



January 27, 2023

SENATE BILL No. 185

DIGEST OF SB 185 (Updated January 25, 2023 12:01 pm - DI 144)

Citations Affected: IC 36-8.

Synopsis: 1977 fund membership. Allows an airport authority to participate in the 1977 police officers' and firefighters' pension and disability fund. Increases the maximum age for a firefighter to be appointed to a fire department and become a member of the 1977 fund from 35 years of age to 39 years of age. Makes corresponding changes.

Effective: July 1, 2023.

Baldwin, Rogers

January 9, 2023, read first time and referred to Committee on Pensions and Labor.
January 26, 2023, amended, reported favorably — Do Pass.

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January 27, 2023

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 185

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

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

- 1 SECTION 1. IC 36-8-3.5-12, AS AMENDED BY P.L.103-2021,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 12. (a) Subject to IC 36-8-4.7, to be appointed to
4 the department, an applicant must be:
5 (1) a citizen of the United States;
6 (2) a high school graduate or equivalent; and
7 (3) at least
8 (A) ~~twenty-one (21) years of age, but under thirty-six (36)~~
9 ~~years of age, if the person is an applicant to the fire~~
10 ~~department; or~~
11 ~~(B) twenty-one (21) years of age, but under forty (40) years of~~
12 ~~age. if the person is an applicant to the police department.~~
13 However, the age requirements do not apply to a person who has been
14 previously employed as a member of the department.
15 (b) A person may not be appointed, reappointed, or reinstated if the
16 person has a felony conviction on the person's record.
17 (c) Applications for appointment or reappointment to the

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1 department must be filed with the commission. The applicant must
2 produce satisfactory proof of the date and place of the applicant's birth.

3 (d) Applicants for appointment or reappointment to the department
4 must pass the general aptitude test required under IC 36-8-3.2-3 or
5 IC 36-8-3.2-3.5. The general aptitude test shall:

- 6 (1) reflect the essential functions of the job;
- 7 (2) be conducted according to procedures adopted by the
8 commission; and
- 9 (3) be administered in a manner that reasonably accommodates
10 the needs of applicants with a disability.

11 The results of the general aptitude test shall be filed with the
12 commission. If the commission finds that the applicant lacks the proper
13 qualifications, it shall reject the applicant.

14 (e) The applicants shall then be rated on the selection criteria and
15 testing methods adopted by the commission, which may include mental
16 alertness, character, habits, and reputation. The commission shall adopt
17 rules for grading the applicants, including the establishment of a
18 passing score. The commission shall place the names of applicants with
19 passing scores on an eligibility list by the order of their scores and shall
20 certify the list to the safety board.

21 (f) This subsection is subject to IC 36-8-4.7. ~~If an applicant for~~
22 ~~original appointment to the fire department reaches the applicant's~~
23 ~~thirty-sixth birthday, the applicant's name shall be removed from the~~
24 ~~eligibility list. If an applicant for original appointment to the police~~
25 ~~department reaches the applicant's fortieth birthday, the applicant's~~
26 ~~name shall be removed from the eligibility list. Applicants remain on~~
27 ~~the list for two (2) years from the date of certification. After two (2)~~
28 ~~years a person may reapply as an applicant.~~

29 (g) When a vacancy occurs in the department, the commission, upon
30 a written request of the chief of the department, shall administer the
31 physical agility test under IC 36-8-3.2-3 or IC 36-8-3.2-3.5 to the
32 applicant having the highest score on the eligibility list. If the
33 appointed applicant successfully completes the physical agility test, the
34 applicant shall then be enrolled as a member of the department to fill
35 the vacancy if:

- 36 (1) the applicant is still of good character; and
- 37 (2) the applicant passes the required examinations identified in
38 IC 36-8-3.2-6 and IC 36-8-8-19.

39 (h) All appointments are probationary for a period not to exceed one
40 (1) year. If the commission finds, upon the recommendation of the
41 department during the probationary period, that the conduct or capacity
42 of the probationary member is not satisfactory, the commission shall



1 notify the member in writing that the member:

- 2 (1) is being reprimanded;
 3 (2) is being suspended; or
 4 (3) will not receive a permanent appointment.

5 If a member is notified that the member will not receive a permanent
 6 appointment, the member's employment immediately ceases.
 7 Otherwise, at the expiration of the probationary period the member is
 8 considered regularly employed.

