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**PRELIMINARY DRAFT  
No. 3148**

**PREPARED BY  
LEGISLATIVE SERVICES AGENCY  
2006 GENERAL ASSEMBLY**

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DIGEST

**Citations Affected:** IC 33-24-5-2; IC 36-3-1; IC 36-8.

**Synopsis:** SEA 307-2005 corrections. Makes technical corrections in provisions enacted in SEA 307-2005.

**Effective:** July 1, 2006.



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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 33-24-5-2, AS AMENDED BY P.L.227-2005,  
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2006]: Sec. 2. (a) Except as provided in subsection (b), the  
4 sheriff of the supreme court or a county police officer shall:

- 5 (1) attend the court in term time;
- 6 (2) execute the orders of the court;
- 7 (3) preserve order within the court; **and**
- 8 (4) execute all process issued out of the court; **and**
- 9 ~~(5)~~ **(5)** execute all civil process issued out of the court.

10 (b) This subsection applies only if a consolidated law enforcement  
11 department is established under IC 36-3-1-5.1. The ordinance adopted  
12 by the legislative body of the consolidated city shall determine  
13 whether:

- 14 (1) the orders of the court; and
- 15 (2) all criminal process issued out of the court;

16 shall be executed by an officer of the sheriff's department or an officer  
17 of the consolidated law enforcement department.

18 SECTION 2. IC 36-3-1-5.1, AS ADDED BY P.L.227-2005,  
19 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2006]: Sec. 5.1. (a) Except for those duties that are reserved  
21 by law to the county sheriff in this section, the city-county legislative  
22 body may by majority vote adopt an ordinance, approved by the mayor,  
23 to consolidate the police department of the consolidated city and the  
24 county sheriff's department.

25 (b) The city-county legislative body may not adopt an ordinance  
26 under this section unless it first:

- 27 (1) holds a public hearing on the proposed consolidation; and
- 28 (2) determines that:
  - 29 (A) reasonable and adequate police protection can be provided  
30 through the consolidation; and
  - 31 (B) the consolidation is in the public interest.



1 (c) If an ordinance is adopted under this section, the consolidation  
2 shall take effect on the date specified in the ordinance.

3 (d) Notwithstanding any other law, an ordinance adopted under this  
4 section must provide that the county sheriff's department shall be  
5 responsible for all the following for the consolidated city and the  
6 county under the direction and control of the sheriff:

7 (1) County jail operations and facilities.

8 (2) Emergency communications.

9 (3) Security for buildings and property owned by:

10 (A) the consolidated city;

11 (B) the county; or

12 (C) both the consolidated city and county.

13 (4) Service of civil process and collection of taxes under tax  
14 warrants.

15 (5) Sex offender registration.

16 (e) The following apply if an ordinance is adopted under this  
17 section:

18 (1) The department of local government finance, on  
19 recommendation from the local government tax control board,  
20 shall adjust the maximum permissible ad valorem property tax  
21 levy of the consolidated city and the county for property taxes first  
22 due and payable in the year a consolidation takes effect under this  
23 section. When added together, the adjustments under this  
24 subdivision must total zero (0).

25 (2) The ordinance must specify which law enforcement officers  
26 of the police department and which law enforcement officers of  
27 the county sheriff's department shall be law enforcement officers  
28 of the consolidated law enforcement department.

29 (3) The ordinance may not prohibit the providing of law  
30 enforcement services for an excluded city under an interlocal  
31 agreement under IC 36-1-7.

32 (4) A member of the county police force who:

33 (A) was an employee beneficiary of the sheriff's pension trust  
34 before the consolidation of the law enforcement departments;  
35 and

36 (B) after the consolidation becomes a law enforcement officer  
37 of the consolidated law enforcement department;

38 remains an employee beneficiary of the sheriff's pension trust.

