

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 322 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 36-3-1-6.1, AS AMENDED BY P.L.1-2006,
- 4 SECTION 560, IS AMENDED TO READ AS FOLLOWS
- 5 [EFFECTIVE UPON PASSAGE]: Sec. 6.1. (a) This section applies
- 6 only in a county containing a consolidated city. If the requirements of
- 7 subsection (~~g~~) (k) are satisfied, the fire departments of the following
- 8 are consolidated into the fire department of a consolidated city
- 9 (referred to as "the consolidated fire department") following occur on
- 10 July 1 of the calendar year following the adoption of an ordinance
- 11 under subsection (k) approving the consolidation:
- 12 (1) The fire departments of the following are consolidated into
- 13 the fire department of the consolidated city (referred to as
- 14 "the consolidated fire department"):
- 15 (A) The fire department of a township for which the
- 16 consolidation is approved by the township legislative body and
- 17 trustee and the legislative body and mayor of the located in a
- 18 county containing the consolidated city.
- 19 (~~2~~) (B) The fire department of any fire protection territory
- 20 established under IC 36-8-19 that is located in a township
- 21 described in subdivision (~~1~~): clause (A).
- 22 (2) The functions, duties, and responsibilities of the township
- 23 trustee and township board with respect to providing fire
- 24 protection and related services are transferred to the

1 **consolidated city.**

2 (b) If the requirements of subsection ~~(g)~~ **(k)** are satisfied, **after June**
 3 **30 of the calendar year following the calendar year in which an**
 4 **ordinance is adopted under subsection (k) approving the**
 5 **consolidation**, the consolidated fire department shall provide fire
 6 protection services within an entity described in subsection ~~(a)(1)~~ or
 7 ~~(a)(2)~~ in which the requirements of subsection ~~(g)~~ are satisfied on the
 8 date agreed to in the resolution of the township legislative body and the
 9 ordinance of the legislative body of the consolidated city: **the county**
 10 **(excluding any excluded city).**

11 (c) If the requirements of subsection ~~(g)~~ **(k)** are satisfied and the fire
 12 department of an entity listed in subsection (a) is consolidated into the
 13 fire department of the consolidated city, **except as otherwise**
 14 **provided**, all of the property, equipment, records, rights, and contracts
 15 of ~~the each~~ department consolidated into the fire department of the
 16 consolidated city are ~~(1)~~ transferred to or ~~(2)~~ assumed by the
 17 consolidated city on the effective date of the consolidation. ~~However,~~
 18 ~~real property other than real property used as a fire station may be~~
 19 ~~transferred only on terms mutually agreed to by the legislative body~~
 20 ~~and mayor of the consolidated city and the trustee and legislative body~~
 21 ~~of the township in which that real property is located. The balance in~~
 22 **the township's cumulative building and equipment fund for fire**
 23 **protection and related services established under IC 36-8-14 shall**
 24 **be used by the township to pay any outstanding indebtedness of the**
 25 **township described in subsection (e).**

26 (d) If the requirements of subsection ~~(g)~~ **(k)** are satisfied and the fire
 27 department of an entity listed in subsection (a) is consolidated into the
 28 fire department of the consolidated city, the employees of ~~the a~~ fire
 29 department **listed in subsection (a) that is** consolidated into the fire
 30 department of the consolidated city cease employment with the
 31 department of ~~the entity~~ listed in subsection (a) and become employees
 32 of the consolidated fire department on the effective date of the
 33 consolidation. The consolidated city shall assume all agreements with
 34 labor organizations that:

- 35 (1) are in effect on the effective date of the consolidation; and
 36 (2) apply to employees of the department consolidated into the
 37 fire department of the consolidated city who become employees
 38 of the consolidated fire department.

