
HOUSE BILL No. 1167

DIGEST OF INTRODUCED BILL

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

Synopsis: Fire department consolidation in Marion County. Provides for consolidation of a township fire department or fire protection territory in Marion County (consolidation) 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.

Effective: July 1, 2013.

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January 22, 2013, read first time and referred to Committee on Government and Regulatory Reform.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1167



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 JULY 1, 2013]: Sec. 6.1. (a) This section applies only in
4 a county containing a consolidated city. If the requirements of
5 subsection (g) 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.**
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) 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) are satisfied on the date ~~agreed to in the~~
 2 ~~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) 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) 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 of the fire
 19 department consolidated into the fire department of the consolidated
 20 city cease employment with the department of the entity listed in
 21 subsection (a) and become employees of the consolidated fire
 22 department on the effective date of the consolidation. The consolidated
 23 city shall assume all agreements with labor organizations that:

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

25 (2) apply to employees of the department consolidated into the
 26 fire department of the consolidated city who become employees
 27 of the consolidated fire department.

28 (e) If the requirements of subsection (g) are satisfied and the fire
 29 department of an entity listed in subsection (a) is consolidated into the
 30 fire department of a consolidated city, the indebtedness related to fire
 31 protection services incurred before the effective date of the
 32 consolidation by the entity or a building, holding, or leasing
 33 corporation on behalf of the entity whose fire department is
 34 consolidated into the consolidated fire department under subsection (a)
 35 shall remain the debt of the entity and does not become and may not be
 36 assumed by the consolidated city. Indebtedness related to fire
 37 protection services that is incurred by the consolidated city before the
 38 effective date of the consolidation shall remain the debt of the
 39 consolidated city and property taxes levied to pay the debt may only be
 40 levied by the fire special service district.

41 (f) If the requirements of subsection (g) are satisfied and the fire
 42 department of an entity listed in subsection (a) is consolidated into the

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1 fire department of a consolidated city, the merit board and the merit
 2 system of the fire department that is consolidated are dissolved on the
 3 effective date of the consolidation, and the duties of the merit board are
 4 transferred to and assumed by the merit board for the consolidated fire
 5 department on the effective date of the consolidation.

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

31 (h) The following apply if the requirements of subsection (g) are
 32 satisfied:

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

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

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

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

42 remains a member of the 1977 fund without being required to

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1 meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The
 2 firefighter shall receive credit for any service as a member of the
 3 1977 fund before the consolidation to determine the firefighter's
 4 eligibility for benefits under IC 36-8-8.

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

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

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

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

17 (A) is increased for the consolidated city by an amount equal
 18 to the maximum permissible ad valorem property tax levy in
 19 the year preceding the year in which the consolidation is
 20 effective for fire protection and related services by the
 21 township whose fire department is consolidated into the fire
 22 department of the consolidated city under this section; and

23 (B) is reduced for the township whose fire department is
 24 consolidated into the fire department of the consolidated city
 25 under this section by the amount equal to the maximum
 26 permissible ad valorem property tax levy in the year preceding
 27 the year in which the consolidation is effective for fire
 28 protection and related services for the township.

29 (5) The amount levied in the year preceding the year in which the
 30 consolidation is effective by the township whose fire department
 31 is consolidated into the fire department of the consolidated city
 32 for the township's cumulative building and equipment fund for
 33 fire protection and related services is transferred on the effective
 34 date of the consolidation to the consolidated city's cumulative
 35 building and equipment fund for fire protection and related
 36 services, which is hereby established. The consolidated city is
 37 exempted from the requirements of IC 36-8-14 and IC 6-1.1-41
 38 regarding establishment of the cumulative building and
 39 equipment fund for fire protection and related services.

40 (6) The local boards for the 1937 firefighters' pension fund and
 41 the 1977 police officers' and firefighters' pension and disability
 42 fund of the township are dissolved, and their services are

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1 terminated not later than the effective date of the consolidation.
2 The duties performed by the local boards under IC 36-8-7 and
3 IC 36-8-8, respectively, are assumed by the consolidated city's
4 local board for the 1937 firefighters' pension fund and local board
5 for the 1977 police officers' and firefighters' pension and
6 disability fund, respectively. Notwithstanding any other provision,
7 the legislative body of the consolidated city may adopt an
8 ordinance to adjust the membership of the consolidated city's
9 local board to reflect the consolidation.

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

38 (8) The executive of the consolidated city shall provide for an
39 independent evaluation and performance audit, due before March
40 1 of the year in which the consolidation is effective and before
41 March 1 in each of the following two (2) years, to determine:
42 (A) the amount of any cost savings, operational efficiencies, or

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1 improved service levels; and
2 (B) any tax shifts among taxpayers;
3 that result from the consolidation. The independent evaluation
4 and performance audit must be provided to the legislative council
5 in an electronic format under IC 5-14-6 and to the state budget
6 committee.

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