

SENATE BILL No. 321

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-1-7-2; IC 36-8.

Synopsis: Contracts for fire and emergency services. Beginning July 1, 2016, requires a city or town (municipality) that does not operate a fire department or participate in a fire protection territory or fire protection district to issue a request for proposals and award the contract for fire protection services or emergency medical services (services) under the public purchasing law, unless: (1) the equipment, personnel, and services are provided to the municipality without charge; or (2) the services are provided to a municipality in response to a request for assistance or under the state emergency management compact. Removes a provision that allows a township to provide fire protection services or emergency services inside a city, town, or included town without a contract.

Effective: July 1, 2015.

Head

January 8, 2015, read first time and referred to Committee on Local Government.



First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 321

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 36-1-7-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A power that may be
3 exercised by an Indiana political subdivision and by one (1) or more
4 other governmental entities may be exercised:
5 (1) by one (1) or more entities on behalf of others; or
6 (2) jointly by the entities.
7 Entities that want to do this must, by ordinance or resolution, enter into
8 a written agreement under section 3 or 9 of this chapter.
9 (b) Notwithstanding subsection (a), Indiana governmental entities
10 that want only to buy, sell, or exchange services, supplies, or
11 equipment between or among themselves may enter into contracts to
12 do this and follow section 12 of this chapter.
13 (c) **Notwithstanding subsections (a) and (b), after June 30, 2016,**
14 **if IC 36-8-2.5 applies to the provision of:**
15 (1) **fire protection services;**
16 (2) **emergency medical services; or**



1 **(3) both services under both subdivisions (1) and (2);**
 2 **to a municipality, the municipality shall comply with the**
 3 **requirements of IC 36-8-2.5 instead of this chapter.**

4 SECTION 2. IC 36-8-2.5 IS ADDED TO THE INDIANA CODE
 5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2015]:

7 **Chapter 2.5. Contracting for Fire Protection and Emergency**
 8 **Medical Services**

9 **Sec. 1. This chapter applies only to a municipality that does not:**

- 10 **(1) operate a municipal fire department; or**
 11 **(2) participate in a fire protection territory or fire protection**
 12 **district.**

13 **Sec. 2. This chapter does not apply to the following:**

- 14 **(1) A contract or agreement for equipment, personnel, and**
 15 **services that are provided to a municipality without charge.**
 16 **The following are not considered the provision of equipment,**
 17 **personnel, and services to the municipality for a charge:**

18 **(A) The provider's recovery of expenses related to the**
 19 **provision of the service to the municipality from a third**
 20 **party.**

21 **(B) The provider's receipt of funds from a state or federal**
 22 **agency related to the provision of the service to the**
 23 **municipality.**

- 24 **(2) An agreement for services provided to a municipality:**

25 **(A) in response to a request for assistance; or**

26 **(B) under a compact;**

27 **under IC 36-1-7-7 or IC 10-14-3.**

28 **Sec. 3. As used in this chapter, "contract" means a contract for**
 29 **one (1) or both of the following:**

30 **(1) Fire protection services.**

31 **(2) Emergency medical services.**

32 **Sec. 4. As used in this chapter, "provider" means any of the**
 33 **following:**

34 **(1) A fire department of a municipality or township.**

35 **(2) A volunteer fire department (as defined in IC 36-8-12-2).**

36 **(3) A fire protection district established under IC 36-8-11.**

37 **(4) A provider of emergency medical services.**

38 **Sec. 5. As used in this chapter, "services" means fire protection**
 39 **services, emergency medical services, or both.**

40 **Sec. 6. After June 30, 2016, if a municipality contracts with a**
 41 **provider to receive services, the municipality shall issue a request**
 42 **for proposals and award the contract under IC 5-22-9.**



1 SECTION 3. 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, 2015]: 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
- 18 (iii) county police officer;

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

20 The executive of a township may give a preference for
 21 employment under this section to a person who was employed
 22 full-time or part-time by another township to provide fire
 23 protection and emergency services and has been laid off by the
 24 township. The executive of a township may also give a preference
 25 for employment to a firefighter laid off by a city under
 26 IC 36-8-4-11. A person described in this subdivision may not
 27 receive a preference for employment unless the person applies for
 28 employment and meets all employment requirements prescribed
 29 by law, including physical and age requirements, and all
 30 employment requirements prescribed by the fire department.