39 The member retains, after the consolidation, credit in the sheriff's  
40 pension trust for service earned while a member of the county  
41 police force and continues to earn service credit in the sheriff's  
42 pension trust as a member of the consolidated law enforcement  
43 department for purposes of determining the member's benefits  
44 from the sheriff's pension trust.

45 (5) A member of the police department of the consolidated city  
46 who:



- 1 (A) was a member of the 1953 fund or the 1977 fund before  
 2 the consolidation of the law enforcement departments; and  
 3 (B) after the consolidation becomes a law enforcement officer  
 4 of the consolidated law enforcement department;  
 5 remains a member of the 1953 fund or the 1977 fund. The  
 6 member retains, after the consolidation, credit in the 1953 fund or  
 7 the 1977 fund for service earned while a member of the police  
 8 department of the consolidated city and continues to earn service  
 9 credit in the 1953 fund or the 1977 fund as a member of the  
 10 consolidated law enforcement department for purposes of  
 11 determining the member's benefits from the 1953 fund or the  
 12 1977 fund.
- 13 (6) The ordinance must designate the merit system that shall  
 14 apply to the law enforcement officers of the consolidated law  
 15 enforcement department.
- 16 (7) The ordinance must designate who shall serve as a coapplicant  
 17 for a warrant or an extension of a warrant under IC 35-33.5-2.
- 18 (8) The consolidated city may levy property taxes within the  
 19 consolidated city's maximum permissible ad valorem property tax  
 20 levy limit to provide for the payment of the expenses for the  
 21 operation of the consolidated law enforcement department. The  
 22 police special service district established under ~~IC 36-3-1-6~~  
 23 **section 6 of this chapter** may levy property taxes to provide for  
 24 the payment of expenses for the operation of the consolidated law  
 25 enforcement department within the territory of the police special  
 26 service district. Property taxes to fund the pension obligation  
 27 under IC 36-8-7.5 may be levied only by the police special service  
 28 district within the police special service district. The consolidated  
 29 city may not levy property taxes to fund the pension obligation  
 30 under IC 36-8-7.5. Property taxes to fund the pension obligation  
 31 under IC 36-8-8 for members of the 1977 police officers' and  
 32 firefighters' pension and disability fund who were members of the  
 33 police department of the consolidated city on the effective date of  
 34 the consolidation may be levied only by the police special service  
 35 district within the police special service district. Property taxes to  
 36 fund the pension obligation under ~~IC 36-8-8~~ **IC 36-8-10** for  
 37 members of the sheriff's pension trust and **under IC 36-8-8** for  
 38 members of the 1977 police officers' and firefighters' pension and  
 39 disability fund who were not members of the police department  
 40 of the consolidated city on the effective date of the consolidation  
 41 may be levied by the consolidated city within the consolidated  
 42 city's maximum permissible ad valorem property tax levy. The  
 43 assets of the consolidated city's 1953 fund and the assets of the  
 44 sheriff's pension trust may not be pledged after the effective date  
 45 of the consolidation as collateral for any loan.
- 46 (9) The executive of the consolidated city shall provide for an



1 independent evaluation and performance audit, due before March  
 2 1 of the year following the adoption of the consolidation  
 3 ordinance and for the following two (2) years, to determine:

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

6 (B) any tax shifts among taxpayers;

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

11 SECTION 3. IC 36-3-1-6.1, AS ADDED BY P.L.227-2005,  
 12 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2006]: Sec. 6.1. (a) This section applies only in a county  
 14 containing a consolidated city. If the requirements of subsection (g) are  
 15 satisfied, the fire departments of the following are consolidated into the  
 16 fire department of a consolidated city (referred to as "the consolidated  
 17 fire department"):

18 (1) A township for which the consolidation is approved by the  
 19 township legislative body and trustee and the legislative body and  
 20 mayor of the consolidated city.

21 (2) Any fire protection territory established under IC 36-8-19 that  
 22 is located in a township described in subdivision (1).