9 SECTION 2. IC 36-8-4-7, AS AMENDED BY P.L.85-2022,
 10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2023]: Sec. 7. (a) Subject to IC 36-8-4.7, a person may not be
 12 appointed as a member of the

- 13 ~~(1) fire department after the person has reached thirty-six (36)~~
 14 ~~years of age; or~~
 15 ~~(2) police or fire department after the person has reached forty~~
 16 ~~(40) years of age.~~

17 A person may be reappointed as a member of any department only if
 18 the person is a former member or a retired member not yet receiving
 19 retirement benefits of the 1925, 1937, 1953, or 1977 fund and can
 20 complete twenty (20) years of service before reaching sixty (60) years
 21 of age.

22 (b) This section does not apply to a fire chief appointed under a
 23 waiver under section 6(c) of this chapter or a police chief appointed
 24 under a waiver under section 6.5(c) of this chapter.

25 (c) A person must pass the aptitude, physical agility, and physical
 26 examination required by the local board of the fund and by
 27 IC 36-8-8-19 to be appointed or reappointed as a member of the
 28 department.

29 (d) A fire chief appointed under a waiver under section 6(c) of this
 30 chapter or police chief appointed under a waiver under section 6.5(c)
 31 of this chapter who is receiving, or is entitled to receive, benefits from
 32 the 1925, 1937, 1953, or 1977 fund may receive those benefits while
 33 serving as chief, subject to all normal requirements for receipt of a
 34 benefit, including a separation from service.

35 SECTION 3. IC 36-8-8-1, AS AMENDED BY THE TECHNICAL
 36 CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS
 37 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:
 38 Sec. 1. This chapter applies to:

- 39 (1) full-time police officers hired or rehired after April 30, 1977,
 40 in all municipalities, or who converted their benefits under
 41 IC 19-1-17.8-7 (repealed September 1, 1981);
 42 (2) full-time fully paid firefighters hired or rehired after April 30,



1 1977, or who converted their benefits under IC 19-1-36.5-7
2 (repealed September 1, 1981);

3 (3) a police matron hired or rehired after April 30, 1977, and
4 before July 1, 1996, who is a member of a police department in a
5 second or third class city on March 31, 1996;

6 (4) a park ranger who:

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

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

14 (C) is employed by the parks department of a city having a
15 population of more than one hundred ten thousand (110,000)
16 ~~but~~ **and** less than one hundred fifty thousand (150,000);

17 (5) a full-time fully paid firefighter who is covered by this chapter
18 before the effective date of consolidation and becomes a member
19 of the fire department of a consolidated city under IC 36-3-1-6.1,
20 provided that the firefighter's service as a member of the fire
21 department of a consolidated city is considered active service
22 under this chapter;

23 (6) except as otherwise provided, a full-time fully paid firefighter
24 who is hired or rehired after the effective date of the consolidation
25 by a consolidated fire department established under
26 IC 36-3-1-6.1;

27 (7) a full-time police officer who is covered by this chapter before
28 the effective date of consolidation and becomes a member of the
29 consolidated law enforcement department as part of the
30 consolidation under IC 36-3-1-5.1, provided that the officer's
31 service as a member of the consolidated law enforcement
32 department is considered active service under this chapter;

33 (8) except as otherwise provided, a full-time police officer who is
34 hired or rehired after the effective date of the consolidation by a
35 consolidated law enforcement department established under
36 IC 36-3-1-5.1; ~~and~~

37 (9) a veteran described in IC 36-8-4.7; **and**

38 **(10) a full-time police officer or full-time fully paid firefighter**
39 **who is employed by an airport authority;**

40 except as provided by section 7 of this chapter.

41 SECTION 4. IC 36-8-8-1.2 IS ADDED TO THE INDIANA CODE
42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1 1, 2023]: **Sec. 1.2. As used in this chapter, "airport authority"**
 2 **refers to an airport authority established under IC 8-22-3.**

3 SECTION 5. IC 36-8-8-2, AS AMENDED BY P.L.227-2005,
 4 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2023]: Sec. 2. As used in this chapter, "employer" means:

6 (1) a municipality that established a 1925 or 1953 fund or that
 7 participates in the 1977 fund under section 3 or 18 of this chapter;

8 (2) a unit that established a 1937 fund or that participates in the
 9 1977 fund under section 3 or 18 of this chapter;

10 (3) a consolidated city that consolidated the fire departments of
 11 units that:

12 (A) established a 1937 fund; or

13 (B) participated in the 1977 fund;

14 before the units' consolidation into the fire department of a
 15 consolidated city established by IC 36-3-1-6.1; or

16 (4) a consolidated city that establishes a consolidated law
 17 enforcement department under IC 36-3-1-5.1; or

18 **(5) an airport authority that participates in the 1977 fund**
 19 **under section 3 of this chapter.**

20 SECTION 6. IC 36-8-8-2.1 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2.1. (a) As used in this
 22 chapter, "local board" means the following:

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

25 (2) For a unit that established a 1937 fund for its firefighters, the
 26 local board described in IC 36-8-7-3.

