

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 23 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 4-13.6-6-2.8 IS ADDED TO THE INDIANA
- 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE UPON PASSAGE]: **Sec. 2.8. (a) As used in this section,**
- 6 **"resident of Indiana" means a person who is at least eighteen (18)**
- 7 **years of age and is one (1) of the following:**
- 8 (1) A person who has registered a motor vehicle in Indiana.
- 9 (2) A person who is registered to vote in Indiana.
- 10 (3) A person who has a child enrolled in an elementary or a
- 11 secondary school located in Indiana.
- 12 (4) A person who derives more than one-half (1/2) of the
- 13 person's gross income (as defined in Section 61 of the Internal
- 14 Revenue Code) from sources in Indiana, according to the
- 15 provisions applicable to determining the source of adjusted
- 16 gross income that are set forth in IC 6-3-2-2. However, a
- 17 person who would otherwise be considered a resident of
- 18 Indiana under this subdivision is not a resident of Indiana if
- 19 a preponderance of the evidence concerning the factors set
- 20 forth in subdivisions (1) through (3) proves that the person is
- 21 not a resident of Indiana.
- 22 (b) A contract for a public works project may not be awarded
- 23 to a contractor who does not:
- 24 (1) employ residents of Indiana as at least eighty percent

1 **(80%) of the employees who work on the contract; and**
 2 **(2) enter into subcontracts only with subcontractors who**
 3 **employ residents of Indiana as at least eighty percent (80%)**
 4 **of the employees who work on the subcontract.**

5 **(c) Before August 15 of 2011, and each year thereafter, the**
 6 **division shall file with the legislative council a report for the**
 7 **preceding year stating:**

8 **(1) for each contractor awarded a contract under this**
 9 **chapter; and**

10 **(2) for each subcontractor with which a contractor referred**
 11 **to in subdivision (1) enters into a contract in connection with**
 12 **a contract awarded under this chapter;**

13 **the percentage of the employees of the contractor or subcontractor**
 14 **who work on the contract and are residents of Indiana. The report**
 15 **to the legislative council must be in an electronic format under**
 16 **IC 5-14-6.**

17 **(d) A contract awarded under this chapter for a public works**
 18 **project is terminated if the division determines that the contractor**
 19 **has failed to:**

20 **(1) employ residents of Indiana as at least eighty percent**
 21 **(80%) of the employees who work on the contract; and**

22 **(2) enter into subcontracts only with subcontractors who**
 23 **employ residents of Indiana as at least eighty percent (80%)**
 24 **of the employees who work on the subcontract.**

25 **(e) A contractor or subcontractor who fails to employ residents**
 26 **of Indiana as at least eighty percent (80%) of the employees who**
 27 **work on the contract or subcontract commits a Class B infraction**
 28 **for each nonresident of Indiana employed in excess of the number**
 29 **of nonresident employees permitted by this section.**

30 **(f) If:**

31 **(1) a contract or subcontract subject to this section is funded**
 32 **in whole or in part with federal funds; and**

33 **(2) imposing the requirements of this section would cause the**
 34 **state to lose the federal funds for the contract, as determined**
 35 **by the federal agency providing the funds;**

36 **subsections (a) through (e) do not apply.**

37 **(g) If an agency of the federal government makes a**
 38 **determination under subsection (f) that causes a contract to be**
 39 **exempted from the requirements of subsections (a) through (e), this**
 40 **section is meant to express the view of the general assembly that**
 41 **expanding employment opportunities for Indiana residents**
 42 **remains a vital part of the state's economy.**

43 **(h) A contract exempted from the requirements of subsections**
 44 **(a) through (e) may not reference the employment of Indiana**
 45 **residents. The division may not consider the number of**
 46 **employment opportunities for Indiana residents when doing any of**
 47 **the following with respect to a project subject to a contract that is**

1 exempted from the requirements of subsections (a) through (e):

- 2 (1) Issuing a request for proposals.
 3 (2) Issuing a bulletin inviting bids for the contract.
 4 (3) Prequalifying a contractor for the contract.
 5 (4) Evaluating a bid for the contract.

6 (i) This section does not apply to contracts entered into to
 7 perform work:

- 8 (1) resulting from an emergency; or
 9 (2) performed by an artisan or by someone in a speciality area
 10 with limited persons able to perform the work.