23 (b) If the requirements of subsection (g) are satisfied, the  
 24 consolidated fire department shall provide fire protection services  
 25 within an entity described in subsection (a)(1) or (a)(2) in which the  
 26 requirements of subsection (g) are satisfied on the date agreed to in the  
 27 resolution of the township legislative body and the ordinance of the  
 28 legislative body of the consolidated city.

29 (c) If the requirements of subsection (g) are satisfied and the fire  
 30 department of an entity listed in subsection (a) is consolidated into the  
 31 fire department of the consolidated city, all of the property, equipment,  
 32 records, rights, and contracts of the department consolidated into the  
 33 fire department of the consolidated city are:

34 (1) transferred to; or

35 (2) assumed by;

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

41 (d) If the requirements of subsection (g) are satisfied and the fire  
 42 department of an entity listed in subsection (a) is consolidated into the  
 43 fire department of the consolidated city, the employees of the fire  
 44 department consolidated into the fire department of the consolidated  
 45 city cease employment with the department of the entity listed in  
 46 subsection (a) and become employees of the consolidated fire



1 department on the effective date of the consolidation. The consolidated  
2 city shall assume all agreements with labor organizations that:

- 3 (1) are in effect on the effective date of the consolidation; and  
4 (2) apply to employees of the department consolidated into the  
5 fire department of the consolidated city who become employees  
6 of the consolidated fire department.

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

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

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



1 legislative body in its resolution and by the legislative body of the  
2 consolidated city in its ordinance approving the consolidation.

3 (h) The following apply if the requirements of subsection (g) are  
4 satisfied:

5 (1) The consolidation of the fire department of that township is  
6 effective on the date agreed to by the township legislative body in  
7 the resolution and by the legislative body of the consolidated city  
8 in its ordinance approving the consolidation.

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

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

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

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

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

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

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

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

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

43 (5) The amount levied in the year preceding the year in which the  
44 consolidation is effective by the township whose fire department  
45 is consolidated into the fire department of the consolidated city  
46 for the township's cumulative building and equipment fund for



1 fire protection and related services is transferred on the effective  
2 date of the consolidation to the consolidated city's cumulative  
3 building and equipment fund for fire protection and related  
4 services, which is hereby established. The consolidated city is  
5 exempted from the requirements of IC 36-8-14 and IC 6-1.1-41  
6 regarding establishment of the cumulative building and  
7 equipment fund for fire protection and related services.  
8 (6) The local boards for the 1937 firefighters' pension fund and  
9 the 1977 police officers' and firefighters' pension and disability  
10 fund of the township are dissolved, and their services are  
11 terminated not later than the effective date of the consolidation.  
12 The duties performed by the local boards under IC 36-8-7 and  
13 IC 36-8-8, respectively, are assumed by the consolidated city's  
14 local board for the 1937 firefighters' pension fund and local board  
15 for the 1977 police officers' and firefighters' pension and  
16 disability fund, respectively. Notwithstanding any other provision,  
17 the legislative body of the consolidated city may adopt an  
18 ordinance to adjust the membership of the consolidated city's  
19 local board to reflect the consolidation.  
20 (7) The consolidated city may levy property taxes within the  
21 consolidated city's maximum permissible ad valorem property tax  
22 levy limit to provide for the payment of the expenses for the  
23 operation of the consolidated fire department. However, property  
24 taxes to fund the pension obligation under IC 36-8-7 for members  
25 of the 1937 firefighters fund who were employees of the  
26 consolidated city at the time of the consolidation may be levied  
27 only by the fire special service district within the fire special  
28 service district. The fire special service district established under  
29 IC 36-3-1-6 may levy property taxes to provide for the payment  
30 of expenses for the operation of the consolidated fire department  
31 within the territory of the ~~police~~ fire special service district.  
32 Property taxes to fund the pension obligation under IC 36-8-8 for  
33 members of the 1977 police officers' and firefighters' pension and  
34 disability fund who were members of the fire department of the  
35 consolidated city on the effective date of the consolidation may be  
36 levied only by the fire special service district within the fire  
37 special service district. Property taxes to fund the pension  
38 obligation for members of the 1937 firefighters fund who were  
39 not members of the fire department of the consolidated city on the  
40 effective date of the consolidation and members of the 1977  
41 police officers' and firefighters' pension and disability fund who  
42 were not members of the fire department of the consolidated city  
43 on the effective date of the consolidation may be levied by the  
44 consolidated city within the city's maximum permissible ad  
45 valorem property tax levy. However, these taxes may be levied  
46 only within the fire special service district and any townships that