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

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

32 **(5) For an airport authority, the board of an airport**
 33 **authority.**

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

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



1 as there is a retired member.

2 SECTION 7. IC 36-8-8-3, AS AMENDED BY P.L.85-2022,
 3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2023]: Sec. 3. (a) If a town establishes a board of metropolitan
 5 police commissioners, or if a town becomes a city, the municipality
 6 shall participate in the 1977 fund and shall enroll all full-time police
 7 officers and firefighters in the 1977 fund. However, if a police officer
 8 or former marshal is a member of the public employees' retirement
 9 fund, the police officer or former marshal may continue as a member
 10 of that fund instead of the 1977 fund. Notwithstanding the age
 11 requirements under section 7(a) of this chapter, a police officer or
 12 former marshal employed by a municipality at the time the
 13 municipality enters the 1977 fund under this section shall be a member
 14 of the 1977 fund unless the police officer or former marshal elects to
 15 continue as a member of the public employees' retirement fund. A
 16 person may become a member of the 1977 fund under this subsection
 17 without meeting the age limitation under section 7(a) of this chapter
 18 only if the person satisfies:

- 19 (1) any aptitude, physical agility, or physical and mental standards
 20 established by a local board under IC 36-8-3.2; and
 21 (2) the minimum standards that are:
 22 (A) adopted by the system board under section 19 of this
 23 chapter; and
 24 (B) in effect on the date the person becomes a member of the
 25 1977 fund.

26 Credit for prior service of a person who becomes a member of the 1977
 27 fund under this subsection shall be determined under section 18 or 18.1
 28 of this chapter. No service credit beyond that allowed under section 18
 29 or 18.1 of this chapter may be recognized under the 1977 fund.

30 (b) If a unit did not establish a 1937 fund for its firefighters, the unit
 31 may participate in the public employees' retirement fund or it may
 32 participate in the 1977 fund. If a unit established a 1937 fund for its
 33 firefighters, the unit is and shall remain a participant in the 1977 fund.

34 (c) A unit that:

- 35 (1) has not established a pension fund for its firefighters; or
 36 (2) is participating in the public employees' retirement fund under
 37 subsection (b);

38 may participate in the 1977 fund upon approval by the fiscal body,
 39 notwithstanding IC 5-10.3-6-8. A unit that participates in the 1977 fund
 40 under this subsection must comply with section 21 of this chapter.
 41 However, if a police officer or firefighter is a member of the public
 42 employees' retirement fund, the police officer or firefighter may

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1 continue as a member of that fund instead of the 1977 fund.

2 (d) If a unit that participates in the 1977 fund provides longevity
3 increases, the amount of the longevity increase provided in a year must
4 be greater than or equal to the amount of the longevity increase
5 provided in the previous year.

6 **(e) An airport authority may participate in the 1977 fund. An**
7 **airport authority that participates in the 1977 fund under this**
8 **subsection must comply with section 21 of this chapter. However,**
9 **if a police officer or firefighter is a member of the public**
10 **employees' retirement fund, the police officer or firefighter may**
11 **continue as a member of that fund instead of the 1977 fund.**

12 SECTION 8. IC 36-8-8-7, AS AMENDED BY THE TECHNICAL
13 CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS
14 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:
15 Sec. 7. (a) Subject to IC 36-8-4.7 and except as provided in subsections
16 (d), (e), (f), (g), (h), (k), (l), and (m), ~~(†)~~ a police officer **or a**
17 **firefighter** who:

18 **(1) is less than forty (40) years of age; or and**

19 **(2) a firefighter who is less than thirty-six (36) years of age; who**
20 **passes the baseline statewide physical and mental examinations**
21 **required under section 19 of this chapter;**

22 shall be a member of the 1977 fund and is not a member of the 1925
23 fund, the 1937 fund, or the 1953 fund.

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

39 (c) Except as provided in section 18 of this chapter, a police officer
40 or firefighter is entitled to credit for all years of service after April 30,
41 1977, with the police or fire department of an employer covered by this
42 chapter.



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

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

8 (e) A police officer or firefighter does not become a member of the
 9 1977 fund and is not covered by this chapter if the police officer or
 10 firefighter:

- 11 (1) was hired before May 1, 1977;
 12 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
 13 of which were repealed September 1, 1981);
 14 (3) was rehired after April 30, 1977, but before February 1, 1979;
 15 and
 16 (4) was made, before February 1, 1979, a member of a 1925,
 17 1937, or 1953 fund.