11 SECTION 2. IC 5-16-1-7.5 IS ADDED TO THE INDIANA CODE
 12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: **Sec. 7.5. (a) As used in this section, "resident of
 14 Indiana" means a person who is at least eighteen (18) years of age
 15 and is one (1) of the following:**

- 16 (1) A person who has registered a motor vehicle in Indiana.
 17 (2) A person who is registered to vote in Indiana.
 18 (3) A person who has a child enrolled in an elementary or a
 19 secondary school located in Indiana.
 20 (4) A person who derives more than one-half (1/2) of the
 21 person's gross income (as defined in Section 61 of the Internal
 22 Revenue Code) from sources in Indiana, according to the
 23 provisions applicable to determining the source of adjusted
 24 gross income that are set forth in IC 6-3-2-2. However, a
 25 person who would otherwise be considered a resident of
 26 Indiana under this subdivision is not a resident of Indiana if
 27 a preponderance of the evidence concerning the factors set
 28 forth in subdivisions (1) through (3) proves that the person is
 29 not a resident of Indiana.

30 (b) A contract for a public works project under this chapter
 31 may not be awarded to a contractor who does not:

- 32 (1) employ residents of Indiana as at least eighty percent
 33 (80%) of the employees who work on the contract; and
 34 (2) enter into subcontracts only with subcontractors who
 35 employ residents of Indiana as at least eighty percent (80%)
 36 of the employees who work on the subcontract.

37 (c) Before August 15 of 2011, and each year thereafter, any state
 38 agency entering into contracts under this chapter shall file with the
 39 legislative council a report stating:

- 40 (1) for each contractor awarded a contract under this
 41 chapter; and
 42 (2) for each subcontractor with which a contractor referred
 43 to in subdivision (1) enters into a contract in connection with
 44 a contract awarded under this chapter;

45 the percentage of the employees of the contractor or subcontractor
 46 who work on the contract and are residents of Indiana. The report
 47 to the legislative council must be in an electronic format under

1 **IC 5-14-6.**

2 (d) A contract awarded under this chapter for a public works
3 project is terminated if the state or commission determines that the
4 contractor has failed to:

- 5 (1) employ residents of Indiana as at least eighty percent
6 (80%) of the employees who work on the contract; and
7 (2) enter into subcontracts only with subcontractors who
8 employ residents of Indiana as at least eighty percent (80%)
9 of the employees who work on the subcontract.

10 (e) A contractor or subcontractor who fails to employ residents
11 of Indiana as at least eighty percent (80%) of the employees who
12 work on the contract or subcontract commits a Class B infraction
13 for each nonresident of Indiana employed in excess of the number
14 of nonresident employees permitted by this section.

15 (f) If:

- 16 (1) a contract or subcontract subject to this section is funded
17 in whole or in part with federal funds; and
18 (2) imposing the requirements of this section would cause the
19 state to lose the federal funds for the contract, as determined
20 by the federal agency providing the funds;

21 subsections (a) through (e) do not apply.

22 (g) If an agency of the federal government makes a
23 determination under subsection (f) that causes a contract to be
24 exempted from the requirements of subsections (a) through (e), this
25 section is meant to express the view of the general assembly that
26 expanding employment opportunities for Indiana residents
27 remains a vital part of the state's economy.

28 (h) A contract exempted from the requirements of subsections
29 (a) through (e) may not reference the employment of Indiana
30 residents. The state or a commission may not consider the number
31 of employment opportunities for Indiana residents when doing any
32 of the following with respect to a project subject to a contract that
33 is exempted from the requirements of subsections (a) through (e):

- 34 (1) Issuing a request for proposals.
35 (2) Issuing a bulletin inviting bids for the contract.
36 (3) Prequalifying a contractor for the contract.
37 (4) Evaluating a bid for the contract.

38 (i) This section does not apply to contracts entered into to
39 perform work:

- 40 (1) resulting from an emergency; or
41 (2) performed by an artisan or by someone in a speciality area
42 with limited persons able to perform the work."

