

SENATE BILL No. 54

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-3-1-6.1; IC 36-8-8.

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. Makes changes to a provision concerning the transfer of certain types of indebtedness to the consolidated city incurred before the effective date of the consolidation. Relocates language specifying that indebtedness related to fire protection services that is incurred before the effective date of the consolidation by the consolidated city remains the debt of the consolidated city and property taxes to pay the debt may only be levied within the fire special service district. 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
(Continued next page)

Effective: Upon passage.

Baldwin

January 8, 2024, read first time and referred to Committee on Pensions and Labor.



Digest Continued

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 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.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

SENATE BILL No. 54



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)~~ (i) 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 (i).**
13 (2) Any fire protection territory established under IC 36-8-19 that
14 is located in a township described in subdivision (1).
15 (b) If the requirements of subsection ~~(g)~~ (i) are satisfied, the
16 consolidated fire department shall provide fire protection services
17 within an entity described in subsection (a)(1) or (a)(2) in which the



1 requirements of subsection ~~(g)~~ **(i)** are satisfied on the date ~~agreed to in~~
 2 ~~the resolution of the township legislative body and set forth in the~~
 3 ordinance of the legislative body of the consolidated city.

4 (c) If the requirements of subsection ~~(g)~~ **(i)** are satisfied and the fire
 5 department of an entity listed in subsection (a) is consolidated into the
 6 fire department of the consolidated city, all of the property, equipment,
 7 records, rights, and contracts of the department consolidated into the
 8 fire department of the consolidated city are:

9 (1) transferred to; or

10 (2) assumed by;

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

16 (d) If the requirements of subsection ~~(g)~~ **(i)** are satisfied and the fire
 17 department of an entity listed in subsection (a) is consolidated into the
 18 fire department of the consolidated city, ~~the employees each~~
 19 **firefighter** of the fire department consolidated into the fire department
 20 of the consolidated city: ~~eease~~

21 **(1) ceases** employment with the department of the entity listed in
 22 subsection (a);

23 **(2) becomes an employee of the consolidated fire department**
 24 **on the effective date of the consolidation;** and become
 25 employees

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

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

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

40 **(2) apply to employees of the department consolidated into the**
 41 **fire department of the consolidated city who become employees**
 42 **of the consolidated fire department.**



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

16 **(f) This subsection applies to any indebtedness for fire**
 17 **protection services that is not related to real property used as a fire**
 18 **station and that is incurred before the effective date of the**
 19 **consolidation. If the requirements of subsection (i) are satisfied and**
 20 **the fire department of an entity listed in subsection (a) is**
 21 **consolidated into the fire department of a consolidated city, the**
 22 **indebtedness related to fire protection services incurred before the**
 23 **effective date of the consolidation by the entity or a building,**
 24 **holding, or leasing corporation on behalf of the entity whose fire**
 25 **department is consolidated into the consolidated fire department**
 26 **under subsection (a) does not remain the debt of the entity and**
 27 **shall become and is assumed by the consolidated city.**

28 **(g) If the requirements of subsection (i) are satisfied and the fire**
 29 **department of an entity listed in subsection (a) is consolidated into**
 30 **the fire department of a consolidated city, indebtedness related to**
 31 **fire protection services that is incurred by the consolidated city**
 32 **before the effective date of the consolidation shall remain the debt**
 33 **of the consolidated city and property taxes levied to pay the debt**
 34 **may only be levied by the fire special service district.**

35 ~~(f)~~ **(h)** If the requirements of subsection ~~(g)~~ **(i)** are satisfied and the
 36 fire department of an entity listed in subsection (a) is consolidated into
 37 the fire department of a consolidated city, the merit board and the merit
 38 system of the fire department that is consolidated are dissolved on the
 39 effective date of the consolidation, and the duties of the merit board are
 40 transferred to and assumed by the merit board for the consolidated fire
 41 department on the effective date of the consolidation.