39 (e) If the requirements of subsection ~~(g)~~ **(k)** are satisfied and the fire
 40 department of an entity listed in subsection (a) is consolidated into the
 41 fire department of a consolidated city, the indebtedness related to fire
 42 protection services incurred before the effective date of the
 43 consolidation by ~~the an~~ entity **whose fire department is consolidated**
 44 **into the consolidated fire department under subsection (a) or by a**
 45 **building, holding, or leasing corporation on behalf of the entity whose**
 46 **fire department is consolidated into the consolidated fire department**

1 under subsection (a) shall remain the debt of the entity and does not
 2 become and may not be assumed, **defeased, paid, or refunded** by the
 3 consolidated city. Indebtedness related to fire protection services that
 4 is incurred by the consolidated city before the effective date of the
 5 consolidation shall remain the debt of the consolidated city and
 6 property taxes levied to pay the debt may only be levied by the fire
 7 special service district.

8 **(f) The rights of trustees and bondholders with respect to any:**
 9 **(1) bonds or other indebtedness described in subsection (e); or**
 10 **(2) bond resolution, trust agreement or indenture, security**
 11 **agreement, purchase agreement, or other undertaking with**
 12 **respect to indebtedness described in subsection (e);**
 13 **remain the same, notwithstanding any consolidation of fire**
 14 **departments under this section.**

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

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

45 **(h)** The following apply if the requirements of subsection ~~(g)~~ **(k)** are
 46 satisfied:

- 1 (1) The consolidation of the fire department of that township is
 2 effective on the date agreed to by the township legislative body in
 3 the resolution and by the legislative body of the consolidated city
 4 in its ordinance approving the consolidation.
- 5 (2) (1) Notwithstanding any other provision, a firefighter:
 6 (A) who is a member of the 1977 fund before the effective
 7 date of a consolidation under this section; and
 8 (B) who, after the consolidation, becomes an employee of the
 9 fire department of a consolidated city under this section;
 10 remains a member of the 1977 fund without being required to
 11 meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The
 12 firefighter shall receive credit for any service as a member of the
 13 1977 fund before the consolidation to determine the firefighter's
 14 eligibility for benefits under IC 36-8-8.
- 15 (3) (2) Notwithstanding any other provision, a firefighter:
 16 (A) who is a member of the 1937 fund before the effective
 17 date of a consolidation under this section; and
 18 (B) who, after the consolidation, becomes an employee of the
 19 fire department of a consolidated city under this section;
 20 remains a member of the 1937 fund. The firefighter shall receive
 21 credit for any service as a member of the 1937 fund before the
 22 consolidation to determine the firefighter's eligibility for benefits
 23 under IC 36-8-7.
- 24 (4) (3) For property taxes first due and payable in the **first**
 25 **calendar** year in which **property taxes are first due and**
 26 **payable based on** the consolidation, ~~is effective~~; the maximum
 27 permissible ad valorem property tax levy under IC 6-1.1-18.5:
 28 (A) is increased for the consolidated city; by an amount equal
 29 to the maximum permissible ad valorem property tax levy in
 30 the year preceding the year in which the consolidation is
 31 effective for fire protection and related services by the
 32 township whose fire department is consolidated into the fire
 33 department of the consolidated city under this section; and
 34 (B) is reduced for the township whose fire department is
 35 consolidated into the fire department of the consolidated city
 36 under this section;
 37 by the amount equal to the maximum permissible ad valorem
 38 property tax levy in the year preceding the year in which the
 39 consolidation is effective for fire protection and related services
 40 for the township.
- 41 (5) (4) The amount levied in the year preceding the year in which
 42 the consolidation is effective by the township whose fire
 43 department is consolidated into the fire department of the
 44 consolidated city for **balance in** the township's cumulative
 45 building and equipment fund for fire protection and related
 46 services is transferred on the effective date of the consolidation to

