HOUSE BILL No. 1532

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-18.5-22; IC 36-3-1; IC 36-8-8.

Synopsis: Marion County fire consolidation. Provides that on a date set by the mayor of the consolidated city and not later than January 1, 2015, the fire departments of all of the following are consolidated into the fire department of the consolidated city: (1) The townships in the county having the consolidated city. (2) A fire protection territory in the county having the consolidated city. Authorizes the consolidation of an excluded city's fire department into the fire department of the consolidated city if: (1) the legislative body of the excluded city, after approval by the executive of the excluded city, adopts an ordinance approving the consolidation; and (2) the legislative body of the consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation. Specifies that the consolidated fire department is a division of the department of public safety. Provides that the maximum property tax levy of a consolidated city for property taxes first due and payable in 2014 shall be increased by an amount equal to the combined maximum property tax levies for property taxes first due and payable in 2013 for fire protection and related services of each entity that has a fire department consolidated into the fire department of the consolidated city. Provides for a corresponding decrease in the maximum property tax levies of these consolidating entities. Provides that for three years after a consolidation of a fire department, the consolidated city may levy a tax above the maximum property tax levy for the fire special service district in each township or excluded city that is necessary to phase out borrowing for fire and emergency services.

Effective: Upon passage.

Kirchhofer

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

C o p y

Introduced

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.

C o p y

HOUSE BILL No. 1532

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:

SECTION 1. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22. (a) The ad valorem property tax levy limits imposed by this chapter do not apply to ad valorem property taxes imposed by a consolidated city to pay or fund any indebtedness assumed, defeased, paid, or refunded under IC 36-3-1-6.1 or IC 36-3-1-6.4.**

(b) For purposes of this section:

(1) "consolidating entity" means:

(A) a township;

(B) a fire protection territory; or

(C) an excluded city;

whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.4; and

(2) "maximum levy" means the maximum permissible ad valorem property tax levy under section 3 of this chapter.

(c) The maximum levy of a consolidated city for property taxes first due and payable in 2014 shall be increased by an amount equal to the combined maximum permissible ad valorem property tax levies of each consolidating entity described in subsection (b)(1)(A) or (b)(1)(B) for property taxes first due and payable in 2013 for fire protection and related services. The maximum levy of a consolidating entity described in subsection (b)(1)(A) or (b)(1)(B) for property taxes first due and payable in 2014 shall be decreased by an amount equal to the maximum permissible ad valorem property tax levy of the consolidating entity for property taxes first due and payable in 2013 for fire protection and related services.

(d) For not more than three (3) years after a consolidation under IC 36-3-1-6.1 or IC 36-3-1-6.4, the consolidated city may levy a tax above the maximum permissible ad valorem property tax levy for the fire special service district in each consolidating township or consolidating excluded city that is necessary to phase out the consolidating township's or the consolidating excluded city's borrowing for fire and emergency services.

SECTION 2. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006, SECTION 560, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.1. (a) This section applies only in a county containing a consolidated city. ~~If the requirements of subsection (g) are satisfied,~~

(b) Each of the **following** fire departments ~~of the following are~~ **is** consolidated into the fire department of ~~a~~ **the** consolidated city (referred to as "the consolidated fire department"), **which is a division of the department of public safety, on the date the mayor of the consolidated city establishes by executive order (referred to as "the effective date of the consolidation"), which must not be later than January 1, 2015:**

(1) **The fire department of** a township ~~for which the consolidation is approved by the township legislative body and trustee and the legislative body and mayor of the~~ **located in the county containing the** consolidated city, **regardless of whether the fire department is operated by the township or by another political subdivision.**

(2) **The fire department of** any fire protection territory established under IC 36-8-19 that is located in a township described in subdivision (1).

To ensure an orderly transition, the mayor may order the consolidation of one (1) or more such fire departments into the consolidated fire department with each executive order. The mayor

C o p y

shall, by certified mail, provide at least sixty (60) days notice of the effective date of the consolidation to the trustee of the township affected.