42 ~~(g)~~ **(i)** A township legislative body, after approval by the township



1 trustee; **The mayor of the consolidated city** may adopt a resolution
 2 approving the consolidation of ~~the a~~ township's fire department **or the**
 3 **fire department of a fire protection territory described in**
 4 **subsection (a)** with the fire department of the consolidated city. ~~A~~
 5 township legislative body may adopt a resolution under this subsection
 6 only after the township legislative body has held a public hearing
 7 concerning the proposed consolidation. The township legislative body
 8 shall hold the hearing not earlier than thirty (30) days after the date the
 9 resolution is introduced. The hearing shall be conducted in accordance
 10 with IC 5-14-1.5 and notice of the hearing shall be published in
 11 accordance with IC 5-3-1. If the township legislative body **mayor of**
 12 **the consolidated city** has adopted a resolution under this subsection,
 13 the township legislative body **mayor of the consolidated city** shall
 14 after approval from the township trustee, forward the resolution to the
 15 legislative body of the consolidated city. If such a resolution is
 16 forwarded to the legislative body of the consolidated city, ~~and~~ the
 17 legislative body of the consolidated city adopts an ordinance ~~approved~~
 18 ~~by the mayor of the consolidated city~~, approving the consolidation of
 19 the fire department of the township into the fire department of the
 20 consolidated city, **and the mayor of the consolidated city approves**
 21 **the ordinance**, the requirements of this subsection are satisfied. The
 22 consolidation shall take effect on the date ~~agreed to by the township~~
 23 ~~legislative body in its resolution and by the legislative body of the~~
 24 ~~consolidated city set forth in its the~~ ordinance approving the
 25 consolidation.

26 ~~(h)~~ **(j)** The following apply if the requirements of subsection ~~(g)~~ **(i)**
 27 are satisfied:

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

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

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

35 (B) who, after the consolidation, becomes an employee of the
 36 fire department of a consolidated city under this section;

37 remains a member of the 1977 fund without being required to
 38 meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The
 39 firefighter shall receive credit for any service as a member of the
 40 1977 fund before the consolidation to determine the firefighter's
 41 eligibility for benefits under IC 36-8-8.

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



- 1 (A) who is a member of the 1937 fund before the effective
 2 date of a consolidation under this section; and
 3 (B) who, after the consolidation, becomes an employee of the
 4 fire department of a consolidated city under this section;
 5 remains a member of the 1937 fund. The firefighter shall receive
 6 credit for any service as a member of the 1937 fund before the
 7 consolidation to determine the firefighter's eligibility for benefits
 8 under IC 36-8-7.
- 9 (4) For property taxes first due and payable in the year in which
 10 the consolidation is effective, the maximum permissible ad
 11 valorem property tax levy under IC 6-1.1-18.5:
 12 (A) is increased for the consolidated city by an amount equal
 13 to the maximum permissible ad valorem property tax levy in
 14 the year preceding the year in which the consolidation is
 15 effective for fire protection and related services by the
 16 township whose fire department is consolidated into the fire
 17 department of the consolidated city under this section; and
 18 (B) is reduced for the township whose fire department is
 19 consolidated into the fire department of the consolidated city
 20 under this section by the amount equal to the maximum
 21 permissible ad valorem property tax levy in the year preceding
 22 the year in which the consolidation is effective for fire
 23 protection and related services for the township.
- 24 (5) The amount levied in the year preceding the year in which the
 25 consolidation is effective by the township whose fire department
 26 is consolidated into the fire department of the consolidated city
 27 for the township's cumulative building and equipment fund for
 28 fire protection and related services is transferred on the effective
 29 date of the consolidation to the consolidated city's cumulative
 30 building and equipment fund for fire protection and related
 31 services, which is hereby established. The consolidated city is
 32 exempted from the requirements of IC 36-8-14 and IC 6-1.1-41
 33 regarding establishment of the cumulative building and
 34 equipment fund for fire protection and related services.
- 35 **(5) On the effective date of the consolidation, the balance in a**
 36 **cumulative building and equipment fund for fire protection**
 37 **and related services established under IC 36-8-14 for the**
 38 **consolidating entity:**
 39 **(A) is transferred to the consolidated city; and**
 40 **(B) shall be deposited in the consolidated city's cumulative**
 41 **building and equipment fund for fire protection and**
 42 **related services and shall be used by the consolidated city**