43 Page 10, between lines 32 and 33, begin a new paragraph and insert:
44 "SECTION 6. IC 8-10-1-7.7 IS ADDED TO THE INDIANA CODE
45 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
46 UPON PASSAGE]: Sec. 7.7. (a) As used in this section, "resident of
47 Indiana" means a person who is at least eighteen (18) years of age

- 1 **and is one (1) of the following:**
- 2 (1) A person who has registered a motor vehicle in Indiana.
- 3 (2) A person who is registered to vote in Indiana.
- 4 (3) A person who has a child enrolled in an elementary or a
- 5 secondary school located in Indiana.
- 6 (4) A person who derives more than one-half (1/2) of the
- 7 person's gross income (as defined in Section 61 of the Internal
- 8 Revenue Code) from sources in Indiana, according to the
- 9 provisions applicable to determining the source of adjusted
- 10 gross income that are set forth in IC 6-3-2-2. However, a
- 11 person who would otherwise be considered a resident of
- 12 Indiana under this subdivision is not a resident of Indiana if
- 13 a preponderance of the evidence concerning the factors set
- 14 forth in subdivisions (1) through (3) proves that the person is
- 15 not a resident of Indiana.
- 16 **(b) A contract for a public works project under this chapter**
- 17 **may not be awarded to a contractor who does not:**
- 18 (1) employ residents of Indiana as at least eighty percent
- 19 (80%) of the employees of the contractor who work on the
- 20 contract; and
- 21 (2) enter into subcontracts only with subcontractors who
- 22 employ residents of Indiana as at least eighty percent (80%)
- 23 of the employees who work on the subcontract.
- 24 **(c) Before August 15 of 2011, and each year thereafter, the**
- 25 **commission shall file with the legislative council a report stating:**
- 26 (1) for each contractor awarded a contract under this
- 27 chapter; and
- 28 (2) for each subcontractor with which a contractor referred
- 29 to in subdivision (1) enters into a contract in connection with
- 30 a contract awarded under this chapter;
- 31 **the percentage of the employees of the contractor or subcontractor**
- 32 **who work on the contract and are residents of Indiana. The report**
- 33 **to the legislative council must be in an electronic format under**
- 34 **IC 5-14-6.**
- 35 **(d) A contract awarded under this chapter for a public works**
- 36 **project is terminated if the commission determines that the**
- 37 **contractor has failed to:**
- 38 (1) employ residents of Indiana as at least eighty percent
- 39 (80%) of the employees who work on the contract; and
- 40 (2) enter into subcontracts only with subcontractors who
- 41 employ residents of Indiana as at least eighty percent (80%)
- 42 of the employees who work on the subcontract.
- 43 **(e) A contractor or subcontractor who fails to employ residents**
- 44 **of Indiana as at least eighty percent (80%) of the employees who**
- 45 **work on the contract or subcontract commits a Class B infraction**
- 46 **for each nonresident of Indiana employed in excess of the number**
- 47 **of nonresident employees permitted by this section.**

1 (f) If:

2 (1) a contract or subcontract subject to this section is funded
3 in whole or in part with federal funds; and

4 (2) imposing the requirements of this section would cause the
5 state to lose the federal funds for the contract, as determined
6 by the federal agency providing the funds;

7 subsections (a) through (e) do not apply.

8 (g) If an agency of the federal government makes a
9 determination under subsection (f) that causes a contract to be
10 exempted from the requirements of subsections (a) through (e), this
11 section is meant to express the view of the general assembly that
12 expanding employment opportunities for Indiana residents
13 remains a vital part of the state's economy.

14 (h) A contract exempted from the requirements of subsections
15 (a) through (e) may not reference the employment of Indiana
16 residents. The commission may not consider the number of
17 employment opportunities for Indiana residents when doing any of
18 the following with respect to a project subject to a contract that is
19 exempted from the requirements of subsections (a) through (e):

20 (1) Issuing a request for proposals.

21 (2) Issuing a bulletin inviting bids for the contract.

22 (3) Prequalifying a contractor for the contract.

23 (4) Evaluating a bid for the contract.

24 (i) This section does not apply to contracts entered into to
25 perform work:

26 (1) resulting from an emergency; or

27 (2) performed by an artisan or by someone in a speciality area
28 with limited persons able to perform the work.

29 SECTION 7. IC 8-23-9-4.6 IS ADDED TO THE INDIANA CODE
30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
31 UPON PASSAGE]: Sec. 4.6. (a) As used in this section, "resident of
32 Indiana" means a person who is at least eighteen (18) years of age
33 and is one (1) of the following:

34 (1) A person who has registered a motor vehicle in Indiana.

35 (2) A person who is registered to vote in Indiana.

36 (3) A person who has a child enrolled in an elementary or a
37 secondary school located in Indiana.