1 the consolidated city's cumulative building and equipment fund
 2 for fire protection and related services, which is hereby
 3 established. The consolidated city is exempted from the
 4 requirements of IC 36-8-14 and IC 6-1.1-41 regarding
 5 establishment of the cumulative building and equipment fund for
 6 fire protection and related services. **of a township whose fire**
 7 **department is consolidated into the fire department of the**
 8 **consolidated city shall be used as provided in subsection (c).**
 9 ~~(6)~~ **(5)** The local boards for the 1937 firefighters' pension fund
 10 and the 1977 police officers' and firefighters' pension and
 11 disability fund of ~~the township~~ **an entity whose fire department**
 12 **is consolidated into the fire department of the consolidated**
 13 **city** are dissolved, and their services are terminated not later than
 14 the effective date of the consolidation. The duties performed by
 15 the local boards under IC 36-8-7 and IC 36-8-8, respectively, are
 16 assumed by the consolidated city's local board for the 1937
 17 firefighters' pension fund and local board for the 1977 police
 18 officers' and firefighters' pension and disability fund, respectively.
 19 Notwithstanding any other provision, the legislative body of the
 20 consolidated city may adopt an ordinance to adjust the
 21 membership of the consolidated city's local board to reflect the
 22 consolidation.

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

1 on the effective date of the consolidation may be levied by the
 2 consolidated city within the city's maximum permissible ad
 3 valorem property tax levy. However, these taxes may be levied
 4 only within the fire special service district and any townships that
 5 have consolidated fire departments under this section.

6 (8) The executive of the consolidated city shall provide for an
 7 independent evaluation and performance audit, due before March
 8 1 of the year in which the consolidation is effective and before
 9 March 1 in each of the following two (2) years, to determine:

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

12 (B) any tax shifts among taxpayers;

13 that result from the consolidation. The independent evaluation
 14 and performance audit must be provided to the legislative council
 15 in an electronic format under IC 5-14-6 and to the state budget
 16 committee.

17 (i) **For a township that consolidated its fire department into the**
 18 **fire department of the consolidated city before July 1, 2009, this**
 19 **section applies to the consolidation to the extent this section does**
 20 **not conflict with:**

21 (1) **the consolidation ordinances adopted by the consolidated**
 22 **city and the township; or**

23 (2) **any consolidation agreement between the consolidated city**
 24 **and the township.**

25 (j) **Before January 1, 2010, the consolidated fire department**
 26 **shall develop a strategic plan to determine resource requirements**
 27 **and resource deployments for the consolidated fire department.**
 28 **The consolidated fire department shall determine the resource**
 29 **requirements and resource deployments based on the risk**
 30 **assessment models promulgated by the Center for Public Safety**
 31 **Excellence, Inc., or a successor entity. The consolidated fire**
 32 **department must, for each year before 2020:**

33 (1) **update the strategic plan at least once every three (3)**
 34 **years; and**

35 (2) **annually report to the legislative body of the consolidated**
 36 **city concerning the implementation of the strategic plan.**

37 (k) **The legislative body of the consolidated city shall, not later**
 38 **than December 31, 2009, adopt an ordinance approving the**
 39 **consolidation of fire services as provided in this section. After an**
 40 **ordinance approving the consolidation of fire services as provided**
 41 **in this section is adopted, the consolidation of fire services may not**
 42 **be reversed or rescinded. An ordinance approving the**
 43 **consolidation of fire services as provided in this section does not**
 44 **apply to an excluded city.**

45 SECTION 2. IC 36-3-1-6.6 IS ADDED TO THE INDIANA CODE
 46 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 47 UPON PASSAGE]: **Sec. 6.6. (a) It is the policy of the consolidated**

1 fire department of the consolidated city and the consolidated law
 2 enforcement department of the consolidated city that fire
 3 protection services and law enforcement services are best
 4 performed by a workforce that represents the community served
 5 by those departments.

6 (b) The executive of the consolidated city shall, before January
 7 1, 2010, institute revised procedures to ensure that the hiring and
 8 promotional practices of the consolidated fire department and the
 9 consolidated law enforcement department of the consolidated city
 10 achieve the policy set forth in subsection (a), as permitted by state
 11 and federal law. These revised procedures are subject to the review
 12 and approval of the legislative body of the consolidated city.

