

SENATE BILL No. 472

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-15-2-8; IC 10-19-5-2; IC 22-12; IC 22-14-5; IC 36-8-12.

Synopsis: Public safety fund management. Requires the department of homeland security (department) to provide staff support to the Indiana homeland security foundation. Removes administration of the foundation from the duties of the division of preparedness and training of the department. Authorizes the division of fire and building safety of the department to receive money from the statewide arson investigation financial assistance fund (arson fund) for purposes of fire investigation. Removes the authority of the state fire marshal to distribute money from the arson fund. Authorizes the state fire marshal to accept gifts for deposit in the arson fund. Abolishes the firefighting and emergency equipment revolving loan fund, and transfers money in the fund to the fire and building services fund for statewide fire training. Requires payment of loans outstanding from the revolving fund to the department for deposit in the fire and building services fund for statewide fire training.

Effective: July 1, 2007.

Wyss, Rogers

January 11, 2007, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.

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First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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SENATE BILL No. 472



A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-15-2-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The executive
3 director ~~and agency, institute,~~ and department staff designated by the
4 director shall act as advisers to the foundation.

5 (b) An adviser to the foundation may do the following:
6 (1) Attend all meetings of the foundation.
7 (2) Participate in all proceedings at foundation meetings other
8 than voting.

9 (c) **The department shall provide staff support to the**
10 **foundation.**

11 SECTION 2. IC 10-19-5-2, AS ADDED BY P.L.22-2005,
12 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2007]: Sec. 2. The division shall administer ~~the following: (1)~~
14 ~~IC 10-15: (2)~~ all other state emergency management and response
15 training programs.

16 SECTION 3. IC 22-12-6-2, AS AMENDED BY P.L.1-2006,
17 SECTION 353, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The statewide arson
2 investigation financial assistance fund is established to provide ~~money~~
3 **resources** to:

- 4 (1) prosecuting attorneys;
- 5 (2) local police departments;
- 6 (3) the state police department;
- 7 (4) arson task forces; ~~and~~
- 8 (5) fire departments that have arson investigating teams or arson
9 task forces; **and**
- 10 **(6) the division of fire and building safety established by**
11 **IC 10-19-7-1 for purposes of fire investigation.**

12 (b) The department shall administer the fund. ~~The state fire marshal~~
13 ~~shall distribute the money from the fund in accordance with the rules~~
14 ~~adopted under IC 4-22-2 by the commission and the commissioner of~~
15 ~~insurance.~~

16 (c) The fund consists of money deposited in the fund by the
17 executive director of the department. The department, **the state fire**
18 **marshal**, and the division of fire and building safety may accept gifts
19 and grants from any source to be deposited in the fund and to be used
20 for the purposes of this section.

21 (d) Money in the fund at the end of a state fiscal year does not revert
22 to the state general fund.

23 SECTION 4. IC 36-8-12-13 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) A volunteer fire
25 department may impose a charge on the owner of property, **the** owner
26 of a vehicle, or a responsible party (as defined in IC 13-11-2-191(d))
27 that is involved in a hazardous material or fuel spill or chemical or
28 hazardous material related fire (as defined in IC 13-11-2-96(b)):

- 29 (1) that is responded to by the volunteer fire department; and
- 30 (2) that members of that volunteer fire department assisted in
31 extinguishing, containing, or cleaning up.

32 (b) The volunteer fire department shall bill the owner or responsible
33 party of the vehicle for the total dollar value of the assistance that was
34 provided, with that value determined by a method that the state fire
35 marshal shall establish under IC 36-8-12-16. A copy of the fire incident
36 report to the state fire marshal must accompany the bill. This billing
37 must take place within thirty (30) days after the assistance was
38 provided. The owner or responsible party shall remit payment directly
39 to the governmental unit providing the service. Any money that is
40 collected under this section may be:

- 41 (1) deposited in the township firefighting fund established in
42 IC 36-8-13-4;

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1 (2) used to pay principal and interest on a loan ~~under IC 22-14-5;~~
2 **made by the department of homeland security established by**
3 **IC 10-19-2-1 or a division of the department for the purchase**
4 **of new or used firefighting and other emergency equipment or**
5 **apparatus; or**

6 (3) used for the purchase of equipment, buildings, and property
7 for firefighting, fire protection, and other emergency services.

