



January 28, 2014

HOUSE BILL No. 1229

DIGEST OF HB 1229 (Updated January 28, 2014 1:38 pm - DI 84)

Citations Affected: IC 36-3; IC 36-8.

Synopsis: Marion County fire consolidation. Authorizes the consolidation of a township fire department or fire protection territory in Marion County into the fire department of the consolidated city if the following occur: (1) The mayor of the consolidated city adopts a resolution approving the consolidation. (2) The city-county council adopts an ordinance approving the consolidation. (3) The mayor of the consolidated city approves the ordinance of the city-county council. Provides that a consolidation is effective on the date set forth in the ordinance adopted by the city-county council. Provides for the transfer of cumulative building and equipment fund balances, debt service balances, and firefighting fund balances on the effective date of the consolidation. Specifies that to become a firefighter with the fire department of the consolidated city as part of a consolidation, an individual must pass the work performance evaluation administered by the fire department of the consolidated city. Provides that a physician selected by the fire department of the consolidated city may, upon application by the firefighter, grant the firefighter an extension, for medical reasons, of the date by which the firefighter must pass the work performance evaluation. Provides that for purposes of determining the seniority of a merit firefighter who becomes employed by the fire department of the consolidated city through a consolidation: (1) the time served by the individual as a merit firefighter with the

(Continued next page)

Effective: Upon passage.

Kirchhofer, Torr, Forestal

January 14, 2014, read first time and referred to Committee on Government and Regulatory Reform.
 January 28, 2014, reported — Do Pass.

HB 1229—LS 6263/DI 73



Digest Continued

consolidated fire department also includes the total time served by the individual as a merit firefighter with the fire department in which the individual was serving at the time of the consolidation; and (2) the hire date of the individual is the date the individual was hired as a merit firefighter by the fire department in which the individual was serving at the time of consolidation. Specifies that if an individual becomes a firefighter employed by the fire department of the consolidated city through a consolidation, the individual's merit rank may not be reduced below the lesser of the merit rank held by the individual on the effective date of the consolidation or the rank of captain. Specifies that the consolidated city may levy property taxes within the area served by the consolidated fire department to provide for the payment of the expenses for the operation of the consolidated fire department. Provides that beginning with the fifth year after the year in which such a consolidation is effective, the total property tax rate imposed for fire protection within the territory formerly served by the fire department that was consolidated may not exceed the total property tax rate imposed for fire protection in other areas served by the fire department of the consolidated city.

HB 1229—LS 6263/DI 73



January 28, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1229

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 36-3-1-6.1, AS AMENDED BY P.L.1-2006,
2 SECTION 560, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: Sec. 6.1. (a) This section applies
4 only in a county containing a consolidated city. If the requirements of
5 subsection (g) are satisfied, the fire departments of the following are
6 consolidated into the fire department of a consolidated city (referred to
7 as "the consolidated fire department"):
8 (1) A township for which the consolidation is approved by ~~the~~
9 ~~township legislative body and trustee and the legislative body and~~
10 ~~mayor of the consolidated city.~~ **an ordinance adopted by the**
11 **legislative body of the consolidated city and approved by the**
12 **mayor of the consolidated city as provided in subsection (g).**
13 (2) Any fire protection territory established under IC 36-8-19 that
14 is located in a township described in subdivision (1).

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1 (b) If the requirements of subsection (g) are satisfied, the
 2 consolidated fire department shall provide fire protection services
 3 within an entity described in subsection (a)(1) or (a)(2) in which the
 4 requirements of subsection (g) are satisfied on the date ~~agreed to in the~~
 5 ~~resolution of the township legislative body and set forth in the~~
 6 ordinance of the legislative body of the consolidated city.

7 (c) If the requirements of subsection (g) are satisfied and the fire
 8 department of an entity listed in subsection (a) is consolidated into the
 9 fire department of the consolidated city, all of the property, equipment,
 10 records, rights, and contracts of the department consolidated into the
 11 fire department of the consolidated city are:

12 (1) transferred to; or

13 (2) assumed by;

14 the consolidated city on the effective date of the consolidation.
 15 However, real property other than real property used as a fire station
 16 may be transferred only on terms mutually agreed to by the legislative
 17 body and mayor of the consolidated city and the trustee and legislative
 18 body of the township in which that real property is located.