1 have consolidated fire departments under this section.

2 (8) The executive of the consolidated city shall provide for an  
 3 independent evaluation and performance audit, due before March  
 4 1 of the year in which the consolidation is effective and ~~for before~~  
 5 **March 1 in each** of the following two (2) years, to determine:

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

8 (B) any tax shifts among taxpayers;

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

13 SECTION 4. IC 36-8-5-1, AS AMENDED BY P.L.227-2005,  
 14 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2006]: Sec. 1. (a) This chapter applies to the following:

16 (1) All municipalities.

17 (2) A county having a consolidated city that establishes a  
 18 consolidated law enforcement department ~~established~~ under  
 19 IC 36-3-1-5.1.

20 (b) Section 2 of this chapter applies to any other political  
 21 subdivision that employs full-time, fully paid firefighters.

22 SECTION 5. IC 36-8-8-7, AS AMENDED BY P.L.227-2005,  
 23 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2006]: Sec. 7. (a) Except as provided in subsections (d), (e),  
 25 (f), (g), (h), (k), (l), **and (m): and (n):**

26 (1) a police officer; or

27 (2) a firefighter;

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

32 (b) A police officer or firefighter with service before May 1, 1977,  
 33 who is hired or rehired after April 30, 1977, may receive credit under  
 34 this chapter for service as a police officer or firefighter prior to entry  
 35 into the 1977 fund if the employer who rehires the police officer or  
 36 firefighter chooses to contribute to the 1977 fund the amount necessary  
 37 to amortize the police officer's or firefighter's prior service liability over  
 38 a period of not more than forty (40) years, the amount and the period  
 39 to be determined by the PERF board. If the employer chooses to make  
 40 the contributions, the police officer or firefighter is entitled to receive  
 41 credit for the police officer's or firefighter's prior years of service  
 42 without making contributions to the 1977 fund for that prior service. In  
 43 no event may a police officer or firefighter receive credit for prior years  
 44 of service if the police officer or firefighter is receiving a benefit or is  
 45 entitled to receive a benefit in the future from any other public pension  
 46 plan with respect to the prior years of service.



1 (c) Except as provided in section 18 of this chapter, a police officer  
 2 or firefighter is entitled to credit for all years of service after April 30,  
 3 1977, with the police or fire department of an employer covered by this  
 4 chapter.

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

8 (1) was hired before May 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); and

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

12 (e) A police officer or firefighter does not become a member of the  
 13 1977 fund and is not covered by this chapter if the police officer or  
 14 firefighter:

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

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

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

20 (4) was made, before February 1, 1979, a member of a 1925,  
 21 1937, or 1953 fund.

22 (f) A police officer or firefighter does not become a member of the  
 23 1977 fund and is not covered by this chapter if the police officer or  
 24 firefighter:

25 (1) was hired by the police or fire department of a unit before May  
 26 1, 1977;

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

29 (3) is rehired by the police or fire department of another unit after  
 30 December 31, 1981; and

31 (4) is made, by the fiscal body of the other unit after December  
 32 31, 1981, a member of a 1925, 1937, or 1953 fund of the other  
 33 unit.

34 If the police officer or firefighter is made a member of a 1925, 1937, or  
 35 1953 fund, the police officer or firefighter is entitled to receive credit  
 36 for all the police officer's or firefighter's years of service, including  
 37 years before January 1, 1982.