~~(b)~~ **(c)** ~~If the requirements of subsection (g) are satisfied,~~ **After December 31, 2014,** the consolidated fire department shall provide fire protection services within ~~an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city.~~ **the county (excluding any excluded city not consolidated under section 6.4 of this chapter and any airport authority not consolidated under IC 8-22-3-11.6).**

~~(c)~~ **(d)** ~~If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city,~~ All of the property, equipment, records, **and** rights ~~and contracts~~ of ~~the~~ **each** department consolidated into the **consolidated** fire department ~~of the consolidated city are:~~ **is:**

(1) transferred to; or

(2) assumed by;

the consolidated city on the effective date of the consolidation. ~~However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located.~~ **Any funds that are transferred under this subsection to the consolidated city and that represent balances in a cumulative building and equipment fund for fire protection and related services established under IC 36-8-14 shall be deposited in the consolidated city's cumulative building and equipment fund for fire protection and related services and shall be used by the consolidated city for funding land, buildings, and equipment for fire protection and emergency medical services as provided under IC 36-8-14.**

~~(d)~~ **(e)** ~~If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, The employees~~ **Each firefighter** of ~~the~~ **a** fire department **listed in subsection (b) that is** consolidated into the **consolidated** fire department ~~of the consolidated city cease~~ **ceases** employment with the department ~~of the entity~~ listed in subsection ~~(a)~~ **(b)** and, ~~become employees~~ **if the firefighter meets the minimum standards of the consolidated fire department, becomes an employee** of the consolidated fire department on the effective date of the consolidation. ~~The consolidated city shall assume~~

C o p y

~~all agreements with labor organizations that:~~

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

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

~~(e)~~ **(f)** ~~If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city, the~~ Indebtedness related to fire protection services incurred before the effective date of the consolidation by ~~the~~ **an** entity **whose fire department is consolidated into the consolidated fire department under subsection (b),** or a building, holding, or leasing corporation on behalf of the entity, ~~whose fire department is consolidated into the consolidated fire department under subsection (a)~~ shall remain the debt of the entity and does not become and may not be assumed by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district.

~~(f)~~ **(g)** ~~If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city,~~ The merit board and the merit system of ~~the~~ **each** fire department that is consolidated **into the consolidated fire department** are dissolved on the effective date of the consolidation, and the duties of the merit board are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

~~(g) A township legislative body, after approval by the township trustee, may adopt a resolution approving the consolidation of the township's fire department with the fire department of the consolidated city. A township legislative body may adopt a resolution under this subsection only after the township legislative body has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative body has adopted a resolution under this subsection, the township legislative body shall, after approval from the township trustee, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city and the legislative body of the~~

C o p y

~~consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation of the fire department of the township into the fire department of the consolidated city, the requirements of this subsection are satisfied. The consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.~~

(h) The following apply ~~if the requirements of subsection (g) are satisfied:~~ **after a fire department listed in subsection (b) is consolidated into the consolidated fire department:**

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

~~(2)~~ **(1)** Notwithstanding any other provision, a firefighter:

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

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

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

~~(3)~~ **(2)** Notwithstanding any other provision, a firefighter:

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

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

remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

~~(4)~~ **(3)** For property taxes first due and payable in the **first calendar** year in which **property taxes are first due and payable based on** the consolidation, ~~is effective,~~ the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 **for:**

(A) ~~is increased for~~ the consolidated city; ~~by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is~~

C o p y

~~effective for fire protection and related services by the township whose fire department is consolidated into the fire department of the consolidated city under this section;~~ and

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

is determined under IC 6-1.1-18.5-22.

