

# HOUSE BILL No. 1302

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-8-19.

**Synopsis:** Fire protection territories. Provides that the procedure for adopting an ordinance or resolution to establish a fire protection territory (territory) applies to expanding an existing territory. Provides that an ordinance or resolution establishing or expanding a territory must include an agreement as to the disposition of the territory's property when a participating unit withdraws or the territory is dissolved. Specifies that with regard to an ordinance or resolution to establish or expand a territory, the unit must hold three separate public hearings to hear public comment regarding the proposed territory before adoption of the ordinance or resolution, with the last public hearing held not later than 10 days before the ordinance is adopted. Establishes residency requirements for members of a joint executive board of a territory.

**Effective:** July 1, 2020.

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## Mayfield

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January 16, 2020, read first time and referred to Committee on Local Government.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

# HOUSE BILL No. 1302

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 36-8-19-6, AS AMENDED BY P.L.255-2017,  
2 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2020]: Sec. 6. (a) To establish **or expand** a fire protection  
4 territory, the legislative bodies of each unit or fire protection district:  
5 (1) desiring to ~~become a part of the~~ **establish a proposed territory**  
6 **fire protection territory; or**  
7 (2) **desiring to expand an existing fire protection territory by:**  
8 (A) **becoming a participating unit in; or**  
9 (B) **approving the addition of a participating unit in;**  
10 **an existing fire protection territory;**  
11 must adopt an ordinance (in the case of a county or municipality) or a  
12 resolution (in the case of a township or a fire protection district).  
13 (b) **The ordinance or resolution must ~~that meets~~ meet** the  
14 following requirements:  
15 (1) The ordinance or resolution is identical to the ordinances and  
16 resolutions adopted by the other units or fire protection districts  
17 desiring to ~~become a part of the~~ **establish or expand the**



- 1 proposed territory.
- 2 (2) The ordinance or resolution is adopted after January 1 but
- 3 before April 1.
- 4 (3) The ordinance or resolution authorizes the unit or fire
- 5 protection district to become a party to an agreement for the
- 6 establishment of a fire protection territory **or the expansion of an**
- 7 **existing fire protection territory.**
- 8 (4) ~~The~~ **An** ordinance or resolution is adopted after the legislative
- 9 body holds **a at least three (3) public hearing hearings** to receive
- 10 public comment on the proposed ordinance or resolution ~~The~~
- 11 ~~legislative body must give notice of the hearing under IC 5-3-1.~~
- 12 **as follows:**
- 13 (A) **At least one (1) public hearing must be held at least**
- 14 **thirty (30) days before the legislative body votes on the**
- 15 **adoption of the ordinance or resolution. At the hearing, the**
- 16 **legislative body shall make available to the public the**
- 17 **information required by subsection (c) concerning the**
- 18 **fiscal impact of the proposed fire protection territory.**
- 19 (B) **At least two (2) public hearings must be held after the**
- 20 **public hearing in clause (A), with the last public hearing**
- 21 **held not later than ten (10) days before the legislative body**
- 22 **votes on the adoption of the ordinance or resolution.**
- 23 **The legislative body must give notice of the hearings under**
- 24 **IC 5-3-1.**
- 25 ~~(b)~~ (c) ~~Before the legislative body of a unit or fire protection district~~
- 26 ~~may adopt an ordinance or a resolution under this section to form a~~
- 27 ~~territory, The legislative body must do the following:~~
- 28 ~~(1) Hold a public hearing, at least thirty (30) days before adopting~~
- 29 ~~the ordinance or resolution, at which the legislative body makes~~
- 30 ~~make available to the public the following information:~~
- 31 ~~(A) (1) The property tax levy, property tax rate, and budget to be~~
- 32 ~~imposed or adopted during the first year of the proposed territory~~
- 33 ~~for each of the units or fire protection districts that would~~
- 34 ~~participate in the proposed territory.~~
- 35 ~~(B) (2) The estimated effect of the proposed reorganization in the~~
- 36 ~~following years on taxpayers in each of the units or fire protection~~
- 37 ~~districts that would participate in the proposed territory, including~~
- 38 ~~the expected property tax rates, property tax levies, expenditure~~
- 39 ~~levels, service levels, and annual debt service payments.~~
- 40 ~~(C) (3) The estimated effect of the proposed reorganization on~~
- 41 ~~other units in the county in the following years and on local~~
- 42 ~~option income taxes, excise taxes, and property tax circuit breaker~~



