



February 17, 1999

HOUSE BILL No. 2071

DIGEST OF HB 2071 (Updated February 16, 1999 3:48 pm - DI 94)

Citations Affected: Noncode.

Synopsis: Marion County public safety consolidation. Requires a referendum allowing voters of Marion County to: (1) consolidate the Indianapolis, Speedway, Lawrence, Southport, and Beech Grove police Tdepartments with the Marion County sheriff's department and establish the Marion County sheriff as the exclusive law enforcement authority for the county, the consolidated city, and the excluded cities; and (2) consolidate fire protection service into the Marion County fire department, under the control of the Marion County fire commission. Provides that if referendum question (1) passes, the Marion County sheriff is the exclusive police force of the county, the consolidated city and the excluded cities. Provides that if referendum question (2) passes, the fire departments of the consolidated city, townships within the county, and the excluded cities are eliminated, and fire protection authority is consolidated with the Marion County fire department.
(Continued next page)

Effective: July 1, 1999.

Crawford

January 27, 1999, read first time and referred to Committee on Local Government.
February 16, 1999, reported — Do Pass.

HB 2071—LS 7723/DI 94+



C
O
P
Y

Digest Continued
Makes other specific changes.

C
o
p
y

HB 2071—LS 7723/DI 94+



February 17, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

C
O
P
Y

HOUSE BILL No. 2071

A BILL FOR AN ACT concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. [EFFECTIVE JULY 1, 1999] (a) **This SECTION**
2 **applies only to a county having a consolidated city on July 1, 1999.**
3 (b) **Two (2) countywide public questions shall be placed on the**
4 **ballot at a special election held November 2, 1999, asking the voters**
5 **of the county whether the police departments of the consolidated**
6 **city and the excluded cities should be consolidated with the county**
7 **sheriff's department under the control of the sheriff, and whether**
8 **fire protection authority for the consolidated city and the excluded**
9 **cities should be consolidated under a county fire commission and**
10 **county fire commissioner. The public questions must read as**
11 **follows:**
12 (1) **"Should the police departments of Indianapolis, Speedway,**
13 **Lawrence, Southport, and Beech Grove be consolidated with**
14 **the Marion County Sheriff's Department under the control of**
15 **the Marion County Sheriff?"**.
16 (2) **"Should all fire protection authority for Indianapolis,**

HB 2071—LS 7723/DI 94+



1 **Speedway, Lawrence, Southport, and Beech Grove be**
 2 **consolidated under the Marion County Fire Department**
 3 **under the control of the Marion County Fire Commission and**
 4 **the Marion County Fire Commissioner?"**.

5 **(c) The county election board shall tabulate the votes cast on the**
 6 **public questions described in this SECTION and certify the results**
 7 **under IC 3-12-4-9 to the state election commission.**

8 **(d) Subject to this SECTION, IC 3-10-3 and IC 3-10-8 apply to**
 9 **the election required by this SECTION.**

10 **SECTION 2. [EFFECTIVE JULY 1, 1999] (a) This SECTION**
 11 **applies only to a county having a consolidated city on July 1, 1999.**

12 **(b) If the county election board certifies to the state election**
 13 **commission that a majority of the voters voting in the November**
 14 **2, 1999, special election voted in favor of the public question in**
 15 **SECTION 1(b)(1) of this act, concerning Marion county law**
 16 **enforcement consolidation, this SECTION applies.**

17 **(c) Before December 31, 2001, the county must consolidate the**
 18 **police department of the consolidated city and the excluded cities,**
 19 **as referenced in IC 36-3-1-7, with the county sheriff's department**
 20 **under the control and authority of the county sheriff.**

21 **(d) On January 1, 2002, the law enforcement authority for the**
 22 **police department of the consolidated city and the excluded cities**
 23 **is revoked, and the county sheriff's department is the exclusive law**
 24 **enforcement agency for the county, the consolidated city, and the**
 25 **excluded cities.**

26 **(e) Before January 1, 2002, the county sheriff shall employ every**
 27 **officer who is serving as a member of the police department of:**

- 28 **(1) the consolidated city; and**
 29 **(2) an excluded city;**

30 **on December 31, 2001, as a member of the county sheriff's**
 31 **department.**

32 **(f) A member of the police department who becomes a member**
 33 **of the sheriff's department on January 1, 2002, as a result of this**
 34 **act, shall be given rank and seniority equivalent to the rank and**
 35 **seniority held in the police department the member was serving in**
 36 **on December 31, 2001.**

37 **(g) If, before January 1, 2002:**

- 38 **(1) an agreement entered into with the police department of**
 39 **the consolidated city or an excluded city; or**
 40 **(2) a judgment entered against the police department of the**
 41 **consolidated city or an excluded city;**

42 **requires the police department of the consolidated city or the**

C
O
P
Y



1 excluded city to make payments after December 31, 2001, the
 2 holders of the obligations are entitled to payment from the county
 3 sheriff's department after December 31, 2001. The city-county
 4 council shall make any necessary additional appropriation for the
 5 county sheriff's department to fulfill the obligation.

6 (h) All buildings, facilities, and other real, personal, and mixed
 7 property owned by the police department of the consolidated city
 8 or an excluded city on December 31, 2001, become the property of
 9 the county sheriff's department on January 1, 2002, and no
 10 compensation is payable by the county sheriff's department to the
 11 municipality for the buildings, facilities, and other real, personal,
 12 and mixed property.

13 (i) All:

14 (1) pension and retirement plans and funds; and

15 (2) laws relating to pension and retirement plans and funds;
 16 in effect for an officer of the police department of the consolidated
 17 city or an excluded city on December 31, 2001, continue in full
 18 force and effect without change. No rights of any person covered
 19 by a pension described in this SECTION are affected or diminished
 20 in any way by this act.