38 (4) A person who derives more than one-half (1/2) of the
39 person's gross income (as defined in Section 61 of the Internal
40 Revenue Code) from sources in Indiana, according to the
41 provisions applicable to determining the source of adjusted
42 gross income that are set forth in IC 6-3-2-2. However, a
43 person who would otherwise be considered a resident of
44 Indiana under this subdivision is not a resident of Indiana if
45 a preponderance of the evidence concerning the factors set
46 forth in subdivisions (1) through (3) proves that the person is
47 not a resident of Indiana.

1 **(b) A contract for a public works project under this chapter**
 2 **may not be awarded to a contractor who does not:**

3 **(1) employ residents of Indiana as at least eighty percent**
 4 **(80%) of the employees of the contractor who work on the**
 5 **contract; and**

6 **(2) enter into subcontracts only with subcontractors who**
 7 **employ residents of Indiana as at least eighty percent (80%)**
 8 **of the employees working on the subcontract.**

9 **(c) Before August 15 of 2011, and each year thereafter, the**
 10 **department shall file with the legislative council a report stating:**

11 **(1) for each contractor awarded a contract under this**
 12 **chapter; and**

13 **(2) for each subcontractor with which a contractor referred**
 14 **to in subdivision (1) enters into a contract in connection with**
 15 **a contract awarded under this chapter;**

16 **the percentage of the employees of the contractor or subcontractor**
 17 **who work on the contract and are residents of Indiana. The report**
 18 **to the legislative council must be in an electronic format under**
 19 **IC 5-14-6.**

20 **(d) A contract awarded under this chapter for a public works**
 21 **project is terminated if the department determines that the**
 22 **contractor has failed to:**

23 **(1) employ residents of Indiana as at least eighty percent**
 24 **(80%) of the employees who work on the contract; and**

25 **(2) enter into subcontracts only with subcontractors who**
 26 **employ residents of Indiana as at least eighty percent (80%)**
 27 **of the employees who work on the subcontract.**

28 **(e) A contractor or subcontractor who fails to employ residents**
 29 **of Indiana as at least eighty percent (80%) of the employees who**
 30 **work on the contract or subcontract commits a Class B infraction**
 31 **for each nonresident of Indiana employed in excess of the number**
 32 **of nonresident employees permitted by this section.**

33 **(f) If:**

34 **(1) a contract or subcontract subject to this section is funded**
 35 **in whole or in part with federal funds; and**

36 **(2) imposing the requirements of this section would cause the**
 37 **state to lose the federal funds for the contract, as determined**
 38 **by the federal agency providing the funds;**

39 **subsections (a) through (e) do not apply.**

40 **(g) If an agency of the federal government makes a**
 41 **determination under subsection (f) that causes a contract to be**
 42 **exempted from the requirements of subsections (a) through (e), this**
 43 **section is meant to express the view of the general assembly that**
 44 **expanding employment opportunities for Indiana residents**
 45 **remains a vital part of the state's economy.**

46 **(h) A contract exempted from the requirements of subsections**
 47 **(a) through (e) may not reference the employment of Indiana**

1 residents. The department may not consider the number of
 2 employment opportunities for Indiana residents when doing any of
 3 the following with respect to a project subject to a contract that is
 4 exempted from the requirements of subsections (a) through (e):

- 5 (1) Issuing a request for proposals.
- 6 (2) Issuing a bulletin inviting bids for the contract.
- 7 (3) Prequalifying a contractor for the contract.
- 8 (4) Evaluating a bid for the contract.

9 (i) This section does not apply to contracts entered into to
 10 perform work:

- 11 (1) resulting from an emergency; or
- 12 (2) performed by an artisan or by someone in a speciality area
 13 with limited persons able to perform the work."

14 Page 51, delete line 32.

15 Page 52, between lines 30 and 31, begin a new paragraph and insert:

16 "SECTION 28. IC 36-1-12-5.5 IS ADDED TO THE INDIANA
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE UPON PASSAGE]: Sec. 5.5. (a) As used in this section,
 19 "resident of Indiana" means a person who is at least eighteen (18)
 20 years of age and is one (1) of the following:

- 21 (1) A person who has registered a motor vehicle in Indiana.
- 22 (2) A person who is registered to vote in Indiana.
- 23 (3) A person who has a child enrolled in an elementary or a
 24 secondary school located in Indiana.
- 25 (4) A person who derives more than one-half (1/2) of the
 26 person's gross income (as defined in Section 61 of the Internal
 27 Revenue Code) from sources in Indiana, according to the
 28 provisions applicable to determining the source of adjusted
 29 gross income that are set forth in IC 6-3-2-2. However, a
 30 person who would otherwise be considered a resident of
 31 Indiana under this subdivision is not a resident of Indiana if
 32 a preponderance of the evidence concerning the factors set
 33 forth in subdivisions (1) through (3) proves that the person is
 34 not a resident of Indiana.