19 (d) If the requirements of subsection (g) are satisfied and the fire
 20 department of an entity listed in subsection (a) is consolidated into the
 21 fire department of the consolidated city, ~~the employees each~~
 22 **firefighter** of the fire department consolidated into the fire department
 23 of the consolidated city: ~~ease~~

24 (1) ~~ceases~~ employment with the department of the entity listed in
 25 subsection (a);

26 (2) **becomes an employee of the consolidated fire department**
 27 **on the effective date of the consolidation;** and ~~become~~
 28 ~~employees~~

29 (3) **subject to subsection (i), becomes a firefighter** of the
 30 consolidated fire department on the effective date of the
 31 consolidation, **if the firefighter, before the effective date of the**
 32 **consolidation, passes the work performance evaluation**
 33 **administered by the consolidated fire department to measure**
 34 **an individual's ability to physically perform essential**
 35 **functions required to execute the duties of a firefighter.**

36 **An individual who becomes an employee of the consolidated fire**
 37 **department as provided under subdivision (2) may not become a**
 38 **merit firefighter with the consolidated fire department unless that**
 39 **individual passes the work performance evaluation. The**
 40 ~~consolidated city shall assume all agreements with labor organizations~~
 41 ~~that:~~

42 (1) are in effect on the effective date of the consolidation; and



1 (2) apply to employees of the department consolidated into the
2 fire department of the consolidated city who become employees
3 of the consolidated fire department.

4 (e) If the requirements of subsection (g) are satisfied and the fire
5 department of an entity listed in subsection (a) is consolidated into the
6 fire department of a consolidated city, the indebtedness related to fire
7 protection services incurred before the effective date of the
8 consolidation by the entity or a building, holding, or leasing
9 corporation on behalf of the entity whose fire department is
10 consolidated into the consolidated fire department under subsection (a)
11 shall remain the debt of the entity and does not become and may not be
12 assumed by the consolidated city. Indebtedness related to fire
13 protection services that is incurred by the consolidated city before the
14 effective date of the consolidation shall remain the debt of the
15 consolidated city and property taxes levied to pay the debt may only be
16 levied by the fire special service district.

17 (f) If the requirements of subsection (g) are satisfied and the fire
18 department of an entity listed in subsection (a) is consolidated into the
19 fire department of a consolidated city, the merit board and the merit
20 system of the fire department that is consolidated are dissolved on the
21 effective date of the consolidation, and the duties of the merit board are
22 transferred to and assumed by the merit board for the consolidated fire
23 department on the effective date of the consolidation.

24 (g) ~~A township legislative body, after approval by the township~~
25 ~~trustee, The mayor of the consolidated city may adopt a resolution~~
26 ~~approving the consolidation of the a township's fire department or the~~
27 ~~fire department of a fire protection territory described in~~
28 ~~subsection (a) with the fire department of the consolidated city. A~~
29 ~~township legislative body may adopt a resolution under this subsection~~
30 ~~only after the township legislative body has held a public hearing~~
31 ~~concerning the proposed consolidation. The township legislative body~~
32 ~~shall hold the hearing not earlier than thirty (30) days after the date the~~
33 ~~resolution is introduced. The hearing shall be conducted in accordance~~
34 ~~with IC 5-14-1.5 and notice of the hearing shall be published in~~
35 ~~accordance with IC 5-3-1. If the township legislative body mayor of~~
36 ~~the consolidated city has adopted a resolution under this subsection,~~
37 ~~the township legislative body mayor of the consolidated city shall~~
38 ~~after approval from the township trustee, forward the resolution to the~~
39 ~~legislative body of the consolidated city. If such a resolution is~~
40 ~~forwarded to the legislative body of the consolidated city, and the~~
41 ~~legislative body of the consolidated city adopts an ordinance approved~~
42 ~~by the mayor of the consolidated city, approving the consolidation of~~



1 the fire department of the township into the fire department of the
 2 consolidated city, **and the mayor of the consolidated city approves**
 3 **the ordinance**, the requirements of this subsection are satisfied. The
 4 consolidation shall take effect on the date ~~agreed to by the township~~
 5 ~~legislative body in its resolution and by the legislative body of the~~
 6 ~~consolidated city set forth~~ in its **the** ordinance approving the
 7 consolidation.