8 (c) The volunteer fire department may maintain a civil action to
9 recover an unpaid charge that is imposed under subsection (a).

10 SECTION 5. IC 36-8-12-16 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) A volunteer fire
12 department that provides service within a jurisdiction served by the
13 department may establish a schedule of charges for the services that the
14 department provides not to exceed the state fire marshal's
15 recommended schedule for services. The volunteer fire department or
16 its agent may collect a service charge according to this schedule from
17 the owner of property that receives service if the following conditions
18 are met:

19 (1) At the following times, the department gives notice under
20 IC 5-3-1-4(d) in each political subdivision served by the
21 department of the amount of the service charge for each service
22 that the department provides:

23 (A) Before the schedule of service charges is initiated.

24 (B) When there is a change in the amount of a service charge.

25 (2) The property owner has not sent written notice to the
26 department to refuse service by the department to the owner's
27 property.

28 (3) The bill for payment of the service charge:

29 (A) is submitted to the property owner in writing within thirty
30 (30) days after the services are provided; and

31 (B) includes a copy of a fire incident report in the form
32 prescribed by the state fire marshal, if the service was
33 provided for an event that requires a fire incident report.

34 (b) A volunteer fire department shall use the revenue collected from
35 the fire service charges under this section for:

36 (1) the purchase of equipment, buildings, and property for
37 firefighting, fire protection, or other emergency services;

38 (2) deposit in the township firefighting fund established under
39 IC 36-8-13-4; or

40 (3) to pay principal and interest on a loan ~~under IC 22-14-5;~~ **made**
41 **by the department of homeland security established by**
42 **IC 10-19-2-1 or a division of the department for the purchase**

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1 **of new or used firefighting and other emergency equipment or**
2 **apparatus.**

3 (c) If at least twenty-five percent (25%) of the money received by a
4 volunteer fire department for providing fire protection or emergency
5 services is received under one (1) or more contracts with one (1) or
6 more political subdivisions (as defined in IC 34-6-2-110), the
7 legislative body of a contracting political subdivision must approve the
8 schedule of service charges established under subsection (a) before the
9 schedule of service charges is initiated in that political subdivision.

10 (d) A volunteer fire department that:
11 (1) has contracted with a political subdivision to provide fire
12 protection or emergency services; and
13 (2) charges for services under this section;
14 must submit a report to the legislative body of the political subdivision
15 before April 1 of each year indicating the amount of service charges
16 collected during the previous calendar year and how those funds have
17 been expended.

18 (e) The state fire marshal shall annually prepare and publish a
19 recommended schedule of service charges for fire protection services.

20 (f) The volunteer fire department or its agent may maintain a civil
21 action to recover an unpaid service charge under this section.

22 SECTION 6. IC 36-8-12-17 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) If a political
24 subdivision has not imposed its own false alarm fee or service charge,
25 a volunteer fire department that provides service within the jurisdiction
26 may establish a service charge for responding to false alarms. The
27 volunteer fire department may collect the false alarm service charge
28 from the owner of the property if the volunteer fire department
29 dispatches firefighting apparatus or personnel to a building or premises
30 in the township in response to:

- 31 (1) an alarm caused by improper installation or improper
32 maintenance; or
33 (2) a drill or test, if the fire department is not previously notified
34 that the alarm is a drill or test.

35 However, if the owner of property that constitutes the owner's residence
36 establishes that the alarm is under a maintenance contract with an
37 alarm company and that the alarm company has been notified of the
38 improper installation or maintenance of the alarm, the alarm company
39 is liable for the payment of the fee or service charge.