18 (f) A police officer or firefighter does not become a member of the
 19 1977 fund and is not covered by this chapter if the police officer or
 20 firefighter:

- 21 (1) was hired by the police or fire department of a unit before May
 22 1, 1977;
 23 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
 24 of which were repealed September 1, 1981);
 25 (3) is rehired by the police or fire department of another unit after
 26 December 31, 1981; and
 27 (4) is made, by the fiscal body of the other unit after December
 28 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
 29 unit.

30 If the police officer or firefighter is made a member of a 1925, 1937, or
 31 1953 fund, the police officer or firefighter is entitled to receive credit
 32 for all the police officer's or firefighter's years of service, including
 33 years before January 1, 1982.

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

- 37 (1) is employed by a unit that is participating in the 1977 fund;
 38 (2) was employed as an emergency medical technician by a
 39 political subdivision wholly or partially within the department's
 40 jurisdiction;
 41 (3) was a member of the public employees' retirement fund during
 42 the employment described in subdivision (2); and



1 (4) ceased employment with the political subdivision and was
 2 hired by the unit's fire department due to the reorganization of
 3 emergency medical services within the department's jurisdiction;
 4 shall participate in the 1977 fund. A firefighter who participates in the
 5 1977 fund under this subsection is subject to sections 18 and 21 of this
 6 chapter.

7 (h) A police officer or firefighter does not become a member of the
 8 1977 fund and is not covered by this chapter if the individual was
 9 appointed as:

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

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

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

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

18 (j) A park ranger who:

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

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

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

29 is a member of the fund.

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

32 (1) who is a member of the 1977 fund before a consolidation
 33 under IC 36-3-1-5.1 or IC 36-3-1-6.1;

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

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

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

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



- 1 (1) before a consolidation under IC 8-22-3-11.6, a police officer
 2 or firefighter provides law enforcement services or fire protection
 3 services for an entity in a consolidated city;
 4 (2) the provision of those services is consolidated into the law
 5 enforcement department or fire department of a consolidated city;
 6 and
 7 (3) after the consolidation, the police officer or firefighter
 8 becomes an employee of the consolidated law enforcement
 9 department or the consolidated fire department under
 10 IC 8-22-3-11.6;
 11 the police officer or firefighter is a member of the 1977 fund without
 12 meeting the requirements under sections 19 and 21 of this chapter.
- 13 (m) A police officer or firefighter who is a member of the 1977 fund
 14 under subsection (k) or (l) may not be:
 15 (1) retired for purposes of section 10 of this chapter; or
 16 (2) disabled for purposes of section 12 of this chapter;
 17 solely because of a change in employer under the consolidation.
- 18 (n) Notwithstanding any other provision of this chapter and subject
 19 to subsection (o), a police officer or firefighter who:
 20 (1) is an active member of the 1977 fund with an employer that
 21 participates in the 1977 fund;
 22 (2) separates from that employer; and
 23 (3) not later than one hundred eighty (180) days after the date of
 24 the separation described in subdivision (2), becomes employed as
 25 a full-time police officer or firefighter with the same or a second
 26 employer that participates in the 1977 fund;
 27 is a member of the 1977 fund without meeting for a second time the
 28 age limitation under subsection (a) and the requirements under sections
 29 19 and 21 of this chapter. A police officer or firefighter to whom this
 30 subsection applies is entitled to receive credit for all years of 1977 fund
 31 covered service as a police officer or firefighter with all employers that
 32 participate in the 1977 fund.
- 33 (o) The one hundred eighty (180) day limitation described in
 34 subsection (n)(3) does not apply to a member of the 1977 fund who is
 35 eligible for reinstatement under IC 36-8-4-11.
- 36 (p) Notwithstanding any other provision of this chapter, a veteran
 37 who is:
 38 (1) described in IC 36-8-4.7; and
 39 (2) employed as a firefighter or police officer;
 40 is a member of the 1977 fund.
- 41 (q) Notwithstanding any other provision of this chapter and except
 42 as provided in subsection (o), a police officer or firefighter who:



1 (1) is an active member of the 1977 fund with an employer that
 2 participates in the 1977 fund;
 3 (2) separates from that employer; and
 4 (3) more than one hundred eighty (180) days after the date of the
 5 separation described in subdivision (2), becomes employed as a
 6 full-time police officer or firefighter with the same or a second
 7 employer that participates in the 1977 fund;
 8 is a member of the 1977 fund without meeting the age limitation under
 9 subsection (a) provided the member can accrue twenty (20) years of
 10 service credit in the 1977 fund by the time the firefighter becomes sixty
 11 (60) years of age. A police officer or firefighter who participates in the
 12 1977 fund under this subsection must pass the baseline statewide
 13 physical and mental examination under section 19 of this chapter. A
 14 police officer or firefighter to whom this subsection applies is entitled
 15 to receive credit for all years of 1977 fund covered service as a police
 16 officer or firefighter with all employers that participate in the 1977
 17 fund.