- 1 for funding land, buildings, and equipment for fire
2 protection and emergency medical services as provided
3 under IC 36-8-14.
- 4 **IC 36-1-8-5 does not apply to a balance referred to in this**
5 **subdivision.**
- 6 **(6) In accordance with subsections (e) and (f), on the effective**
7 **date of the consolidation, the balance in a debt service fund of**
8 **the consolidating entity that relates to debt incurred for**
9 **firefighting purposes:**
- 10 **(A) is transferred to the consolidated city; and**
11 **(B) shall be used by the consolidated city to pay**
12 **indebtedness or other needs for which the fund was**
13 **established.**
- 14 **However, the balance in a debt service fund of the**
15 **consolidating entity related to indebtedness that is entered**
16 **into or issued for real property used as a fire station is not**
17 **transferred to the consolidated city and shall remain available**
18 **to the consolidating entity to pay the indebtedness. Any**
19 **balance remaining in the fund after all payments required**
20 **under this section have been made shall be transferred to the**
21 **county general fund. The department of local government**
22 **finance shall determine the amounts to be transferred under**
23 **this subdivision. IC 36-1-8-5 does not apply to a balance**
24 **referred to in this subdivision.**
- 25 **(7) On the effective date of the consolidation, the balance in**
26 **the consolidating entity's firefighting fund:**
- 27 **(A) is transferred to the consolidated city; and**
28 **(B) shall be deposited in the fire general fund of the**
29 **consolidated city.**
- 30 **IC 36-1-8-5 does not apply to a balance referred to in this**
31 **subdivision.**
- 32 ~~(6)~~ **(8) The local boards for the 1937 firefighters' pension fund**
33 **and the 1977 police officers' and firefighters' pension and**
34 **disability fund of the township an entity whose fire department**
35 **is consolidated into the fire department of the consolidated**
36 **city are dissolved, and their services are terminated not later than**
37 **the effective date of the consolidation. The duties performed by**
38 **the local boards under IC 36-8-7 and IC 36-8-8, respectively, are**
39 **assumed by the consolidated city's local board for the 1937**
40 **firefighters' pension fund and local board for the 1977 police**
41 **officers' and firefighters' pension and disability fund, respectively.**
42 **Notwithstanding any other provision, the legislative body of the**



1 consolidated city may adopt an ordinance to adjust the
 2 membership of the consolidated city's local board to reflect the
 3 consolidation.

4 ~~(7)~~ **(9)** The consolidated city may levy property taxes within the
 5 consolidated city's maximum permissible ad valorem property tax
 6 **levy limit area served by the consolidated fire department** to
 7 provide for the payment of the expenses for the operation of the
 8 consolidated fire department. ~~However, property taxes to fund the~~
 9 ~~pension obligation under IC 36-8-7 for members of the 1937~~
 10 ~~firefighters fund who were employees of the consolidated city at~~
 11 ~~the time of the consolidation may be levied only by the fire~~
 12 ~~special service district within the fire special service district. The~~
 13 ~~fire special service district established under IC 36-3-1-6 may~~
 14 ~~levy property taxes to provide for the payment of expenses for the~~
 15 ~~operation of the consolidated fire department within the territory~~
 16 ~~of the fire special service district. Property taxes to fund the~~
 17 ~~pension obligation under IC 36-8-8 for members of the 1977~~
 18 ~~police officers' and firefighters' pension and disability fund who~~
 19 ~~were members of the fire department of the consolidated city on~~
 20 ~~the effective date of the consolidation may be levied only by the~~
 21 ~~fire special service district within the fire special service district.~~
 22 ~~Property taxes to fund the pension obligation for members of the~~
 23 ~~1937 firefighters fund who were not members of the fire~~
 24 ~~department of the consolidated city on the effective date of the~~
 25 ~~consolidation and members of the 1977 police officers' and~~
 26 ~~firefighters' pension and disability fund who were not members of~~
 27 ~~the fire department of the consolidated city on the effective date~~
 28 ~~of the consolidation may be levied by the consolidated city within~~
 29 ~~the city's maximum permissible ad valorem property tax levy.~~
 30 ~~However, these taxes may be levied only within the fire special~~
 31 ~~service district and any townships that have consolidated fire~~
 32 ~~departments under this section.~~