8 (h) The following apply if the requirements of subsection (g) are
 9 satisfied:

10 (1) The consolidation of the fire department of that township is
 11 effective on the date ~~agreed to by the township legislative body in~~
 12 ~~the resolution and by the legislative body of the consolidated city~~
 13 ~~in its set forth in the~~ ordinance approving the consolidation.

14 (2) Notwithstanding any other provision, a firefighter:

15 (A) who is a member of the 1977 fund before the effective
 16 date of a consolidation under this section; and

17 (B) who, after the consolidation, becomes an employee of the
 18 fire department of a consolidated city under this section;
 19 remains a member of the 1977 fund without being required to
 20 meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The
 21 firefighter shall receive credit for any service as a member of the
 22 1977 fund before the consolidation to determine the firefighter's
 23 eligibility for benefits under IC 36-8-8.

24 (3) Notwithstanding any other provision, a firefighter:

25 (A) who is a member of the 1937 fund before the effective
 26 date of a consolidation under this section; and

27 (B) who, after the consolidation, becomes an employee of the
 28 fire department of a consolidated city under this section;
 29 remains a member of the 1937 fund. The firefighter shall receive
 30 credit for any service as a member of the 1937 fund before the
 31 consolidation to determine the firefighter's eligibility for benefits
 32 under IC 36-8-7.

33 (4) For property taxes first due and payable in the year in which
 34 the consolidation is effective, the maximum permissible ad
 35 valorem property tax levy under IC 6-1.1-18.5:

36 (A) is increased for the consolidated city by an amount equal
 37 to the maximum permissible ad valorem property tax levy in
 38 the year preceding the year in which the consolidation is
 39 effective for fire protection and related services by the
 40 township whose fire department is consolidated into the fire
 41 department of the consolidated city under this section; and

42 (B) is reduced for the township whose fire department is



- 1 consolidated into the fire department of the consolidated city
 2 under this section by the amount equal to the maximum
 3 permissible ad valorem property tax levy in the year preceding
 4 the year in which the consolidation is effective for fire
 5 protection and related services for the township.
- 6 (5) The amount levied in the year preceding the year in which the
 7 consolidation is effective by the township whose fire department
 8 is consolidated into the fire department of the consolidated city
 9 for the township's cumulative building and equipment fund for
 10 fire protection and related services is transferred on the effective
 11 date of the consolidation to the consolidated city's cumulative
 12 building and equipment fund for fire protection and related
 13 services, which is hereby established. The consolidated city is
 14 exempted from the requirements of IC 36-8-14 and IC 6-1.1-41
 15 regarding establishment of the cumulative building and
 16 equipment fund for fire protection and related services.
- 17 (5) On the effective date of the consolidation, the balance in a
 18 cumulative building and equipment fund for fire protection
 19 and related services established under IC 36-8-14 for the
 20 consolidating entity:
- 21 (A) is transferred to the consolidated city; and
 22 (B) shall be deposited in the consolidated city's cumulative
 23 building and equipment fund for fire protection and
 24 related services and shall be used by the consolidated city
 25 for funding land, buildings, and equipment for fire
 26 protection and emergency medical services as provided
 27 under IC 36-8-14.
- 28 IC 36-1-8-5 does not apply to a balance referred to in this
 29 subsection.
- 30 (6) On the effective date of the consolidation, the balance in a
 31 debt service fund of the consolidating entity that relates to
 32 debt incurred for firefighting purposes:
- 33 (A) is transferred to the consolidated city; and
 34 (B) shall be used by the consolidated city to pay
 35 indebtedness or other needs for which the fund was
 36 established.
- 37 Any balance remaining in the fund after all payments
 38 required under this section have been made shall be
 39 transferred to the county general fund. The department of
 40 local government finance shall determine the amounts to be
 41 transferred under this subsection. IC 36-1-8-5 does not apply
 42 to a balance referred to in this subsection.



