

STATE OF INDIANA

DEPARTMENT OF LOCAL GOVERNMENT FINANCE



INDIANA GOVERNMENT CENTER NORTH
100 NORTH SENATE AVENUE N1058(B)
INDIANAPOLIS, IN 46204
PHONE (317) 232-3777
FAX (317) 974-1629

TO: All Counties, Municipalities, and Townships

FROM: Daniel Shackle, Commissioner

RE: Legislation Affecting Fire Protection and Emergency Medical Service Funding Matters

DATE: June 18, 2024

Introduction

The Department of Local Government Finance (“Department”) issues this memorandum to inform interested parties about changes made to laws concerning the funding of fire protection and emergency medical services. The affecting legislation includes House Enrolled Act 1120-2024 (“HEA 1120”) and House Enrolled Act 1328-2024 (“HEA 1328”), both signed by Governor Eric J. Holcomb on May 13, 2024. This memorandum is for informative purposes only and is not a substitute for reading the law.

I. Township Firefighting/EMS Fund Separation

Section 59 of HEA 1120 amends Ind. Code § 36-8-13-4 to require a township that separates its township firefighting and emergency services fund into a firefighting fund and emergency medical services fund to make a one-time transfer of the remaining cash balance into the two (2) separate funds. The township board shall determine the amount of the remaining cash balance to be transferred to each fund.

This section is effective on July 1, 2024.

II. Contracts for Fire Protection Services

Sections 2 and 13 of HEA 1328, both effective July 1, 2024, impose new requirements on political subdivisions that enter into contracts, especially for fire protection services.

First, Section 2 amends Ind. Code § 5-14-3.8-3.5 is as follows:

- Redefines “contract” for purposes of this section as “a contract, agreement, or similar arrangement by any other name” and includes “all pages of a contract, any attachments to the contract, and any amendments, addendums, or extensions.”
- The executive of a political subdivision shall upload a digital copy of any contract in [Gateway](#), regardless of total cost, that is:

- (1) related to the provision of fire services or emergency medical services; *or*
- (2) entered into with another unit or entity that provides fire services or emergency medical services.

This upload must occur not later than sixty (60) days after the date the contract is executed. If a participating unit of a fire protection territory submits the agreement to establish the territory, each of the other participating units will be considered to have complied with this upload requirement.

- The executive body of a political subdivision may, by ordinance or resolution, identify another individual who is required to upload contracts and complete the required attestation under Ind. Code § 6-1.1-17-5.4 (see below).
- Any ordinance or resolution adopted by the executive body of a political subdivision shall be submitted to the Department not later than five (5) days after the ordinance or resolution is passed. Ordinances and resolutions should be submitted to the Department via email to support@dlgf.in.gov.

Next, Section 13 adds Ind. Code § 6-1.1-17-5.4 as a new section to the Indiana Code. This section specifies that, not later than March 2 of each year, the executive of a political subdivision shall submit a statement to the Department attesting that the political subdivision uploaded any contract entered into in the immediately preceding year related to the provision of fire services or emergency medical services, as required by Ind. Code § 5-14-3.8-3.5. Additionally, the Department may not approve the budget or a supplemental appropriation of a political subdivision until the political subdivision files the attestation. Additional instructions related to how political subdivisions must submit this attestation to the Department will be provided at a later date.

Contact Information

Questions may be directed to David Marusarz, Deputy General Counsel at dmarusarz@dlgf.in.gov.