33 (8) The executive of the consolidated city shall provide for an
 34 independent evaluation and performance audit, due before March
 35 1 of the year in which the consolidation is effective and before
 36 March 1 in each of the following two (2) years, to determine:

37 (A) the amount of any cost savings; operational efficiencies; or
 38 improved service levels; and

39 (B) any tax shifts among taxpayers;

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



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committee.

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

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

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

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

- (A) the time served by such an individual as a merit firefighter with the fire department of the consolidated city 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**
- (B) the hire date of such an 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 the consolidation.**

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

- (A) The merit rank held by the individual on the effective date of the consolidation of the fire department.**
- (B) The rank of captain.**



1 **(k) If a firefighter of a fire department that is consolidated into**
 2 **the fire department of the consolidated city under this section is**
 3 **unable to pass the work performance evaluation before the date of**
 4 **the consolidation as required by subsection (d), a physician selected**
 5 **by the fire department of the consolidated city may, upon**
 6 **application by the firefighter, grant the firefighter an extension, for**
 7 **medical reasons, of the date by which the firefighter must pass the**
 8 **work performance evaluation in order to become a firefighter of**
 9 **the consolidated fire department. A firefighter may be granted**
 10 **more than one (1) extension under this subsection. However, a**
 11 **firefighter of a fire department that is consolidated into the fire**
 12 **department of the consolidated city under this section may not**
 13 **become a merit firefighter with the fire department of the**
 14 **consolidated city unless that individual passes the work**
 15 **performance evaluation.**

16 **(l) The merit board of the fire department that is consolidated**
 17 **into the fire department of the consolidated city under this section**
 18 **shall, before the effective date of the consolidation, determine**
 19 **under its merit system which firefighters shall serve in the**
 20 **promoted positions required by the fire department of the**
 21 **consolidated city under the consolidation.**

22 SECTION 2. IC 36-8-8-2.1, AS AMENDED BY P.L.102-2023,
 23 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 2.1. (a) As used in this chapter, "local board"
 25 means the following:

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

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

31 **(3) For a unit that established a 1937 fund for its firefighters**
 32 **and consolidates its fire department into the consolidated fire**
 33 **department under IC 36-3-1-6.1:**

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

36 **(B) on and after the effective date of the consolidation, the**
 37 **local board described in IC 36-8-7-3 of the consolidated**
 38 **city.**

39 ~~(4)~~ **(4)** For a consolidated city that established a 1953 fund for its
 40 police officers, the local board described in IC 36-8-7.5-2.

41 ~~(5)~~ **(5)** For a unit, other than a consolidated city, that did not
 42 establish a 1925 fund for its police officers or a 1937 fund for its