1 **(7) On the effective date of the consolidation, the balance in**
 2 **the consolidating entity's firefighting fund:**

3 **(A) is transferred to the consolidated city; and**

4 **(B) shall be deposited in the fire general fund of the**
 5 **consolidated city.**

6 **IC 36-1-8-5 does not apply to a balance referred to in this**
 7 **subsection.**

8 ~~(6)~~ **(8)** The local boards for the 1937 firefighters' pension fund
 9 and the 1977 police officers' and firefighters' pension and
 10 disability fund of ~~the township an entity whose fire department~~
 11 **is consolidated into the fire department of the consolidated**
 12 **city** are dissolved, and their services are terminated not later than
 13 the effective date of the consolidation. The duties performed by
 14 the local boards under IC 36-8-7 and IC 36-8-8, respectively, are
 15 assumed by the consolidated city's local board for the 1937
 16 firefighters' pension fund and local board for the 1977 police
 17 officers' and firefighters' pension and disability fund, respectively.
 18 Notwithstanding any other provision, the legislative body of the
 19 consolidated city may adopt an ordinance to adjust the
 20 membership of the consolidated city's local board to reflect the
 21 consolidation.

22 ~~(7)~~ **(9)** The consolidated city may levy property taxes within the
 23 consolidated city's maximum permissible ad valorem property tax
 24 levy limit area served by the consolidated fire department to
 25 provide for the payment of the expenses for the operation of the
 26 consolidated fire department. However, property taxes to fund the
 27 pension obligation under IC 36-8-7 for members of the 1937
 28 firefighters fund who were employees of the consolidated city at
 29 the time of the consolidation may be levied only by the fire
 30 special service district within the fire special service district. The
 31 fire special service district established under IC 36-3-1-6 may
 32 levy property taxes to provide for the payment of expenses for the
 33 operation of the consolidated fire department within the territory
 34 of the fire special service district. Property taxes to fund the
 35 pension obligation under IC 36-8-8 for members of the 1977
 36 police officers' and firefighters' pension and disability fund who
 37 were members of the fire department of the consolidated city on
 38 the effective date of the consolidation may be levied only by the
 39 fire special service district within the fire special service district.
 40 Property taxes to fund the pension obligation for members of the
 41 1937 firefighters fund who were not members of the fire
 42 department of the consolidated city on the effective date of the



1 consolidation and members of the 1977 police officers' and
 2 firefighters' pension and disability fund who were not members of
 3 the fire department of the consolidated city on the effective date
 4 of the consolidation may be levied by the consolidated city within
 5 the city's maximum permissible ad valorem property tax levy.
 6 However, these taxes may be levied only within the fire special
 7 service district and any townships that have consolidated fire
 8 departments under this section.

9 (8) The executive of the consolidated city shall provide for an
 10 independent evaluation and performance audit, due before March
 11 † of the year in which the consolidation is effective and before
 12 March † in each of the following two (2) years; to determine:

13 (A) the amount of any cost savings, operational efficiencies, or
 14 improved service levels; and

15 (B) any tax shifts among taxpayers;
 16 that result from the consolidation. The independent evaluation
 17 and performance audit must be provided to the legislative council
 18 in an electronic format under IC 5-14-6 and to the state budget
 19 committee.

20 (10) The following apply to the total property tax rate
 21 imposed for fire protection after the effective date of the
 22 consolidation of a fire department under this section:

23 (A) For the year in which the consolidation is effective and
 24 in the following four (4) years, the total property tax rate
 25 imposed for fire protection within the territory formerly
 26 served by the fire department that was consolidated into
 27 the fire department of the consolidated city may exceed the
 28 total property tax rate imposed for fire protection in other
 29 areas served by the fire department of the consolidated
 30 city.

31 (B) Beginning with the fifth year after the year in which
 32 the consolidation is effective, the total property tax rate
 33 imposed for fire protection within the territory formerly
 34 served by the fire department that was consolidated into
 35 the fire department of the consolidated city may not exceed
 36 the total property tax rate imposed for fire protection in
 37 other areas served by the fire department of the
 38 consolidated city.