38 (g) As used in this subsection, "emergency medical services" and  
 39 "emergency medical technician" have the meanings set forth in  
 40 IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

41 (1) is employed by a unit that is participating in the 1977 fund;

42 (2) was employed as an emergency medical technician by a  
 43 political subdivision wholly or partially within the department's  
 44 jurisdiction;

45 (3) was a member of the public employees' retirement fund during  
 46 the employment described in subdivision (2); and



1 (4) ceased employment with the political subdivision and was  
 2 hired by the unit's fire department due to the reorganization of  
 3 emergency medical services within the department's jurisdiction;  
 4 shall participate in the 1977 fund. A firefighter who participates in the  
 5 1977 fund under this subsection is subject to sections 18 and 21 of this  
 6 chapter.

7 (h) A police officer or firefighter does not become a member of the  
 8 1977 fund and is not covered by this chapter if the individual was  
 9 appointed as:

10 (1) a fire chief under a waiver under IC 36-8-4-6(c); or

11 (2) a police chief under a waiver under IC 36-8-4-6.5(c);

12 unless the executive of the unit requests that the 1977 fund accept the  
 13 individual in the 1977 fund and the individual previously was a  
 14 member of the 1977 fund.

15 (i) A police matron hired or rehired after April 30, 1977, and before  
 16 July 1, 1996, who is a member of a police department in a second or  
 17 third class city on March 31, 1996, is a member of the 1977 fund.

18 (j) A park ranger who:

19 (1) completed at least the number of weeks of training at the  
 20 Indiana law enforcement academy or a comparable law  
 21 enforcement academy in another state that were required at the  
 22 time the park ranger attended the Indiana law enforcement  
 23 academy or the law enforcement academy in another state;

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

26 (3) is employed by the parks department of a city having a  
 27 population of more than one hundred twenty thousand (120,000)  
 28 but less than one hundred fifty thousand (150,000);

29 is a member of the fund.

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

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

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

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

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

42 (l) Notwithstanding any other provision of this chapter, ~~a police~~  
 43 ~~officer or firefighter who:~~ **if:**

44 (1) before a consolidation under ~~IC 36-3-1-5.1 or IC 36-3-1-6.1;~~  
 45 **IC 8-22-3-11.6, a police officer or firefighter** provides law  
 46 enforcement services or fire protection services for an entity in a



- 1 consolidated city;
- 2 (2) ~~has~~ the provision of those services **is** consolidated into the **law**
- 3 **enforcement department** or fire department of a consolidated
- 4 city; and
- 5 (3) after the consolidation, **the police officer or firefighter**
- 6 becomes an employee of the consolidated law enforcement
- 7 department or the consolidated fire department under
- 8 ~~IC 36-3-1-5.1 or IC 36-3-1-6.1~~; **IC 8-22-3-11.6**;
- 9 **the police officer or firefighter** is a member of the 1977 fund without
- 10 meeting the requirements under sections 19 and 21 of this chapter.
- 11 (m) A police officer or firefighter who is a member of the 1977 fund
- 12 under subsection (k) or (l) may not be:
- 13 (1) retired for purposes of section 10 of this chapter; or
- 14 (2) disabled for purposes of section 12 of this chapter;
- 15 solely because of a change in employer under the consolidation.
- 16 SECTION 6. IC 36-8-19-1.5, AS ADDED BY P.L.227-2005,
- 17 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2006]: Sec. 1.5. (a) If the fire ~~departments~~ **department** of a
- 19 township is consolidated under IC 36-3-1-6.1, after the effective date
- 20 of the consolidation the township may not establish **a** fire protection
- 21 territory under this chapter.
- 22 (b) A fire protection territory that is established before the effective
- 23 date of the consolidation in a township in which the township's fire
- 24 department is consolidated under IC 36-3-1-6.1 becomes part of the
- 25 geographic area in which the fire department of a consolidated city
- 26 provides fire protection services.