13 SECTION 3. IC 36-6-4-3, AS AMENDED BY P.L.2-2008,
 14 SECTION 82, AND AS AMENDED BY P.L.146-2008, SECTION
 15 709, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE UPON PASSAGE]: Sec. 3. The executive shall do the
 17 following:

- 18 (1) Keep a written record of official proceedings.
- 19 (2) Manage all township property interests.
- 20 (3) Keep township records open for public inspection.
- 21 (4) Attend all meetings of the township legislative body.
- 22 (5) Receive and pay out township funds.
- 23 (6) Examine and settle all accounts and demands chargeable
 24 against the township.
- 25 (7) Administer township assistance under IC 12-20 and
 26 IC 12-30-4.
- 27 (8) Perform the duties of fence viewer under IC 32-26.
- 28 ~~(9) Act as township assessor when required by IC 36-6-5.~~
- 29 ~~(10) Provide and maintain cemeteries under IC 23-14.~~
- 30 ~~(11) Provide fire protection under IC 36-8, except in a~~
 31 township: ~~that:~~
- 32 (A) **that** is located in a county having a consolidated city; and
- 33 (B) **whose fire department is** consolidated ~~the township's fire~~
 34 ~~department~~ under IC 36-3-1-6.1.
- 35 ~~(12) File an annual personnel report under IC 5-11-13.~~
- 36 ~~(13) Provide and maintain township parks and community~~
 37 ~~centers under IC 36-10.~~
- 38 ~~(14) Destroy detrimental plants, noxious weeds, and rank~~
 39 ~~vegetation under IC 15-3-4. IC 15-16-8.~~
- 40 ~~(15) Provide insulin to the poor under IC 12-20-16.~~
- 41 ~~(16) Perform other duties prescribed by statute.~~

42 SECTION 4. IC 36-6-4-8 IS AMENDED TO READ AS FOLLOWS
 43 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The executive may use
 44 the township's share of state, county, and township tax revenues and
 45 federal revenue sharing funds for all categories of community services,
 46 if these funds are appropriated for these services by the township

1 legislative body. The executive may use these funds for both operating
2 and capital expenditures.

3 (b) With the consent of the township legislative body, the executive
4 may contract with corporations for health and community services not
5 specifically provided by another governmental entity.

6 (c) **Except in a township that is located in a county having a**
7 **consolidated city and for which the fire department has been**
8 **consolidated under IC 36-3-1-6.1**, the executive may contract with a
9 private person to provide regular or emergency ambulance service
10 within the township. The contract may provide for the imposition and
11 collection of fees for this service.

12 (d) **Except in a township that is located in a county having a**
13 **consolidated city and for which the fire department has been**
14 **consolidated under IC 36-3-1-6.1**, the township legislative body may
15 adopt a resolution to provide for the imposition and collection of fees
16 for ambulance services provided by the township police or fire
17 department.

18 SECTION 5. IC 36-8-4-2, AS AMENDED BY P.L.65-2008,
19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 UPON PASSAGE]: Sec. 2. (a) **Except as otherwise provided in this**
21 **section**, members of the police and fire departments must reside in
22 Indiana within:

- 23 (1) the county in which the city is located; or
24 (2) a county that is contiguous to the county in which the city is
25 located.

26 (b) In a consolidated city, a member who was residing outside the
27 county on January 1, 1975, is exempt from subsection (a).

28 (c) **A member of the fire department of a consolidated city who**
29 **is hired after June 30, 2010, must reside in the county in which the**
30 **consolidated city is located. However, an individual who becomes**
31 **a member of the fire department of a consolidated city through a**
32 **consolidation of fire departments under IC 36-3-1-6.1:**

33 (1) **is not subject to the residency requirement of this**
34 **subsection; but**

35 (2) **is subject to the residency requirement of subsection (a).**

36 ~~(c)~~ (d) A city with a population of less than seven thousand five
37 hundred (7,500) may adopt an ordinance that requires a member of the
38 city's police or fire department to comply with the following:

- 39 (1) Reside within the county in which the city is located.
40 (2) Have adequate means of transportation into the city.
41 (3) Maintain in the member's residence telephone service with the
42 city.

43 ~~(d)~~ (e) This subsection applies to a city that:

- 44 (1) has a population of less than seven thousand five hundred
45 (7,500); and
46 (2) adopted an ordinance to establish the requirements described

1 in this subsection before September 1, 1984.