35 (b) A contract for a public works project under this chapter
 36 may not be awarded to a contractor who does not:

- 37 (1) employ residents of Indiana as at least eighty percent
 38 (80%) of the employees of the contractor who work on the
 39 contract; and
- 40 (2) enter into subcontracts only with subcontractors who
 41 employ residents of Indiana as at least eighty percent (80%)
 42 of the employees working on the subcontract.

43 (c) A contract awarded under this chapter for a public works
 44 project is terminated if the unit determines that the contractor has
 45 failed to:

- 46 (1) employ residents of Indiana as at least eighty percent
 47 (80%) of the employees who work on the contract; and

1 **(2) enter into subcontracts only with subcontractors who**
 2 **employ residents of Indiana as at least eighty percent (80%)**
 3 **of the employees who work on the subcontract.**

4 **(d) A contractor or subcontractor who fails to employ residents**
 5 **of Indiana as at least eighty percent (80%) of the employees who**
 6 **work on the contract or subcontract commits a Class B infraction**
 7 **for each nonresident of Indiana employed in excess of the number**
 8 **of nonresident employees permitted by this section.**

9 **(e) If:**

10 **(1) a contract or subcontract subject to this section is funded**
 11 **in whole or in part with federal funds; and**

12 **(2) imposing the requirements of this section would cause the**
 13 **state to lose the federal funds for the contract, as determined**
 14 **by the federal agency providing the funds;**

15 **subsections (a) through (d) do not apply.**

16 **(f) If an agency of the federal government makes a**
 17 **determination under subsection (e) that causes a contract to be**
 18 **exempted from the requirements of subsections (a) through (d),**
 19 **this section is meant to express the view of the general assembly**
 20 **that expanding employment opportunities for Indiana residents**
 21 **remains a vital part of the state's economy.**

22 **(g) A contract exempted from the requirements of subsections**
 23 **(a) through (d) may not reference the employment of Indiana**
 24 **residents. The division may not consider the number of**
 25 **employment opportunities for Indiana residents when doing any of**
 26 **the following with respect to a project subject to a contract that is**
 27 **exempted from the requirements of subsections (a) through (d):**

28 **(1) Issuing a request for proposals.**

29 **(2) Issuing a bulletin inviting bids for the contract.**

30 **(3) Prequalifying a contractor for the contract.**

31 **(4) Evaluating a bid for the contract.**

32 **(h) This section does not apply to contracts entered into to**
 33 **perform work:**

34 **(1) resulting from an emergency; or**

35 **(2) performed by an artisan or by someone in a speciality area**
 36 **with limited persons able to perform the work.**

37 **SECTION 29. IC 36-8-4-10 IS AMENDED TO READ AS**
 38 **FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Subject to**
 39 **subsection (~~b~~), (c), the board or persons having the authority to employ**
 40 **members of the fire or police department shall give a preference for**
 41 **employment according to the following priority:**

42 **(1) A war veteran who has been honorably discharged from the**
 43 **United States armed forces.**

