



January 23, 2019

SENATE BILL No. 121

DIGEST OF SB 121 (Updated January 18, 2019 9:44 am - DI 87)

Citations Affected: IC 22-14; IC 36-8.

Synopsis: Volunteer firefighter allowances. Increases the minimum volunteer firefighter clothing and automobile allowance (allowance) that a city, town, or township (unit) is required to pay to active and participating members of a volunteer fire department from \$200 to \$400 per year. Requires the Indiana department of homeland security (department) to reimburse a unit \$200 for each allowance that the unit submits a claim to the department for reimbursement. Provides for joint claim submission and proportional reimbursement of an allowance if a portion of the allowance is paid by more than one unit. Establishes the volunteer firefighter allowance fund as a dedicated fund administered by the department for the purpose of reimbursing units for allowances.

Effective: July 1, 2019.

Tomes

January 3, 2019, read first time and referred to Committee on Local Government.
January 22, 2019, amended, reported favorably — Do Pass.

SB 121—LS 6292/DI 131



January 23, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 121

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 22-14-6.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]:
4 **Chapter 6.5. Volunteer Firefighter Allowance Fund**
5 **Sec. 1. As used in this chapter, "fund" refers to the volunteer**
6 **firefighter allowance fund established by section 4 of this chapter.**
7 **Sec. 2. As used in this chapter, "member" means an active and**
8 **participating member of a volunteer fire department (as defined in**
9 **IC 36-8-12-2).**
10 **Sec. 3. As used in this chapter, "unit" means a city, town, or**
11 **township.**
12 **Sec. 4. (a) The volunteer firefighter allowance fund is**
13 **established as a dedicated fund for the purpose of reimbursing a**
14 **unit in part for annual clothing and automobile allowances paid to**
15 **members under IC 36-8-12-5. Payment of money from the fund is**
16 **subject to availability of money in the fund.**
17 **(b) The department shall administer the fund.**

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1 **Sec. 5. (a) The fund consists of the following:**

2 **(1) Amounts appropriated or transferred to the fund by the**
 3 **general assembly.**

4 **(2) Donations, gifts, bequests, and devises made to the fund.**

5 **(3) Any other amounts transferred to the fund by the**
 6 **department.**

7 **(b) The treasurer of state shall invest the money in the fund not**
 8 **currently needed to meet the obligations of the fund in the same**
 9 **manner as other public funds may be invested.**

10 **(c) Money in the fund at the end of a state fiscal year does not**
 11 **revert to the state general fund.**

12 **Sec. 6. (a) The department shall create an application and a**
 13 **procedure for approving and paying reimbursements.**

14 **(b) To receive reimbursement, a unit must submit an application**
 15 **for reimbursement to the department in the form required by the**
 16 **department. Except as provided in subsection (c), if:**

17 **(1) the unit demonstrates that the unit paid at least the**
 18 **minimum allowances required under IC 36-8-12-5; and**

19 **(2) the application is approved by the department;**

20 **the department shall reimburse the unit with money from the fund**
 21 **in the amount of two hundred dollars (\$200) for each allowance**
 22 **described in subdivision (1).**

23 **(c) If the clothing and automobile allowances for members of a**
 24 **volunteer fire department are paid by more than one (1) unit that**
 25 **the volunteer fire department serves, the department:**

26 **(1) may require the units to submit a joint application for**
 27 **reimbursement; and**

28 **(2) shall reimburse the units proportionally, if the total of the**
 29 **allowances paid by all units that apply for reimbursement**
 30 **exceeds the minimum allowances under IC 36-8-12-5.**

31 **However, the total amount of reimbursement paid for each**
 32 **member of a volunteer fire department may not exceed two**
 33 **hundred dollars (\$200).**

34 **Sec. 7. The department may require a unit to submit additional**
 35 **information and documentation in order to complete an**
 36 **application.**

37 **SECTION 2. IC 36-8-12-5 IS AMENDED TO READ AS**
 38 **FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Unless otherwise**
 39 **provided by contract, a unit served by a volunteer fire department shall**
 40 **pay to each active and participating member of the department:**

41 **(1) a clothing allowance of not less than ~~one hundred dollars~~**
 42 **~~(\$100)~~ two hundred dollars (\$200) per year; and**



1 (2) an automobile allowance of not less than ~~one hundred dollars~~
2 ~~(\$100)~~ **two hundred dollars (\$200)** per year for the use of the
3 member's automobile in the line of duty.
4 (b) A contract may also provide that fees for membership in a
5 regularly organized volunteer firefighters' association be paid by the
6 unit on behalf of the firefighters in the volunteer fire department.



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 121, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 14, delete "in whole or".

Page 2, delete lines 12 through 24, begin a new paragraph and insert:

"Sec. 6. (a) The department shall create an application and a procedure for approving and paying reimbursements.

(b) To receive reimbursement, a unit must submit an application for reimbursement to the department in the form required by the department. Except as provided in subsection (c), if:

(1) the unit demonstrates that the unit paid at least the minimum allowances required under IC 36-8-12-5; and

(2) the application is approved by the department;

the department shall reimburse the unit with money from the fund in the amount of two hundred dollars (\$200) for each allowance described in subdivision (1).

(c) If the clothing and automobile allowances for members of a volunteer fire department are paid by more than one (1) unit that the volunteer fire department serves, the department:

(1) may require the units to submit a joint application for reimbursement; and

(2) shall reimburse the units proportionally, if the total of the allowances paid by all units that apply for reimbursement exceeds the minimum allowances under IC 36-8-12-5.

However, the total amount of reimbursement paid for each member of a volunteer fire department may not exceed two hundred dollars (\$200)."

Page 2, line 25, delete "8." and insert "7."

and when so amended that said bill do pass.

(Reference is to SB 121 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 9, Nays 0.

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