

# HOUSE BILL No. 2071

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** None (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 departments 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. Makes other specific changes.

**Effective:** July 1, 1999.

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January 27, 1999, read first time and referred to Committee on Local Government.

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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.

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# 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,**  
17 **Speedway, Lawrence, Southport, and Beech Grove be**  
18 **consolidated under the Marion County Fire Department**



1 under the control of the Marion County Fire Commission and  
2 the Marion County Fire Commissioner?''.

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

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

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

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

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

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

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

- 26 (1) the consolidated city; and  
27 (2) an excluded city;

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

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

35 (g) If, before January 1, 2002:

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

40 requires the police department of the consolidated city or the  
41 excluded city to make payments after December 31, 2001, the  
42 holders of the obligations are entitled to payment from the county

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1 sheriff's department after December 31, 2001. The city-county  
 2 council shall make any necessary additional appropriation for the  
 3 county sheriff's department to fulfill the obligation.

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

11 (i) All:

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

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

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

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

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

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

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

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

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

37 (c) The county fire commission is established.

38 (d) The county fire commission consists of:

39 (1) one (1) member appointed by the executive of the  
 40 consolidated city;

41 (2) one (1) member appointed by the township trustee and  
 42 township advisory board of each township in the county; and



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1           (3) one (1) member appointed by the executive of each  
2           excluded city that does not opt out under subsection (e).

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

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

12          (f) The county fire commission shall meet not later than January  
13          1, 2002, and shall select a county fire commissioner to manage the  
14          operations of the county fire department. The county fire  
15          commissioner is an employee of the county and shall serve at the  
16          pleasure of the fire commission.

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

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

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

30          is revoked, and the county fire department is the exclusive fire  
31          protection agency within the county.

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

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

40          (j) A member of a fire department who becomes a member of  
41          the county fire department on January 1, 2003, as a result of this  
42          act, shall be given rank and seniority equivalent to the rank and

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1 seniority held in the fire department of which the person was a  
2 member on December 31, 2002.

3 (k) Except as provided in subsection (e), if, before January 1,  
4 2002:

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

6 (A) the consolidated city;

7 (B) a township within the county; or

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

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

11 (A) the consolidated city;

12 (B) a township within the county; or

13 (C) an excluded city that has not opted out under  
14 subsection (e);

15 requires the fire department to make payments after December 31,  
16 2002, the holders of the obligations are entitled to payment from  
17 the county fire department after December 31, 2002. The  
18 city-county council shall make any necessary additional  
19 appropriations for the county fire department to fulfill the  
20 obligation.

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

23 (1) the consolidated city;

24 (2) a township within the county; or

25 (3) an excluded city that has not opted out under subsection  
26 (e);

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

31 (m) All:

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

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

40 (n) The legislative services agency shall prepare legislation for  
41 introduction in the 2003 session of the general assembly to:

42 (1) codify the authority of the Marion County fire department

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

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