44 **(2) A person whose mother or father was a:**

45 **(A) firefighter of a unit;**

46 **(B) municipal police officer; or**

47 **(C) county police officer;**

- 1 who died in the line of duty (as defined in IC 5-10-10-2).
- 2 **(b) Subject to subsection (c), the board or person having the**
- 3 **authority to employ members of a fire or police department may**
- 4 **give a preference for employment to any of the following:**
- 5 **(1) A police officer or firefighter laid off by another city under**
- 6 **section 11 of this chapter.**
- 7 **(2) A county police officer laid off by a sheriff's department**
- 8 **under IC 36-8-10-11.1.**
- 9 **(3) A person who:**
- 10 **(A) was employed full-time or part-time by a township to**
- 11 **provide fire protection and emergency services; and**
- 12 **(B) has been laid off by the township.**
- 13 ~~(b)~~ **(c) A person described in subsection (a) or (b) may not receive**
- 14 **a preference for employment unless the person:**
- 15 (1) applies; and
- 16 (2) meets all employment requirements prescribed:
- 17 (A) by law, including physical and age requirements; and
- 18 (B) by the fire or police department.
- 19 SECTION 30. IC 36-8-10-10.4 IS AMENDED TO READ AS
- 20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.4. (a) Subject
- 21 to subsection ~~(b)~~; **(c)**, the board shall give a preference for employment
- 22 according to the following priority:
- 23 (1) A war veteran who has been honorably discharged from the
- 24 United States armed forces.
- 25 (2) A person whose mother or father was a:
- 26 (A) firefighter of a unit;
- 27 (B) municipal police officer; or
- 28 (C) county police officer;
- 29 who died in the line of duty (as defined in IC 5-10-10-2).
- 30 **(b) Subject to subsection (c), the board may give a preference**
- 31 **for employment to any of the following:**
- 32 **(1) A member of another department laid off under section**
- 33 **11.1 of this chapter.**
- 34 **(2) A police officer laid off by a city under IC 36-8-4-11.**
- 35 ~~(b)~~ **(c) A person described in subsection (a) or (b) may not receive**
- 36 **a preference for employment unless the person:**
- 37 (1) applies; and
- 38 (2) meets all employment requirements prescribed:
- 39 (A) by law, including physical and age requirements; and
- 40 (B) by the department.
- 41 SECTION 31. IC 36-8-13-3, AS AMENDED BY P.L.182-2009(ss),
- 42 SECTION 439, IS AMENDED TO READ AS FOLLOWS
- 43 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The executive of a
- 44 township, with the approval of the legislative body, may do the
- 45 following:
- 46 (1) Purchase firefighting and emergency services apparatus and

1 equipment for the township, provide for the housing, care,
 2 maintenance, operation, and use of the apparatus and equipment
 3 to provide services within the township but outside the corporate
 4 boundaries of municipalities, and employ full-time or part-time
 5 personnel to operate the apparatus and equipment and to provide
 6 services in that area. Preference in employment under this section
 7 shall be given according to the following priority:

8 (A) A war veteran who has been honorably discharged from
 9 the United States armed forces.

10 (B) A person whose mother or father was a:

- 11 (i) firefighter of a unit;
- 12 (ii) municipal police officer; or
- 13 (iii) county police officer;

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

15 **The executive of a township may give a preference for**
 16 **employment under this section to a person who was employed**
 17 **full-time or part-time by another township to provide fire**
 18 **protection and emergency services and has been laid off by**
 19 **the township. The executive of a township may also give a**
 20 **preference for employment to a firefighter laid off by a city**
 21 **under IC 36-8-4-11.**

22 A person described in this subdivision may
 23 not receive a preference for employment unless the person applies
 24 for employment and meets all employment requirements
 25 prescribed by law, including physical and age requirements, and
 26 all employment requirements prescribed by the fire department.

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

32 (3) Cooperate with a municipality in the township or in a
 33 contiguous township in the purchase, maintenance, and upkeep of
 34 firefighting or emergency services apparatus and equipment for
 35 use in the municipality and township in accordance with
 36 IC 36-1-7.

37 (4) Contract with a volunteer fire department that has been
 38 organized to fight fires in the township for the use and operation
 39 of firefighting apparatus and equipment that has been purchased
 40 by the township in order to save the private and public property
 41 of the township from destruction by fire, including use of the
 42 apparatus and equipment in an adjoining township by the
 43 department if the department has made a contract with the
 44 executive of the adjoining township for the furnishing of
 45 firefighting service within the township.

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

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

- 8 (1) The legislative body of the municipality adopts an ordinance
- 9 to have the township provide the services without a contract.
- 10 (2) The township legislative body passes a resolution approving
- 11 the township's provision of the services without contracts to the
- 12 municipality.

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

- 17 (c) This subsection applies only to a township that:
- 18 (1) is located in a county containing a consolidated city;
- 19 (2) has at least three (3) included towns (as defined in
- 20 IC 36-3-1-7) that have all municipal territory completely within
- 21 the township on January 1, 1996; and
- 22 (3) provides fire protection or emergency services, or both, under
- 23 subsection (a)(1);

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

1 a resolution before July 1 of a year. A copy of a resolution adopted
2 under this subsection shall be submitted to the executive of each
3 included town covered by the resolution, the county auditor, and the
4 department of local government finance.".

5 Renumber all SECTIONS consecutively.
(Reference is to ESB 23 as printed February 19, 2010.)

Representative Kersey