39 (11) For purposes of determining the seniority of a merit
 40 firefighter who becomes a firefighter employed by the fire
 41 department of the consolidated city through a consolidation
 42 under this section:



1 (A) the time served by such an individual as a merit
 2 firefighter with the fire department of the consolidated city
 3 shall also include the total time served by the individual as
 4 a merit firefighter with the fire department in which the
 5 individual was serving at the time of the consolidation; and
 6 (B) the hire date of such an individual is the date the
 7 individual was hired as a merit firefighter by the fire
 8 department in which the individual was serving at the time
 9 of the consolidation.

10 (12) Except as authorized under the merit system for the
 11 discipline of firefighters, an individual who becomes a
 12 firefighter employed by the fire department of the
 13 consolidated city through a consolidation under this section
 14 may not have the individual's merit rank reduced below the
 15 lesser of the following ranks:

16 (A) The merit rank held by the individual on the effective
 17 date of the consolidation of the fire department.

18 (B) The rank of captain.

19 (i) If a firefighter of a fire department that is consolidated into
 20 the fire department of the consolidated city under this section is
 21 unable to pass the work performance evaluation before the date of
 22 the consolidation as required by subsection (d), a physician selected
 23 by the fire department of the consolidated city may, upon
 24 application by the firefighter, grant the firefighter an extension, for
 25 medical reasons, of the date by which the firefighter must pass the
 26 work performance evaluation in order to become a firefighter of
 27 the consolidated fire department. A firefighter may be granted
 28 more than one (1) extension under this subsection. However, a
 29 firefighter of a fire department that is consolidated into the fire
 30 department of the consolidated city under this section may not
 31 become a merit firefighter with the fire department of the
 32 consolidated city unless that individual passes the work
 33 performance evaluation.

34 (j) The merit board of the fire department that is consolidated
 35 into the fire department of the consolidated city under this section
 36 shall, before the effective date of the consolidation, determine
 37 under its merit system which firefighters shall serve in the
 38 promoted positions required by the fire department of the
 39 consolidated city under the consolidation.

40 SECTION 2. IC 36-8-8-2.1 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.1. (a) As used in
 42 this chapter, "local board" means the following:



- 1 (1) For a unit that established a 1925 fund for its police officers,
2 the local board described in IC 36-8-6-2.
- 3 (2) **Except as provided in subdivision (3)**, for a unit that
4 established a 1937 fund for its firefighters, the local board
5 described in IC 36-8-7-3.
- 6 (3) **For a unit that established a 1937 fund for its firefighters
7 and consolidates its fire department into the consolidated fire
8 department under IC 36-3-1-6.1:**
- 9 (A) **before the effective date of the consolidation, the local
10 board described in IC 36-8-7-3; and**
- 11 (B) **on and after the effective date of the consolidation, the
12 local board described in IC 36-8-7-3 of the consolidated
13 city.**
- 14 ~~(4)~~ (4) For a consolidated city that established a 1953 fund for its
15 police officers, the local board described in IC 36-8-7.5-2.
- 16 ~~(5)~~ (5) For a unit, other than a consolidated city, that did not
17 establish a 1925 fund for its police officers or a 1937 fund for its
18 firefighters, the local board described in subsection (b) or (c).
- 19 (b) If a unit did not establish a 1925 fund for its police officers, a
20 local board shall be composed in the same manner described in
21 IC 36-8-6-2(b). However, if there is not a retired member of the
22 department, no one shall be appointed to that position until such time
23 as there is a retired member.
- 24 (c) **Except as provided in subsection (d)**, if a unit did not establish
25 a 1937 fund for its firefighters, a local board shall be composed in the
26 same manner described in IC 36-8-7-3(b). However, if there is not a
27 retired member of the department, no one shall be appointed to that
28 position until such time as there is a retired member.
- 29 (d) **If a unit located in a county having a consolidated city did
30 not establish a 1937 fund for its firefighters and consolidates its fire
31 department into the consolidated fire department under
32 IC 36-3-1-6.1, the local board is:**
- 33 (1) **before the effective date of the consolidation, the local
34 board described in subsection (c); and**
- 35 (2) **on and after the effective date of the consolidation, the
36 local board described in IC 36-8-7-3 of the consolidated city.**
- 37 SECTION 3. IC 36-8-8-7, AS AMENDED BY P.L.117-2013,
38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 UPON PASSAGE]: Sec. 7. (a) Except as provided in subsections (d),
40 (e), (f), (g), (h), (k), (l), and (m):
- 41 (1) a police officer; or
42 (2) a firefighter;