2 A city may require, in addition to the requirements of subsection ~~(c)~~;
3 **(d)**, that a member of the police or fire department reside within the
4 city until the member has served in the department for five (5) years.

5 ~~(c)~~ **(f)** An ordinance adopted under subsection ~~(c)~~ **(d)** or described
6 in subsection ~~(d)~~~~(2)~~ **(e)****(2)** may not require a member of a city's police
7 or fire department to reside within the county in which the city is
8 located if the member resides outside the county on the date the
9 ordinance is adopted.

10 SECTION 6. IC 36-8-8-2.1 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.1. (a) As used in
12 this chapter, "local board" means the following:

13 (1) For a unit that established a 1925 fund for its police officers,
14 the local board described in IC 36-8-6-2.

15 **(2) Except as provided in subdivision (3)**, for a unit that
16 established a 1937 fund for its firefighters, the local board
17 described in IC 36-8-7-3.

18 **(3) For a unit that established a 1937 fund for its firefighters**
19 **and consolidates its fire department into the fire department**
20 **of a consolidated city under IC 36-3-1-6.1:**

21 **(A) before the effective date of the consolidation, the local**
22 **board described in IC 36-8-7-3; and**

23 **(B) on and after the effective date of the consolidation, the**
24 **local board of the consolidated city established under**
25 **IC 36-8-7-3.**

26 ~~(3)~~ **(4)** For a consolidated city that established a 1953 fund for its
27 police officers, the local board described in IC 36-8-7.5-2.

28 ~~(4)~~ **(5)** For a unit, other than a consolidated city, that did not
29 establish a 1925 fund for its police officers or a 1937 fund for its
30 firefighters, the local board described in subsection (b) or (c).

31 (b) If a unit did not establish a 1925 fund for its police officers, a
32 local board shall be composed in the same manner described in
33 IC 36-8-6-2(b). However, if there is not a retired member of the
34 department, no one shall be appointed to that position until such time
35 as there is a retired member.

36 (c) **Except as provided in subsection (d)**, if a unit did not establish
37 a 1937 fund for its firefighters, a local board shall be composed in the
38 same manner described in IC 36-8-7-3(b). However, if there is not a
39 retired member of the department, no one shall be appointed to that
40 position until such time as there is a retired member.

41 **(d) If a unit located in a county containing a consolidated city**
42 **did not establish a 1937 fund for its firefighters and consolidates its**
43 **fire department into the fire department of the consolidated city**
44 **under IC 36-3-1-6.1, the local board is:**

45 **(1) before the effective date of the consolidation, the local**
46 **board described in IC 36-8-7-3; and**

1 **(2) on and after the effective date of the consolidation, the**
 2 **local board of the consolidated city established under**
 3 **IC 36-8-7-3.**

4 SECTION 7. IC 36-8-8-7, AS AMENDED BY P.L.1-2006,
 5 SECTION 575, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as provided in
 7 subsections (d), (e), (f), (g), (h), (k), (l), and (m):

8 (1) a police officer; or

9 (2) a firefighter;

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

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

29 (c) Except as provided in section 18 of this chapter, a police officer
 30 or firefighter is entitled to credit for all years of service after April 30,
 31 1977, with the police or fire department of an employer covered by this
 32 chapter.

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

36 (1) was hired before May 1, 1977;

37 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
 38 of which were repealed September 1, 1981); and

39 (3) is rehired after April 30, 1977, by the same employer.