18 SECTION 9. IC 36-8-8-18, AS AMENDED BY P.L.43-2018,
 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2023]: Sec. 18. (a) Except as provided in subsection (b), if a
 21 unit **or an airport authority** becomes a participant in the 1977 fund,
 22 credit for prior service by police officers (including prior service as a
 23 full-time, fully paid town marshal or full-time, fully paid deputy town
 24 marshal by a police officer employed by a metropolitan board of police
 25 commissioners) or by firefighters before the date of participation may
 26 be given by the system board only if:

- 27 (1) the amount necessary to fund the police officer's or
 28 firefighter's prior service liability is contributed to the 1977 fund
 29 under an agreement that specifies how much the unit **or the**
 30 **airport authority** is to contribute, if any, and how much the
 31 police officer or firefighter is to contribute, if any; and
- 32 (2) the amount that the police officers or firefighters would have
 33 contributed if they had been members of the 1977 fund during
 34 their prior service is paid to the 1977 fund under an agreement
 35 that specifies how much the unit **or the airport authority** is to
 36 contribute, if any, and how much the police officer or firefighter
 37 is to contribute, if any.

38 If the requirements of subdivisions (1) and (2) are not met, a fund
 39 member is entitled to credit only for years of service after the date of
 40 participation. Contributions under subdivisions (1) and (2) must be
 41 paid in a lump sum or in installments over a period of not more than
 42 thirty (30) years, the amount and period to be determined by the system



1 board. The periods determined by the system board under subdivisions
 2 (1) and (2) for any installment payments may differ between the unit **or**
 3 **the airport authority** and the police officers or firefighters and
 4 between subdivisions (1) and (2).

5 (b) If a unit becomes a participant in the 1977 fund under section
 6 3(c) of this chapter, **if an airport authority becomes a participant in**
 7 **the 1977 fund under section 3(e) of this chapter**, or if a firefighter
 8 becomes a member of the 1977 fund under section 7(g) of this chapter,
 9 credit for prior service before the date of participation or membership
 10 shall be given by the system board as follows:

11 (1) For a member who will accrue twenty (20) years of service
 12 credit in the 1977 fund by the time the member reaches the
 13 earliest retirement age under the fund at the time of the member's
 14 date of participation in the 1977 fund and who participated in
 15 PERF as a police officer, a firefighter, or an emergency medical
 16 technician, the member will be given credit in the 1977 fund for
 17 one-third (1/3) of the member's years of participation in PERF as
 18 a police officer, a firefighter, or an emergency medical technician.

19 (2) For a member who will accrue twenty (20) years of service
 20 credit in the 1977 fund by the time the member reaches the
 21 earliest retirement age under the fund at the time of the member's
 22 date of participation in the 1977 fund and who did not participate
 23 in a pension plan as a police officer, a firefighter, or an emergency
 24 medical technician, the member will be given credit in the 1977
 25 fund for one-third (1/3) of the member's years of prior service
 26 with the unit as a police officer, a firefighter, or an emergency
 27 medical technician only if:

28 (A) The amount necessary to fund the member's prior service
 29 liability is contributed to the 1977 fund under an agreement
 30 that specifies how much the unit **or the airport authority** is
 31 to contribute, if any, and how much the member is to
 32 contribute, if any. Contributions must be paid in a lump sum
 33 or in installments as provided in clause (C). The amount of
 34 contributions must be based on the actual salary earned by a
 35 first class patrolman or a first class firefighter at the time the
 36 unit **or the airport authority** becomes a participant in the
 37 1977 fund, or the police officer or firefighter becomes a
 38 member of the 1977 fund, or if no such salary designation
 39 exists, the actual salary earned by the police officer or
 40 firefighter.