21 (j) An officer who becomes a member of the county sheriff's
 22 department as a result of this act may convert the member's
 23 benefits to the sheriff's pension not later than July 1, 2002.

24 (k) The legislative services agency shall prepare legislation for
 25 introduction in the 2002 session of the general assembly to:

26 (1) eliminate any references providing authority for the
 27 establishment of a police force, other than the county sheriff,
 28 of the consolidated city or an excluded city;

29 (2) resolve any conflicts created by this act; and

30 (3) correct any other typographical, clerical, or spelling errors
 31 in the law resulting from the enactment of this SECTION.

32 SECTION 3. [EFFECTIVE JULY 1, 1999] (a) This SECTION
 33 applies only to a county having a consolidated city on July 1, 1999.

34 (b) If the county election board certifies to the state election
 35 commission that a majority of the voters voting in the November
 36 2, 1999, special election voted in favor of the public question in
 37 SECTION 1(b)(2) of this act, concerning Marion County fire
 38 protection consolidation, this SECTION applies.

39 (c) The county fire commission is established.

40 (d) The county fire commission consists of:

41 (1) one (1) member appointed by the executive of the
 42 consolidated city;

C
O
P
Y



- 1 (2) one (1) member appointed by the township trustee and
 2 township advisory board of each township in the county; and
 3 (3) one (1) member appointed by the executive of each
 4 excluded city that does not opt out under subsection (e).

5 A person appointed as a member of the county fire commission
 6 serves a term of four (4) years. A member is eligible to serve on the
 7 county fire commission not more than eight (8) years in any twelve
 8 (12) year period.

9 (e) An excluded city may opt out of the county fire commission
 10 by the adoption of a resolution by the legislative body of the
 11 excluded city before December 31, 2001. The excluded city shall
 12 transmit a copy of the resolution to the county recorder on or
 13 before December 31, 2001.

14 (f) The county fire commission shall meet not later than January
 15 1, 2002, and shall select a county fire commissioner to manage the
 16 operations of the county fire department. The county fire
 17 commissioner is an employee of the county and shall serve at the
 18 pleasure of the fire commission.

19 (g) Before December 31, 2002, the county must consolidate the
 20 fire departments of the consolidated city, the townships within the
 21 county, and the excluded cities referenced in IC 36-3-1-7 that have
 22 not opted out under subsection (e) under the Marion County fire
 23 department.

24 (h) Except in an excluded city that opts out under subsection (e),
 25 on January 1, 2003, the fire protection authority for the fire
 26 departments of the:

- 27 (1) consolidated city;
 28 (2) townships within a county that contains a consolidated
 29 city; and
 30 (3) excluded cities that have not opted out under subsection
 31 (e);

32 is revoked, and the county fire department is the exclusive fire
 33 protection agency within the county.

34 (i) Before January 1, 2003, the fire commissioner shall employ
 35 every officer who is serving on December 31, 2002, as a member of
 36 a fire department of:

- 37 (1) the consolidated city;
 38 (2) a township within the county that contains the
 39 consolidated city; and
 40 (3) an excluded city that has not opted out under subsection
 41 (e).

42 (j) A member of a fire department who becomes a member of

C
O
P
Y



1 the county fire department on January 1, 2003, as a result of this
 2 act, shall be given rank and seniority equivalent to the rank and
 3 seniority held in the fire department of which the person was a
 4 member on December 31, 2002.

5 (k) Except as provided in subsection (e), if, before January 1,
 6 2002:

7 (1) an agreement entered into with the fire department of:

8 (A) the consolidated city;

9 (B) a township within the county; or

10 (C) an excluded city that has not opted out under
 11 subsection (e); or

12 (2) a judgment entered against the fire department of:

13 (A) the consolidated city;

14 (B) a township within the county; or

15 (C) an excluded city that has not opted out under
 16 subsection (e);

17 requires the fire department to make payments after December 31,
 18 2002, the holders of the obligations are entitled to payment from
 19 the county fire department after December 31, 2002. The
 20 city-county council shall make any necessary additional
 21 appropriations for the county fire department to fulfill the
 22 obligation.

23 (l) All buildings, facilities, and other real, personal, and mixed
 24 property owned by a fire department of:

25 (1) the consolidated city;

26 (2) a township within the county; or

27 (3) an excluded city that has not opted out under subsection
 28 (e);

29 on December 31, 2002, become the property of the county fire
 30 department on January 1, 2003, and no compensation is payable by
 31 the county fire department for the buildings, facilities, and other
 32 real, personal, and mixed property.

33 (m) All:

34 (1) pension and retirement plans and funds; and

35 (2) laws relating to pension and retirement plans and funds;

36 in effect for a member of a fire department of the consolidated city,
 37 a township within the county, or an excluded city that has not
 38 opted out under subsection (e), on December 31, 2002, continue in
 39 full force and effect without change. No rights of any person
 40 covered by a pension described in this SECTION are affected or
 41 diminished in any way by this act.

42 (n) The legislative services agency shall prepare legislation for



C
O
P
Y

1 **introduction in the 2003 session of the general assembly to:**
2 **(1) codify the authority of the Marion County fire department**
3 **and the Marion County fire commission;**
4 **(2) eliminate any references providing authority for the**
5 **establishment of a fire department, other than the county fire**
6 **department, of the consolidated city, a township within the**
7 **county, or an excluded city that has not opted out under**
8 **subsection (e);**
9 **(3) resolve any conflicts created by this SECTION; and**
10 **(4) correct any other typographical, clerical, or spelling errors**
11 **in the law resulting from the enactment of this act.**

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 2071, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STEVENSON, Chair

Committee Vote: yeas 7, nays 4.

C
o
p
y