1 firefighters, the local board described in subsection (b) or (c).
 2 ~~(5)~~ **(6)** For an airport authority, the board of an airport authority.
 3 (b) If a unit did not establish a 1925 fund for its police officers, a
 4 local board shall be composed in the same manner described in
 5 IC 36-8-6-2(b). However, if there is not a retired member of the
 6 department, no one shall be appointed to that position until such time
 7 as there is a retired member.
 8 (c) **Except as provided in subsection (d)**, if a unit did not establish
 9 a 1937 fund for its firefighters, a local board shall be composed in the
 10 same manner described in IC 36-8-7-3(b). However, if there is not a
 11 retired member of the department, no one shall be appointed to that
 12 position until such time as there is a retired member.
 13 **(d) If a unit located in a county having a consolidated city did**
 14 **not establish a 1937 fund for its firefighters and consolidates its fire**
 15 **department into the consolidated fire department under**
 16 **IC 36-3-1-6.1, the local board is:**
 17 **(1) before the effective date of the consolidation, the local**
 18 **board described in subsection (c); and**
 19 **(2) on and after the effective date of the consolidation, the**
 20 **local board described in IC 36-8-7-3 of the consolidated city.**
 21 SECTION 3. IC 36-8-8-7, AS AMENDED BY P.L.102-2023,
 22 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: Sec. 7. (a) Subject to IC 36-8-4.7 and except as
 24 provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m), a police
 25 officer or a firefighter who:
 26 (1) is less than forty (40) years of age; and
 27 (2) passes the baseline statewide physical and mental
 28 examinations required under section 19 of this chapter;
 29 shall be a member of the 1977 fund and is not a member of the 1925
 30 fund, the 1937 fund, or the 1953 fund.
 31 (b) A police officer or firefighter with service before May 1, 1977,
 32 who is hired or rehired after April 30, 1977, may receive credit under
 33 this chapter for service as a police officer or firefighter prior to entry
 34 into the 1977 fund if the employer who rehires the police officer or
 35 firefighter chooses to contribute to the 1977 fund the amount necessary
 36 to amortize the police officer's or firefighter's prior service liability over
 37 a period of not more than thirty (30) years, the amount and the period
 38 to be determined by the system board. If the employer chooses to make
 39 the contributions, the police officer or firefighter is entitled to receive
 40 credit for the police officer's or firefighter's prior years of service
 41 without making contributions to the 1977 fund for that prior service. In
 42 no event may a police officer or firefighter receive credit for prior years



1 of service if the police officer or firefighter is receiving a benefit or is
2 entitled to receive a benefit in the future from any other public pension
3 plan with respect to the prior years of service.

4 (c) Except as provided in section 18 of this chapter, a police officer
5 or firefighter is entitled to credit for all years of service after April 30,
6 1977, with the police or fire department of an employer covered by this
7 chapter.

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

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

15 (e) A police officer or firefighter does not become a member of the
16 1977 fund and is not covered by this chapter if the police officer or
17 firefighter:

- 18 (1) was hired before May 1, 1977;
- 19 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 20 of which were repealed September 1, 1981);
- 21 (3) was rehired after April 30, 1977, but before February 1, 1979;
- 22 and
- 23 (4) was made, before February 1, 1979, a member of a 1925,
- 24 1937, or 1953 fund.

25 (f) A police officer or firefighter does not become a member of the
26 1977 fund and is not covered by this chapter if the police officer or
27 firefighter:

- 28 (1) was hired by the police or fire department of a unit before May
- 29 1, 1977;
- 30 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 31 of which were repealed September 1, 1981);
- 32 (3) is rehired by the police or fire department of another unit after
- 33 December 31, 1981; and
- 34 (4) is made, by the fiscal body of the other unit after December
- 35 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
- 36 unit.

37 If the police officer or firefighter is made a member of a 1925, 1937, or
38 1953 fund, the police officer or firefighter is entitled to receive credit
39 for all the police officer's or firefighter's years of service, including
40 years before January 1, 1982.

41 (g) As used in this subsection, "emergency medical services" and
42 "emergency medical technician" have the meanings set forth in



1 IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

- 2 (1) is employed by a unit that is participating in the 1977 fund;
 3 (2) was employed as an emergency medical technician by a
 4 political subdivision wholly or partially within the department's
 5 jurisdiction;
 6 (3) was a member of the public employees' retirement fund during
 7 the employment described in subdivision (2); and
 8 (4) ceased employment with the political subdivision and was
 9 hired by the unit's fire department due to the reorganization of
 10 emergency medical services within the department's jurisdiction;

11 shall participate in the 1977 fund. A firefighter who participates in the
 12 1977 fund under this subsection is subject to sections 18 and 21 of this
 13 chapter.

14 (h) A police officer or firefighter does not become a member of the
 15 1977 fund and is not covered by this chapter if the individual was
 16 appointed as:

- 17 (1) a fire chief under a waiver under IC 36-8-4-6(c); or
 18 (2) a police chief under a waiver under IC 36-8-4-6.5(c);

19 unless the executive of the unit requests that the 1977 fund accept the
 20 individual in the 1977 fund and the individual previously was a
 21 member of the 1977 fund.