41 (B) The amount the police officer or firefighter would have
 42 contributed if the police officer or firefighter had been a



1 member of the 1977 fund during the police officer's or
 2 firefighter's prior service must be fully paid under an
 3 agreement that specifies how much the unit **or the airport**
 4 **authority** is to pay, if any, and how much the member is to
 5 pay, if any. Contributions must be paid in a lump sum or in
 6 installments as provided in clause (C). The amount of
 7 contributions must be based on the police officer's or
 8 firefighter's actual salary earned during that period before
 9 service can be credited under this section.

10 (C) Any amortization schedule for contributions paid under
 11 clause (A) and contributions to be paid under clause (B) must
 12 include interest at a rate determined by the system board. The
 13 board shall determine the term of any amortization schedule
 14 authorized under clauses (A) and (B), not to exceed ten (10)
 15 years. The terms of the various amortization schedules
 16 authorized under clauses (A) and (B) may differ.

17 (3) For a member who will not accrue twenty (20) years of service
 18 credit in the 1977 fund by the time the member reaches the
 19 earliest retirement age under the fund at the time of the member's
 20 date of participation in the 1977 fund, credit for such prior service
 21 shall be given only if:

22 (A) The amount necessary to fund the member's prior service
 23 liability is contributed to the 1977 fund under an agreement
 24 that specifies how much the unit **or the airport authority** is
 25 to contribute, if any, and how much the member is to
 26 contribute, if any. Contributions must be paid in a lump sum
 27 or in installments as provided in clause (C). The amount of
 28 contributions must be based on the actual salary earned by a
 29 first class patrolman or a first class firefighter at the time the
 30 unit **or the airport authority** becomes a participant in the
 31 1977 fund, or the police officer or firefighter becomes a
 32 member of the 1977 fund, or if no such salary designation
 33 exists, the actual salary earned by the police officer or
 34 firefighter. The limit on credit for prior service does not apply
 35 to a firefighter if the firefighter was a member of the 1937
 36 fund or 1977 fund whose participation was terminated due to
 37 the creation of a new fire protection district under
 38 IC 36-8-11-5 and who subsequently became a member of the
 39 1977 fund. A firefighter who was a member of or reentered the
 40 1937 fund or 1977 fund whose participation was terminated
 41 due to the creation of a new fire protection district under
 42 IC 36-8-11-5 is entitled to full credit for prior service in an



- 1 amount equal to the firefighter's years of service before
 2 becoming a member of or reentering the 1977 fund. Service
 3 may only be credited for time as a full-time, fully paid police
 4 officer, firefighter, or emergency medical technician under
 5 section 7(g) of this chapter.
- 6 (B) The amount the police officer or firefighter would have
 7 contributed if the police officer or firefighter had been a
 8 member of the 1977 fund during the police officer's or
 9 firefighter's prior service must be fully paid under an
 10 agreement that specifies how much the unit **or the airport**
 11 **authority** is to pay and how much the member is to pay.
 12 Contributions must be paid in a lump sum or in installments as
 13 provided in clause (C). The amount of contributions must be
 14 based on the police officer's or firefighter's actual salary
 15 earned during that period before service can be credited under
 16 this section.
- 17 (C) Any amortization schedule for contributions paid under
 18 clause (A) and contributions to be paid under clause (B) must
 19 include interest at a rate determined by the system board. The
 20 board shall determine the term of any amortization schedule
 21 authorized under clauses (A) and (B), not to exceed ten (10)
 22 years. The terms of the various amortization schedules
 23 authorized under clauses (A) and (B) may differ.
- 24 (4) If, at the time a unit **or an airport authority** entered the 1977
 25 fund, a fund member received the maximum prior service credit
 26 allowed by subdivision (3) and, at a later date, the earliest
 27 retirement age was lowered, the unit **or the airport authority** or
 28 the fund member, or both **the unit or airport authority and the**
 29 **fund member**, may contribute to the 1977 fund on the fund
 30 member's behalf an additional amount that is determined in the
 31 same manner as under subdivision (3) with respect to the
 32 additional prior service, if any, available as a result of the lower
 33 retirement age. If the additional amount described in this
 34 subdivision is paid in accordance with the requirements of
 35 subdivision (3), the fund member shall receive the additional
 36 service credit necessary for the fund member to retire at the lower
 37 earliest retirement age.
- 38 (c) This subsection applies to a unit that:
 39 (1) becomes a participant in the 1977 fund under section 3(c) of
 40 this chapter; and
 41 (2) is a fire protection district created under IC 36-8-11 that
 42 includes a township or a municipality that had a 1937 fund.