1 who is less than thirty-six (36) years of age and who passes the baseline
2 statewide physical and mental examinations required under section 19
3 of this chapter shall be a member of the 1977 fund and is not a member
4 of the 1925 fund, the 1937 fund, or the 1953 fund.

5 (b) A police officer or firefighter with service before May 1, 1977,
6 who is hired or rehired after April 30, 1977, may receive credit under
7 this chapter for service as a police officer or firefighter prior to entry
8 into the 1977 fund if the employer who rehires the police officer or
9 firefighter chooses to contribute to the 1977 fund the amount necessary
10 to amortize the police officer's or firefighter's prior service liability over
11 a period of not more than forty (40) years, the amount and the period
12 to be determined by the system board. If the employer chooses to make
13 the contributions, the police officer or firefighter is entitled to receive
14 credit for the police officer's or firefighter's prior years of service
15 without making contributions to the 1977 fund for that prior service. In
16 no event may a police officer or firefighter receive credit for prior years
17 of service if the police officer or firefighter is receiving a benefit or is
18 entitled to receive a benefit in the future from any other public pension
19 plan with respect to the prior years of service.

20 (c) Except as provided in section 18 of this chapter, a police officer
21 or firefighter is entitled to credit for all years of service after April 30,
22 1977, with the police or fire department of an employer covered by this
23 chapter.

24 (d) A police officer or firefighter with twenty (20) years of service
25 does not become a member of the 1977 fund and is not covered by this
26 chapter, if the police officer or firefighter:

- 27 (1) was hired before May 1, 1977;
- 28 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
29 of which were repealed September 1, 1981); and
- 30 (3) is rehired after April 30, 1977, by the same employer.

31 (e) A police officer or firefighter does not become a member of the
32 1977 fund and is not covered by this chapter if the police officer or
33 firefighter:

- 34 (1) was hired before May 1, 1977;
- 35 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
36 of which were repealed September 1, 1981);
- 37 (3) was rehired after April 30, 1977, but before February 1, 1979;
38 and
- 39 (4) was made, before February 1, 1979, a member of a 1925,
40 1937, or 1953 fund.

41 (f) A police officer or firefighter does not become a member of the
42 1977 fund and is not covered by this chapter if the police officer or



- 1 firefighter:
- 2 (1) was hired by the police or fire department of a unit before May
- 3 1, 1977;
- 4 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 5 of which were repealed September 1, 1981);
- 6 (3) is rehired by the police or fire department of another unit after
- 7 December 31, 1981; and
- 8 (4) is made, by the fiscal body of the other unit after December
- 9 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
- 10 unit.
- 11 If the police officer or firefighter is made a member of a 1925, 1937, or
- 12 1953 fund, the police officer or firefighter is entitled to receive credit
- 13 for all the police officer's or firefighter's years of service, including
- 14 years before January 1, 1982.
- 15 (g) As used in this subsection, "emergency medical services" and
- 16 "emergency medical technician" have the meanings set forth in
- 17 IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:
- 18 (1) is employed by a unit that is participating in the 1977 fund;
- 19 (2) was employed as an emergency medical technician by a
- 20 political subdivision wholly or partially within the department's
- 21 jurisdiction;
- 22 (3) was a member of the public employees' retirement fund during
- 23 the employment described in subdivision (2); and
- 24 (4) ceased employment with the political subdivision and was
- 25 hired by the unit's fire department due to the reorganization of
- 26 emergency medical services within the department's jurisdiction;
- 27 shall participate in the 1977 fund. A firefighter who participates in the
- 28 1977 fund under this subsection is subject to sections 18 and 21 of this
- 29 chapter.
- 30 (h) A police officer or firefighter does not become a member of the
- 31 1977 fund and is not covered by this chapter if the individual was
- 32 appointed as:
- 33 (1) a fire chief under a waiver under IC 36-8-4-6(c); or
- 34 (2) a police chief under a waiver under IC 36-8-4-6.5(c);
- 35 unless the executive of the unit requests that the 1977 fund accept the
- 36 individual in the 1977 fund and the individual previously was a
- 37 member of the 1977 fund.
- 38 (i) A police matron hired or rehired after April 30, 1977, and before
- 39 July 1, 1996, who is a member of a police department in a second or
- 40 third class city on March 31, 1996, is a member of the 1977 fund.
- 41 (j) A park ranger who:
- 42 (1) completed at least the number of weeks of training at the