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

25 (j) A park ranger who:

- 26 (1) completed at least the number of weeks of training at the
 27 Indiana law enforcement academy or a comparable law
 28 enforcement academy in another state that were required at the
 29 time the park ranger attended the Indiana law enforcement
 30 academy or the law enforcement academy in another state;
 31 (2) graduated from the Indiana law enforcement academy or a
 32 comparable law enforcement academy in another state; and
 33 (3) is employed by the parks department of a city having a
 34 population of more than one hundred ten thousand (110,000) and
 35 less than one hundred fifty thousand (150,000);

36 is a member of the fund.

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

- 39 (1) who is a member of the 1977 fund before a consolidation
 40 under IC 36-3-1-5.1 or IC 36-3-1-6.1;
 41 (2) whose employer is consolidated into the consolidated law
 42 enforcement department or the fire department of a consolidated



1 city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

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

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

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

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

11 (2) the provision of those services is consolidated into the law
12 enforcement department or fire department of a consolidated city;
13 and

14 (3) after the consolidation, the police officer or firefighter
15 becomes an employee of the consolidated law enforcement
16 department or the consolidated fire department under
17 IC 8-22-3-11.6;

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

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

22 (1) may not be:

23 ~~(1)~~ (A) retired for purposes of section 10 of this chapter; or

24 ~~(2)~~ (B) disabled for purposes of section 12 of this chapter;
25 solely because of a change in employer under the consolidation;

26 **and**

27 **(2) shall receive credit for all years of service as a member of**
28 **the 1977 fund before the consolidation described in subsection**
29 **(k) or (l).**

30 (n) Notwithstanding any other provision of this chapter and subject
31 to subsection (o), a police officer or firefighter who:

32 (1) is an active member of the 1977 fund with an employer that
33 participates in the 1977 fund;

34 (2) separates from that employer; and

35 (3) not later than one hundred eighty (180) days after the date of
36 the separation described in subdivision (2), becomes employed as
37 a full-time police officer or firefighter with the same or a second
38 employer that participates in the 1977 fund;

39 is a member of the 1977 fund without meeting for a second time the
40 age limitation under subsection (a) and the requirements under sections
41 19 and 21 of this chapter. A police officer or firefighter to whom this
42 subsection applies is entitled to receive credit for all years of 1977 fund



1 covered service as a police officer or firefighter with all employers that
2 participate in the 1977 fund.

3 (o) The one hundred eighty (180) day limitation described in
4 subsection (n)(3) does not apply to a member of the 1977 fund who is
5 eligible for reinstatement under IC 36-8-4-11.

6 (p) Notwithstanding any other provision of this chapter, a veteran
7 who is:

8 (1) described in IC 36-8-4.7; and

9 (2) employed as a firefighter or police officer;

10 is a member of the 1977 fund.

11 (q) Notwithstanding any other provision of this chapter and except
12 as provided in subsection (o), a police officer or firefighter who:

13 (1) is an active member of the 1977 fund with an employer that
14 participates in the 1977 fund;

15 (2) separates from that employer; and

16 (3) more than one hundred eighty (180) days after the date of the
17 separation described in subdivision (2), becomes employed as a
18 full-time police officer or firefighter with the same or a second
19 employer that participates in the 1977 fund;

20 is a member of the 1977 fund without meeting the age limitation under
21 subsection (a) provided the member can accrue twenty (20) years of
22 service credit in the 1977 fund by the time the firefighter becomes sixty
23 (60) years of age. A police officer or firefighter who participates in the
24 1977 fund under this subsection must pass the baseline statewide
25 physical and mental examination under section 19 of this chapter. A
26 police officer or firefighter to whom this subsection applies is entitled
27 to receive credit for all years of 1977 fund covered service as a police
28 officer or firefighter with all employers that participate in the 1977
29 fund.

30 **SECTION 4. An emergency is declared for this act.**