40 (b) Before establishing a false alarm service charge, the volunteer
41 fire department must provide notice under IC 5-3-1-4(d) in each
42 political subdivision served by the department of the amount of the

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1 false alarm service charge. The notice required by this subsection must
2 be given:

- 3 (1) before the false alarm service charge is initiated; and
4 (2) before a change in the amount of the false alarm service
5 charge.

6 (c) A volunteer fire department may not collect a false alarm service
7 charge from a property owner or alarm company unless the
8 department's bill for payment of the service charge:

- 9 (1) is submitted to the property owner in writing within thirty (30)
10 days after the false alarm; and
11 (2) includes a copy of a fire incident report in the form prescribed
12 by the state fire marshal.

13 (d) A volunteer fire department shall use the money collected from
14 the false alarm service charge imposed under this section:

- 15 (1) for the purchase of equipment, buildings, and property for fire
16 fighting, fire protection, or other emergency services;
17 (2) for deposit in the township firefighting fund established under
18 IC 36-8-13-4; or
19 (3) to pay principal and interest on a loan ~~under IC 22-14-5~~ **made**
20 **by the department of homeland security established by**
21 **IC 10-19-2-1 or a division of the department for the purchase**
22 **of new or used firefighting and other emergency equipment or**
23 **apparatus.**

24 (e) If at least twenty-five percent (25%) of the money received by a
25 volunteer fire department for providing fire protection or emergency
26 services is received under one (1) or more contracts with one (1) or
27 more political subdivisions (as defined in IC 34-6-2-110), the
28 legislative body of a contracting political subdivision must approve the
29 false alarm service charge established under subsection (a) before the
30 service charge is initiated in that political subdivision.

31 (f) A volunteer fire department that:

- 32 (1) has contracted with a political subdivision to provide fire
33 protection or emergency services; and
34 (2) imposes a false alarm service charge under this section;

35 must submit a report to the legislative body of the political subdivision
36 before April 1 of each year indicating the amount of false alarm
37 charges collected during the previous calendar year and how those
38 funds have been expended.

39 (g) The volunteer fire department may maintain a civil action to
40 recover unpaid false alarm service charges imposed under this section.

41 SECTION 7. THE FOLLOWING ARE REPEALED [EFFECTIVE
42 JULY 1, 2007]: IC 22-12-1-23.3; IC 22-14-5.

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1 SECTION 8. [EFFECTIVE JULY 1, 2007] (a) Notwithstanding
2 the repeal of IC 22-14-5 by this act, the firefighting and emergency
3 equipment revolving loan fund established by IC 22-14-5-1 shall
4 remain in existence after June 30, 2007, if any money remains in
5 the fund on June 30, 2007.

6 (b) Money remaining in the firefighting and emergency
7 equipment revolving loan fund on June 30, 2007, must be
8 transferred to the fire and building services fund established by
9 IC 22-12-6-1 before August 1, 2007.

10 (c) If money in the firefighting and emergency equipment
11 revolving loan fund is transferred under subsection (b), the
12 firefighting and emergency equipment revolving loan fund is
13 abolished after the transfer under subsection (b) is completed.

14 (d) Notwithstanding the repeal of IC 22-14-5 by this act, if a
15 loan under IC 22-14-5 remains outstanding on June 30, 2007, the
16 qualified entity to whom the money was loaned shall repay the
17 loan, subject to the original terms and conditions of the loan, to the
18 department of homeland security established by IC 10-19-2-1 for
19 deposit in the fire and building services fund established by
20 IC 22-12-6-1.

21 (e) The department of homeland security shall use the money:

22 (1) transferred under subsection (b); or

23 (2) deposited under subsection (d);

24 for statewide fire training.

25 (f) This SECTION expires August 1, 2007.

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