1 Indiana law enforcement academy or a comparable law
 2 enforcement academy in another state that were required at the
 3 time the park ranger attended the Indiana law enforcement
 4 academy or the law enforcement academy in another state;

5 (2) graduated from the Indiana law enforcement academy or a
 6 comparable law enforcement academy in another state; and

7 (3) is employed by the parks department of a city having a
 8 population of more than one hundred ten thousand (110,000) but
 9 less than one hundred fifty thousand (150,000);

10 is a member of the fund.

11 (k) Notwithstanding any other provision of this chapter, a police
 12 officer or firefighter:

13 (1) who is a member of the 1977 fund before a consolidation
 14 under IC 36-3-1-5.1 or IC 36-3-1-6.1;

15 (2) whose employer is consolidated into the consolidated law
 16 enforcement department or the fire department of a consolidated
 17 city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

18 (3) who, after the consolidation, becomes an employee of the
 19 consolidated law enforcement department or the consolidated fire
 20 department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

21 is a member of the 1977 fund without meeting the requirements under
 22 sections 19 and 21 of this chapter.

23 (l) Notwithstanding any other provision of this chapter, if:

24 (1) before a consolidation under IC 8-22-3-11.6, a police officer
 25 or firefighter provides law enforcement services or fire protection
 26 services for an entity in a consolidated city;

27 (2) the provision of those services is consolidated into the law
 28 enforcement department or fire department of a consolidated city;
 29 and

30 (3) after the consolidation, the police officer or firefighter
 31 becomes an employee of the consolidated law enforcement
 32 department or the consolidated fire department under
 33 IC 8-22-3-11.6;

34 the police officer or firefighter is a member of the 1977 fund without
 35 meeting the requirements under sections 19 and 21 of this chapter.

36 (m) A police officer or firefighter who is a member of the 1977 fund
 37 under subsection (k) or (l):

38 (1) may not be:

39 (†) (A) retired for purposes of section 10 of this chapter; or

40 (‡) (B) disabled for purposes of section 12 of this chapter;
 41 solely because of a change in employer under the consolidation;

42 and



- 1 **(2) shall receive credit for all years of service as a member of**
 2 **the 1977 fund before the consolidation described in subsection**
 3 **(k) or (l).**
- 4 (n) Notwithstanding any other provision of this chapter and subject
 5 to subsection (o), a police officer or firefighter who:
- 6 (1) is an active member of the 1977 fund with an employer that
 7 participates in the 1977 fund;
 8 (2) separates from that employer; and
 9 (3) not later than one hundred eighty (180) days after the date of
 10 the separation described in subdivision (2), becomes employed as
 11 a full-time police officer or firefighter with a second employer
 12 that participates in the 1977 fund;
- 13 is a member of the 1977 fund without meeting for a second time the
 14 age limitation under subsection (a) and the requirements under sections
 15 19 and 21 of this chapter. A police officer or firefighter to whom this
 16 subsection applies is entitled to receive credit for all years of 1977 fund
 17 covered service as a police officer or firefighter with all employers that
 18 participate in the 1977 fund.
- 19 (o) The one hundred eighty (180) day limitation described in
 20 subsection (n)(3) does not apply to a member of the 1977 fund who is
 21 eligible for reinstatement under IC 36-8-4-11.
- 22 **SECTION 4. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1229, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1229 as introduced.)

Committee Vote: Yeas 7, Nays 5

Representative Mahan