31 (2) Contract with a municipality in the township or in a
 32 contiguous township that maintains adequate firefighting or
 33 emergency services apparatus and equipment to provide fire
 34 protection or emergency services for the township in accordance
 35 with IC 36-1-7.

36 (3) Cooperate with a municipality in the township or in a
 37 contiguous township in the purchase, maintenance, and upkeep of
 38 firefighting or emergency services apparatus and equipment for
 39 use in the municipality and township in accordance with
 40 IC 36-1-7 or **IC 36-8-2.5.**

41 (4) Contract with a volunteer fire department that has been
 42 organized to fight fires in the township for the use and operation



1 of firefighting apparatus and equipment that has been purchased
 2 by the township in order to save the private and public property
 3 of the township from destruction by fire, including use of the
 4 apparatus and equipment in an adjoining township by the
 5 department if the department has made a contract with the
 6 executive of the adjoining township for the furnishing of
 7 firefighting service within the township.

8 (5) Contract with a volunteer fire department that maintains
 9 adequate firefighting service in accordance with IC 36-8-12.

10 (b) This subsection applies only to townships that provide fire
 11 protection or emergency services or both under subsection (a)(1) and
 12 to municipalities that have some part of the municipal territory within
 13 a township and do not have a full-time paid fire department. A
 14 township may provide fire protection or emergency services or both
 15 ~~without contracts~~ inside the corporate boundaries of the municipalities
 16 **without contracts and under an interlocal cooperation agreement**
 17 **under IC 36-1-7, if:**

18 **(1) the provision of fire protection or emergency services is**
 19 **not subject to IC 36-8-2.5; and**

20 **(2) the municipality and township enter into an interlocal**
 21 **cooperation agreement under IC 36-1-7** before July 1 of a year.
 22 **the following occur:**

23 (1) The legislative body of the municipality adopts a
 24 ordinance to have the township provide the services without a
 25 contract.

26 (2) The township legislative body passes a resolution
 27 approving the township's provision of the services without
 28 contracts to the municipality.

29 In a township providing services to a municipality under this section;
 30 the legislative body of either the township or a municipality in the
 31 township may opt out of participation under this subsection by adopting
 32 an ordinance or a resolution, respectively; **An interlocal cooperation**
 33 **agreement under this subsection that contains a termination date**
 34 **must have a termination date that occurs** before July 1 of a year.

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

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

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

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

42 and to included towns (as defined in IC 36-3-1-7) that have all the



1 included town's municipal territory completely within the township. A
 2 township may provide fire protection or emergency services, or both,
 3 **that are not subject to IC 36-8-2.5**, without contracts inside the
 4 corporate boundaries of the municipalities if before August 1 of the
 5 year preceding the first calendar year to which this subsection applies,
 6 the township legislative body passes a resolution approving the
 7 township's provision of the services without contracts to the
 8 municipality. The resolution must identify the included towns to which
 9 the resolution applies. In a township providing services to a
 10 municipality under this section, the legislative body of the township
 11 may opt out of participation under this subsection by adopting a
 12 resolution the township enters into an interlocal cooperation
 13 agreement with the municipality under IC 36-1-7. An interlocal
 14 cooperation agreement under this subsection that contains a
 15 termination date must have a termination date that occurs before
 16 July 1 of a year. A copy of a resolution adopted under this subsection
 17 an interlocal cooperation agreement shall be submitted to the
 18 executive of each included town covered by the resolution, agreement,
 19 the county auditor, and the department of local government finance.

20 (d) Notwithstanding subsections (b) and (c), a township that is
 21 providing fire protection services or emergency services, or both,
 22 to a municipality without a contract on July 1, 2015, may continue
 23 to provide services without contracts inside the corporate
 24 boundaries of municipalities until the earliest of the following
 25 dates:

26 (1) The effective date of an interlocal cooperation agreement
 27 entered into by the township with the municipality under
 28 IC 36-1-7 for the provision of fire protection services or
 29 emergency services, or both, within the corporate boundaries
 30 of the municipality.

31 (2) The effective date of a contract entered into by the
 32 township with the municipality under IC 36-8-2.5 for the
 33 provision of fire protection services or emergency services, or
 34 both, within the corporate boundaries of the municipality.

35 (3) July 1, 2016.