1 A firefighter who continues uninterrupted service with a unit covered
 2 by this subsection and who participated in the township or municipality
 3 1937 fund is entitled to receive service credit for such service in the
 4 1977 fund. However, credit for such service is limited to the amount
 5 accrued by the firefighter in the 1937 fund or the amount necessary to
 6 allow the firefighter to accrue twenty (20) years of service credit in the
 7 1977 fund by the time the firefighter becomes fifty-two (52) years of
 8 age, whichever is less.

9 (d) A unit to which subsection (c) applies shall contribute into the
 10 1977 fund the amount necessary to fund the amount of past service
 11 determined in accordance with subsection (c), amortized over a period
 12 not to exceed ten (10) years with interest at a rate determined by the
 13 system board.

14 (e) If the township or municipality has accumulated money in its
 15 1937 fund, any amount accumulated that exceeds the present value of
 16 all projected future benefits from the 1937 plan shall be paid by the
 17 township or municipality to the unit for the sole purpose of making the
 18 contributions determined in subsection (d).

19 (f) To the extent permitted by the Internal Revenue Code and the
 20 applicable regulations, the 1977 fund may accept, on behalf of a fund
 21 member who is purchasing permissive service credit under this chapter,
 22 a rollover of a distribution from any of the following:

23 (1) A qualified plan described in Section 401(a) or Section 403(a)
 24 of the Internal Revenue Code.

25 (2) An annuity contract or account described in Section 403(b) of
 26 the Internal Revenue Code.

27 (3) An eligible plan that is maintained by a state, a political
 28 subdivision of a state, or an agency or instrumentality of a state or
 29 political subdivision of a state under Section 457(b) of the
 30 Internal Revenue Code.

31 (4) An individual retirement account or annuity described in
 32 Section 408(a) or Section 408(b) of the Internal Revenue Code.

33 (g) To the extent permitted by the Internal Revenue Code and the
 34 applicable regulations, the 1977 fund may accept, on behalf of a fund
 35 member who is purchasing permissive service credit under this chapter,
 36 a trustee to trustee transfer from any of the following:

37 (1) An annuity contract or account described in Section 403(b) of
 38 the Internal Revenue Code.

39 (2) An eligible deferred compensation plan under Section 457(b)
 40 of the Internal Revenue Code.

41 SECTION 10. IC 36-8-8-18.1, AS AMENDED BY P.L.27-2019,
 42 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2023]: Sec. 18.1. (a) As used in this section, "police officer"
 2 includes a former full-time, fully paid town marshal or full-time, fully
 3 paid deputy town marshal who is employed as a police officer by a
 4 metropolitan board of police commissioners.

5 (b) If a unit **or an airport authority** becomes a participant in the
 6 1977 fund and the unit **or the airport authority** previously covered
 7 police officers, firefighters, or emergency medical technicians in PERF,
 8 or if the employees of the unit become members of the 1977 fund under
 9 section 7(g) of this chapter, the following provisions apply:

10 (1) A minimum benefit applies to members electing to transfer or
 11 being transferred to the 1977 fund from PERF. The minimum
 12 benefit, payable at age fifty-two (52), for such a member equals
 13 the actuarial equivalent of the vested retirement benefit payable
 14 to the member upon normal retirement under IC 5-10.2-4-1 as of
 15 the day before the transfer, based solely on:

16 (A) creditable service;

17 (B) the average of the annual compensation; and

18 (C) the amount credited to the annuity savings account;

19 of the transferring member as of the day before the transfer under
 20 IC 5-10.2 and IC 5-10.3.

21 (2) The system board shall transfer from PERF to the 1977 fund
 22 the amount credited to the annuity savings accounts that is
 23 necessary for the purchase of service credit and the present value
 24 of benefits attributable to the transferring members.

25 (3) The amount the unit **or the airport authority** and the member
 26 must contribute to the 1977 fund under section 18 of this chapter,
 27 if any service credit is to be given under that section, will be
 28 reduced by the amounts transferred to the 1977 fund by the
 29 system board under subdivision (2).

30 (4) Credit for prior service in PERF of a member as a police
 31 officer, a firefighter, or an emergency medical technician is
 32 waived in PERF. Any credit for that service under the 1977 fund
 33 shall only be given in accordance with section 18 of this chapter.

34 (5) Credit for prior service in PERF of a member, other than as a
 35 police officer, a firefighter, or an emergency medical technician,
 36 remains in PERF and may not be credited under the 1977 fund.