~~(5)~~ **(4)** The ~~amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for~~ **balance in** the ~~township's~~ cumulative building and equipment fund ~~for fire protection and related services~~ **of a township whose fire department is consolidated into the consolidated fire department** is transferred ~~on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services.~~ **as provided in subsection (d).**

~~(6)~~ **(5)** The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of ~~the township~~ **an entity whose fire department is consolidated into the consolidated fire department** are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

~~(7)~~ **(6)** The consolidated city may levy property taxes within the ~~consolidated city's maximum permissible ad valorem property tax levy limit~~ **area served by the consolidated fire department** to provide for the payment of the expenses for the operation of the

C o p y

consolidated fire department. ~~However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within the territory of the fire special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section.~~

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

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

~~(B) any tax shifts among taxpayers;~~

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

(7) The balance on the effective date of the consolidation in a debt service fund of a township that relates to debt incurred for firefighting purposes:

(A) is transferred to the consolidated city; and

(B) shall be used by the consolidated city to pay indebtedness or other needs for which the fund was

C o p y

established.

Any balance remaining in the fund after all payments required under this section have been made is transferred to the county general fund. The department of local government finance shall determine the amounts to be transferred under this subsection. IC 36-1-8-5 does not apply to a balance referred to in this subsection.

(8) The balance on the effective date of the consolidation in a township's firefighting fund:

(A) is transferred to the consolidated city; and

(B) shall be deposited in the fire general fund of the consolidated city.

The department of local government finance shall determine the amounts to be transferred under this subsection. IC 36-1-8-5 does not apply to a balance referred to in this subsection.

(9) The maximum permissible ad valorem property tax levy of the township, the consolidated city, and the county shall be adjusted under IC 6-1.1-18.5-22 to reflect the transfers under this section.

(i) An entity listed in subsection (b)(1) or (b)(2) may not:

(1) hire a firefighter;

(2) promote a firefighter to a merit rank;

(3) increase the salary, benefits, or any other compensation provided to a firefighter;

(4) convey, lease, sell, transfer, or otherwise impair the use of real property that is subject to transfer to the consolidated city under this section; or

(5) enter into a new lease or contract that would obligate funds necessary for firefighting purposes;

without the approval, by ordinance, of the legislative body of the consolidated city. Any such action taken by a trustee, township board, or township employee is voidable by executive order of the mayor.

SECTION 3. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.2. (a) ~~If a consolidated fire department is established under section 6.1 of this chapter,~~ The consolidated city ~~through the consolidated fire department,~~ shall ~~after the consolidation~~ establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the fire special service district. ~~and in those townships in the county that are consolidated under section 6.1~~

C o p y

~~of this chapter.~~

(b) This section does not prohibit the providing of emergency ambulance services **by contract or** under an interlocal agreement under IC 36-1-7.

SECTION 4. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.4. (a) This section applies only in a county having a consolidated city.**

(b) The legislative body of an excluded city, after approval by the executive (as defined in IC 36-1-2-5) of the excluded city, may adopt an ordinance approving the consolidation of the excluded city's fire department with the fire department of the consolidated city (referred to in this section as "the consolidated fire department"). If the legislative body of the excluded city adopts an ordinance under this subsection, the legislative body shall forward the ordinance to the clerk of the legislative body of the consolidated city. If the legislative body of the consolidated city adopts the ordinance approving the consolidation of the fire department of the excluded city into the consolidated fire department and the ordinance is approved by the mayor of the consolidated city, the requirements of this subsection are satisfied.

(c) The following apply if the requirements of subsection (b) are satisfied:

(1) The fire department of the excluded city is consolidated into the consolidated fire department. The consolidation takes effect on the date agreed to by the legislative body of the excluded city in its ordinance and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(2) The consolidated fire department shall provide fire protection services within the excluded city on the date agreed to in the ordinance of the legislative body of the excluded city and the ordinance of the legislative body of the consolidated city.

(3) All property, equipment, records, and rights of the fire department of the excluded city are:

(A) transferred to; or

(B) assumed by;

the consolidated city on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and

C o p y

the executive and legislative body of the excluded city in which the real property is located.

(4) Each firefighter of the fire department of the excluded city ceases employment with the fire department of the excluded city and, if the firefighter meets the minimum standards of the consolidated fire department, becomes an employee of the consolidated fire department on the effective date of the consolidation.

