section 11 of this chapter and IC 36-8-13-10,**
7 appoint an attorney to represent the township in any proceeding
8 in which the township is interested.
9 (3) Enter into certain oil and gas leases of township property
10 under IC 36-9.
11 (4) Personally use a township vehicle for the performance of
12 official duties, but only if the use is authorized by the township
13 legislative body.
14 (5) Exercise other powers granted by statute.
15 SECTION 2. IC 36-6-4-11, AS AMENDED BY P.L.73-2005,
16 SECTION 174, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2018]: Sec. 11. (a) At the township legislative



1 body's annual meeting under IC 36-6-6-11, the executive shall:

2 (1) present an itemized written statement of the estimated
3 expenditures for which appropriations are requested, specifying:

4 (A) the number of teachers employed;

5 (B) the salary of each teacher employed;

6 (C) the property of the township (and supplies on hand);

7 (D) the estimated value of the property of the township (and
8 supplies on hand);

9 (E) the supplies necessary for each school; ~~and~~

10 (F) the need for township assistance in the township; and

11 **(G) legal services under subsection (b); and**

12 (2) submit to questions from the legislative body or taxpayers
13 concerning expenditures of the township.

14 **(b) An estimated expenditure for legal services related to the**
15 **township's contract with a volunteer fire department for fire**
16 **protection services or emergency services to the township must be**
17 **presented by the executive in the written statement under**
18 **subsection (a)(1) as a separate estimated expenditure for which an**
19 **appropriation is requested.**

20 ~~(b)~~ (c) The written statement required under subsection (a)(1) must
21 comply with forms prescribed by the state board of accounts and show
22 the amount of each item to be charged against township funds.

23 SECTION 3. IC 36-8-12-4.5 IS ADDED TO THE INDIANA CODE
24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
25 1, 2018]: **Sec. 4.5. (a) A contract for services for a purpose**
26 **authorized under this chapter between a unit and a volunteer fire**
27 **department must be:**

28 **(1) in writing;**

29 **(2) for a fixed term; and**

30 **(3) signed by the appropriate officers of the unit and the**
31 **volunteer fire department.**

32 **(b) This subsection applies to a contract executed after July 1,**
33 **2018. Any renewal or extension period permitted under the**
34 **contract must require written approval of the renewal or extension**
35 **signed by the appropriate officers of the unit and the volunteer fire**
36 **department. A renewal or extension period may not exceed the**
37 **term of the original contract.**

38 SECTION 4. IC 36-8-13-10 IS ADDED TO THE INDIANA CODE
39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
40 1, 2018]: **Sec. 10. Notwithstanding any other law, a township**
41 **executive may not:**

42 **(1) appoint an attorney to provide legal services related to the**



1 township's contract with a volunteer fire department to
2 provide fire protection services or emergency services to the
3 township; or
4 (2) spend funds to pay for legal services from funds
5 appropriated by the township legislative body for costs
6 related to the township's contract with a volunteer fire
7 department to provide fire protection services or emergency
8 services to the township;
9 without the specific approval of the township legislative body
10 before appointment of the attorney or the expenditure of funds.