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

43 (1) was hired before May 1, 1977;

44 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
 45 of which were repealed September 1, 1981);

46 (3) was rehired after April 30, 1977, but before February 1, 1979;

- 1 and
 2 (4) was made, before February 1, 1979, a member of a 1925,
 3 1937, or 1953 fund.
- 4 (f) A police officer or firefighter does not become a member of the
 5 1977 fund and is not covered by this chapter if the police officer or
 6 firefighter:
- 7 (1) was hired by the police or fire department of a unit before May
 8 1, 1977;
- 9 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
 10 of which were repealed September 1, 1981);
- 11 (3) is rehired by the police or fire department of another unit after
 12 December 31, 1981; and
- 13 (4) is made, by the fiscal body of the other unit after December
 14 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
 15 unit.
- 16 If the police officer or firefighter is made a member of a 1925, 1937, or
 17 1953 fund, the police officer or firefighter is entitled to receive credit
 18 for all the police officer's or firefighter's years of service, including
 19 years before January 1, 1982.
- 20 (g) As used in this subsection, "emergency medical services" and
 21 "emergency medical technician" have the meanings set forth in
 22 IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:
- 23 (1) is employed by a unit that is participating in the 1977 fund;
 24 (2) was employed as an emergency medical technician by a
 25 political subdivision wholly or partially within the department's
 26 jurisdiction;
- 27 (3) was a member of the public employees' retirement fund during
 28 the employment described in subdivision (2); and
- 29 (4) ceased employment with the political subdivision and was
 30 hired by the unit's fire department due to the reorganization of
 31 emergency medical services within the department's jurisdiction;
 32 shall participate in the 1977 fund. A firefighter who participates in the
 33 1977 fund under this subsection is subject to sections 18 and 21 of this
 34 chapter.
- 35 (h) A police officer or firefighter does not become a member of the
 36 1977 fund and is not covered by this chapter if the individual was
 37 appointed as:
- 38 (1) a fire chief under a waiver under IC 36-8-4-6(c); or
 39 (2) a police chief under a waiver under IC 36-8-4-6.5(c);
 40 unless the executive of the unit requests that the 1977 fund accept the
 41 individual in the 1977 fund and the individual previously was a
 42 member of the 1977 fund.
- 43 (i) A police matron hired or rehired after April 30, 1977, and before
 44 July 1, 1996, who is a member of a police department in a second or
 45 third class city on March 31, 1996, is a member of the 1977 fund.
- 46 (j) A park ranger who:

- 1 (1) completed at least the number of weeks of training at the
 2 Indiana law enforcement academy or a comparable law
 3 enforcement academy in another state that were required at the
 4 time the park ranger attended the Indiana law enforcement
 5 academy or the law enforcement academy in another state;
 6 (2) graduated from the Indiana law enforcement academy or a
 7 comparable law enforcement academy in another state; and
 8 (3) is employed by the parks department of a city having a
 9 population of more than one hundred twenty thousand (120,000)
 10 but less than one hundred fifty thousand (150,000);

11 is a member of the fund.

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

- 14 (1) who is a member of the 1977 fund before a consolidation
 15 under IC 36-3-1-5.1 or IC 36-3-1-6.1;
 16 (2) whose employer is consolidated into the consolidated law
 17 enforcement department or the fire department of a consolidated
 18 city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and
 19 (3) who, after the consolidation, becomes an employee of the
 20 consolidated law enforcement department or the consolidated fire
 21 department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

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

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

- 25 (1) before a consolidation under IC 8-22-3-11.6, a police officer
 26 or firefighter provides law enforcement services or fire protection
 27 services for an entity in a consolidated city;
 28 (2) the provision of those services is consolidated into the law
 29 enforcement department or fire department of a consolidated city;
 30 and
 31 (3) after the consolidation, the police officer or firefighter
 32 becomes an employee of the consolidated law enforcement
 33 department or the consolidated fire department under
 34 IC 8-22-3-11.6;

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

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

39 (1) may not be:

- 40 (†) (A) retired for purposes of section 10 of this chapter; or
 41 (‡) (B) disabled for purposes of section 12 of this chapter;
 42 solely because of a change in employer under the consolidation;
 43 and
 44 (2) shall receive credit for all years of service as a member of
 45 the 1977 fund before the consolidation described in subsection
 46 (k) or (l)."

- 1 Page 3, after line 1, begin a new paragraph and insert:
- 2 "SECTION 10. **An emergency is declared for this act.**".
- 3 Renumber all SECTIONS consecutively.
(Reference is to ESB 322 as printed April 7, 2009.)

Representative Hinkle