- 1 credits.
- 2 ~~(D)~~ **(4)** A description of the planned services and staffing levels
- 3 to be provided in the proposed territory.
- 4 ~~(E)~~ **(5)** A description of any capital improvements to be provided
- 5 in the proposed territory.
- 6 ~~(2)~~ Hold at least one ~~(1)~~ additional public hearing before adopting
- 7 an ordinance or a resolution to form a territory; to receive public
- 8 comment on the proposed ordinance or resolution.
- 9 The public hearings required under this subsection are in addition to
- 10 the public hearing required under subsection ~~(a)~~(4). The legislative
- 11 body must give notice of the hearings under IC 5-3-1.
- 12 ~~(c)~~ **(d)** The notice required for a hearing under subsection ~~(b)~~(2)
- 13 **(b)(4)** shall include all of the following:
- 14 (1) A list of the provider unit and all participating units in the
- 15 proposed territory.
- 16 (2) The date, time, and location of the hearing.
- 17 (3) The location where the public can inspect the proposed
- 18 ordinance or resolution.
- 19 (4) A statement as to whether the proposed ordinance or
- 20 resolution requires uniform tax rates or different tax rates within
- 21 the territory.
- 22 (5) The name and telephone number of a representative of the unit
- 23 or fire protection district who may be contacted for further
- 24 information.
- 25 (6) The proposed levies and tax rates for each participating unit.
- 26 ~~(d)~~ **(e)** The ordinance or resolution adopted under this section shall
- 27 include at least the following:
- 28 (1) The boundaries of the proposed territory.
- 29 (2) The identity of the provider unit and all other participating
- 30 units desiring to be included within the territory.
- 31 (3) An agreement to impose:
- 32 (A) a uniform tax rate upon all of the taxable property within
- 33 the territory for fire protection services; or
- 34 (B) different tax rates for fire protection services for the units
- 35 or fire protection districts desiring to be included within the
- 36 territory, so long as a tax rate applies uniformly to all of a
- 37 unit's or fire protection district's taxable property within the
- 38 territory.
- 39 **(4) An agreement as to how the property that is held by the**
- 40 **territory will be disposed of if:**
- 41 **(A) a participating unit withdraws from the territory; or**
- 42 **(B) the territory is dissolved.**



- 1           ~~(4)~~ **(5)** The contents of the agreement to establish the territory.
- 2           ~~(e)~~ **(f)** An ordinance or a resolution adopted under this section takes
- 3 effect July 1 of the year the ordinance or resolution is adopted.
- 4           SECTION 2. IC 36-8-19-6.9 IS ADDED TO THE INDIANA CODE
- 5 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 6 1, 2020]: **Sec. 6.9. (a) This section applies to a fire protection**
- 7 **territory established by an ordinance or resolution that:**
- 8           **(1) is adopted after December 31, 2020; and**
- 9           **(2) delegates administrative, budget, or fiscal responsibilities**
- 10           **of the fire protection territory to a joint executive board**
- 11           **representing each of the participating units.**
- 12           **(b) A joint board of the participating units must include at least**
- 13           **one (1) voting member who resides within and represents each**
- 14           **participating unit as follows:**
- 15           **(1) Each municipality that is a participating unit shall appoint**
- 16           **at least one (1) member who:**
- 17                   **(A) represents the municipality;**
- 18                   **(B) resides within the municipality; and**
- 19                   **(C) does not reside in any of the other participating units**
- 20                   **or a portion of a participating unit in which a member**
- 21                   **resides who is appointed under subdivision (2), (3), or (4).**
- 22           **(2) Each township that is a participating unit shall appoint at**
- 23           **least one (1) member who:**
- 24                   **(A) represents the unincorporated area of the township;**
- 25                   **(B) resides within the unincorporated area of the township;**
- 26                   **and**
- 27                   **(C) does not reside in any of the other participating units**
- 28                   **or the portion of a participating unit in which a member**
- 29                   **resides who is appointed under subdivision (3) or (4).**
- 30           **(3) Each fire protection district that is a participating unit**
- 31           **shall appoint at least one (1) member who:**
- 32                   **(A) represents the fire protection district;**
- 33                   **(B) resides within the fire protection district; and**
- 34                   **(C) does not reside in any of the other participating units**
- 35                   **or a portion of a participating unit in which a member**
- 36                   **resides who is appointed under subdivision (1), (2), or (4).**
- 37           **(4) Each county that is a participating unit shall appoint at**
- 38           **least one (1) member who:**
- 39                   **(A) represents the unincorporated area of the county;**
- 40                   **(B) resides within the unincorporated area of the county;**
- 41                   **and**
- 42                   **(C) does not reside within any of the other participating**



1                   **units or a portion of a participating unit in which a**  
2                   **member resides who is appointed under subdivisions (1)**  
3                   **through (3).**

