

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	2

MR. SPEAKER:

*Your Committee on Public Safety, to which was referred House Bill 1020, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, line 4, after "departments." insert "**Subsection (c) also**
- 2 **applies to first class cities.**"
- 3 Page 5, after line 9, begin a new paragraph and insert:
- 4 "SECTION 2. IC 36-8-3.5-1 IS AMENDED TO READ AS
- 5 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) This chapter
- 6 applies to each municipality ~~or~~ **and** township that has a **at least ten**
- 7 **(10)** full-time paid **sworn employees of the** police or fire department
- 8 **of the municipality or township. A Not later than July 1, 2000, each**
- 9 municipality ~~may exercise the power of establishing~~ **and township**
- 10 **shall establish** a merit system for ~~its~~ **their** police ~~or~~ **and** fire
- 11 ~~department~~ **departments** under this chapter or by ordinance adopted
- 12 under IC 36-1-4-14. This chapter does not affect merit systems
- 13 established:
- 14 (1) by ordinance under IC 36-1-4-14, except as provided by
- 15 subsection (e); or
- 16 (2) by a prior statute, except as provided by subsection (b).

1 (b) If a city had a merit system for its police or fire department
2 under the former IC 18-4-12, IC 19-1-7, IC 19-1-14, IC 19-1-14.2,
3 IC 19-1-14.3, IC 19-1-14.5, IC 19-1-20, IC 19-1-21, IC 19-1-29,
4 IC 19-1-29.5, IC 19-1-31, IC 19-1-31.5, or IC 19-1-37.5, it may retain
5 that system by ordinance of the city legislative body passed before
6 January 1, 1983. The ordinance must initially incorporate all the
7 provisions of the prior statute but may be amended by the legislative
8 body after December 31, 1984. The ordinance retaining the system
9 must be amended, if necessary, to include a provision under which the
10 commission (or governing board of the merit system) has at least
11 one-third (1/3) of its members elected by the active members of the
12 department as prescribed by section 8 of this chapter. Each elected
13 commission member must:

- 14 (1) be a person of good moral character; and
15 (2) except for a member of a fire department having a merit
16 system established under IC 19-1-37.5, not be an active member
17 of a police or fire department or agency.

18 (c) After December 31, 1984, the legislative body also may repeal
19 the ordinance described in subsection (b), but the legislative body shall
20 in the repealing ordinance concurrently establish a new merit system
21 under section 3 of this chapter. (This subsection does not require the
22 legislative body to establish a new merit system when it exercises its
23 power to amend the ordinance under subsection (b).) After the new
24 merit system takes effect, all members of the department are entitled to
25 the same ranks and pay grades the members held under the prior
26 system, subject to changes made in accordance with this chapter.

27 (d) If a city had a merit system for its police or fire department
28 under a prior statute but fails to retain that system under subsection (b),
29 the city legislative body shall, before July 1, 1983, pass an ordinance
30 to establish a new merit system under section 3 of this chapter. If the
31 new merit system is approved as provided by section 4 of this chapter,
32 it takes effect as provided by that section. However, if the new merit
33 system is rejected under section 4 of this chapter, within thirty (30)
34 days the city legislative body shall adopt an ordinance to retain the
35 prior merit system. The prior merit system remains in effect until the
36 new merit system takes effect, after which time all members of the
37 department are entitled to the same ranks and pay grades the members
38 held under the prior system, subject to changes made in accordance

1 with this chapter.

2 (e) An ordinance adopted under IC 36-1-4-14 to establish a police
3 or fire merit system must include a provision under which the
4 commission, or governing board of the merit system, has at least
5 one-third (1/3) of its members elected by the active members of the
6 department as prescribed by section 8 of this chapter. Each elected
7 commission member must be a person of good moral character who is
8 not an active member of a police or fire department or agency. If an
9 ordinance was adopted under IC 36-1-4-14 before July 1, 1988, the
10 ordinance must be amended to include this requirement.

11 SECTION 3. IC 36-8-3.5-3 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) **Except as**
13 **provided in section 1 of this chapter**, the legislative body of a unit
14 may, by ordinance, establish a merit system under this chapter for the
15 police or fire department of the unit. Before the merit system takes
16 effect, however, the system must be approved by a majority of the
17 active members of the department in a referendum.

18 (b) The legislative body shall specify in the adopting ordinance
19 which of the provisions of this chapter that are left to its discretion are
20 being adopted.

21 (c) If a merit system is established under this chapter for each
22 department of a unit, each department has a separate merit system.

23 SECTION 4. IC 36-8-3.5-5 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) **Except as**
25 **provided in section 1 of this chapter**, a majority of the active
26 members of the department, by referendum under section 4 of this
27 chapter, may request the unit's legislative body to establish a merit
28 system for the department. The legislative body shall vote on the
29 request within sixty (60) days after it is filed with the clerk of the
30 legislative body.

31 (b) If the legislative body votes to grant the request, the legislative
32 body shall adopt an ordinance establishing a merit system under this
33 chapter. A copy of the ordinance shall be distributed to each active
34 member of the department, and another referendum under section 4 of
35 this chapter is required before the merit system takes effect.

36 (c) If the legislative body votes to deny the request, the request
37 may not be resubmitted to the legislative body for one (1) year. Before
38 the request may be resubmitted, another referendum under section 4 of

- 1 this chapter must be held."
- 2 Renumber all SECTIONS consecutively.
(Reference is to HB 1020 as introduced.)

and when so amended that said bill do pass.

Representative L. Lutz