(5) The indebtedness of the fire department of the excluded city related to fire protection services incurred before the effective date of the consolidation by the entity or a building, holding, or leasing corporation on behalf of the fire department of the excluded city remains the debt of the entity and is not and may not be assumed by the consolidated city. Indebtedness related to fire protection services incurred by the consolidated city before the effective date of the consolidation remains the debt of the consolidated city, and property taxes levied to pay the debt may be levied only by the fire special service district.

(6) The merit board and the merit system of the fire department of the excluded city are dissolved on the effective date of the consolidation, and the duties of the merit board are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

(7) Notwithstanding any other provision, a firefighter:

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

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

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

(8) Notwithstanding any other provision, a firefighter:

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

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

remains a member of the 1937 fund. The firefighter is entitled

C o p y

to receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

(9) The maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 of the consolidated city for property taxes first due and payable in the year the consolidation is effective shall be increased by an amount equal to the amount appropriated from the general fund of the excluded city for fire protection and related services in the year preceding the year in which the consolidation is effective. The maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 of the excluded city for property taxes first due and payable in the year the consolidation is effective shall be decreased by the same amount.

(10) The amount levied in the year preceding the year in which the consolidation is effective by the excluded city whose fire department is consolidated into the consolidated fire department for the excluded city's cumulative building and equipment fund for fire protection and related services is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 6-1.1-41 and IC 36-8-14 regarding establishment of the cumulative building and equipment fund for fire protection and related services.

(11) The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the excluded city are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8 are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other law, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

(d) The fire special service district shall be expanded to include any area of an excluded city that is served by the consolidated fire department.

SECTION 5. IC 36-8-8-2.1 IS AMENDED TO READ AS

C o p y

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

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

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

(3) For a unit that established a 1937 fund for its firefighters and consolidates its fire department into the consolidated fire department under IC 36-3-1-6.1 or IC 36-3-1-6.4:

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

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

~~(3)~~ **(4)** For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(4)~~ **(5)** For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) **Except as provided in subsection (d),** if a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(d) If a unit located in a county having a consolidated city did not establish a 1937 fund for its firefighters and consolidates its fire department into the consolidated fire department under IC 36-3-1-6.1 or IC 36-3-1-6.4, the local board is:

(1) before the effective date of the consolidation, the local board described in subsection (c); and

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

SECTION 6. IC 36-8-8-7, AS AMENDED BY P.L.119-2012, SECTION 219, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

C o p y

(1) a police officer; or
(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the system board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

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

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

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

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

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

C o p y

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

(1) was hired by the police or fire department of a unit before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) is rehired by the police or fire department of another unit after December 31, 1981; and

(4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

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

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

(1) is employed by a unit that is participating in the 1977 fund;

(2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;

(3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and

(4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

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

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

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

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

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

C o p y

(j) A park ranger who:

(1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(3) is employed by the parks department of a city having a population of more than one hundred ten thousand 110,000 but less than one hundred fifty thousand (150,000);

is a member of the fund.

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

(1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.4;**

(2) whose employer is consolidated into the consolidated law enforcement department **under IC 36-3-1-5.1** or the **consolidated** fire department ~~of a consolidated city~~ under ~~IC 36-3-1-5.1 or~~ IC 36-3-1-6.1 **or IC 36-3-1-6.4;** and

(3) who, after the consolidation, becomes an employee of the consolidated law enforcement department **under IC 36-3-1-5.1** or the consolidated fire department under ~~IC 36-3-1-5.1 or~~ IC 36-3-1-6.1 **or IC 36-3-1-6.4;**

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

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

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

(2) the provision of those services is consolidated into the **consolidated** law enforcement department **under IC 36-3-1-5.1** or **the consolidated** fire department ~~of a consolidated city~~ **under IC 36-3-1-6.1 or IC 36-3-1-6.4;** and

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

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

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

C o p y

(1) may not be:

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

~~(2)~~ **(B)** disabled for purposes of section 12 of this chapter;

solely because of a change in employer under the consolidation; **and**

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

SECTION 7. **An emergency is declared for this act.**

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