37 SECTION 11. IC 36-8-8-21, AS AMENDED BY P.L.130-2015,
 38 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2023]: Sec. 21. (a) This section applies to:

40 (1) police officers and firefighters who are employed by units that
 41 become participants in the 1977 fund under section 3(c) of this
 42 chapter; ~~or~~



- 1 **(2) police officers and firefighters who are employed by an**
2 **airport authority that becomes a participant in the 1977 fund**
3 **under section 3(e) of this chapter; or**
4 ~~(2)~~ **(3) firefighters who become members of the 1977 fund under**
5 **section 7(g) of this chapter.**
6 (b) A police officer or firefighter may become a member of the 1977
7 fund without meeting the age limitation under section 7(a) of this
8 chapter if the police officer or firefighter satisfies:
9 (1) any aptitude, physical agility, or physical and mental standards
10 established by a local board under IC 36-8-3.2; and
11 (2) the minimum standards that are:
12 (A) adopted by the system board under section 19 of this
13 chapter; and
14 (B) in effect on the date the police officer or firefighter
15 becomes a member of the 1977 fund.
16 (c) Credit for prior service of a police officer or firefighter who
17 becomes a member of the 1977 fund under this section shall be
18 determined under section 18 or 18.1 of this chapter. No service credit
19 beyond that allowed under section 18 or 18.1 of this chapter may be
20 recognized under the 1977 fund.



COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 185, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-8-3.5-12, AS AMENDED BY P.L.103-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 12. (a) Subject to IC 36-8-4.7, to be appointed to the department, an applicant must be:

- (1) a citizen of the United States;
- (2) a high school graduate or equivalent; and
- (3) at least
 - (A) ~~twenty-one (21) years of age, but under thirty-six (36) years of age, if the person is an applicant to the fire department; or~~
 - (B) twenty-one (21) years of age, but under forty (40) years of age. ~~if the person is an applicant to the police department.~~

However, the age requirements do not apply to a person who has been previously employed as a member of the department.

(b) A person may not be appointed, reappointed, or reinstated if the person has a felony conviction on the person's record.

(c) Applications for appointment or reappointment to the department must be filed with the commission. The applicant must produce satisfactory proof of the date and place of the applicant's birth.

(d) Applicants for appointment or reappointment to the department must pass the general aptitude test required under IC 36-8-3.2-3 or IC 36-8-3.2-3.5. The general aptitude test shall:

- (1) reflect the essential functions of the job;
- (2) be conducted according to procedures adopted by the commission; and
- (3) be administered in a manner that reasonably accommodates the needs of applicants with a disability.

The results of the general aptitude test shall be filed with the commission. If the commission finds that the applicant lacks the proper qualifications, it shall reject the applicant.

(e) The applicants shall then be rated on the selection criteria and testing methods adopted by the commission, which may include mental alertness, character, habits, and reputation. The commission shall adopt rules for grading the applicants, including the establishment of a



passing score. The commission shall place the names of applicants with passing scores on an eligibility list by the order of their scores and shall certify the list to the safety board.

(f) This subsection is subject to IC 36-8-4.7. ~~If an applicant for original appointment to the fire department reaches the applicant's thirty-sixth birthday, the applicant's name shall be removed from the eligibility list. If an applicant for original appointment to the police department reaches the applicant's fortieth birthday, the applicant's name shall be removed from the eligibility list. Applicants remain on the list for two (2) years from the date of certification. After two (2) years a person may reapply as an applicant.~~

(g) When a vacancy occurs in the department, the commission, upon a written request of the chief of the department, shall administer the physical agility test under IC 36-8-3.2-3 or IC 36-8-3.2-3.5 to the applicant having the highest score on the eligibility list. If the appointed applicant successfully completes the physical agility test, the applicant shall then be enrolled as a member of the department to fill the vacancy if:

- (1) the applicant is still of good character; and
- (2) the applicant passes the required examinations identified in IC 36-8-3.2-6 and IC 36-8-8-19.

(h) All appointments are probationary for a period not to exceed one (1) year. If the commission finds, upon the recommendation of the department during the probationary period, that the conduct or capacity of the probationary member is not satisfactory, the commission shall notify the member in writing that the member:

- (1) is being reprimanded;
- (2) is being suspended; or
- (3) will not receive a permanent appointment.

If a member is notified that the member will not receive a permanent appointment, the member's employment immediately ceases. Otherwise, at the expiration of the probationary period the member is considered regularly employed.

SECTION 2. IC 36-8-4-7, AS AMENDED BY P.L.85-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) Subject to IC 36-8-4.7, a person may not be appointed as a member of the

- (1) fire department after the person has reached thirty-six (36) years of age; or
- (2) police **or** fire department after the person has reached forty (40) years of age.

A person may be reappointed as a member of any department only if

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the person is a former member or a retired member not yet receiving retirement benefits of the 1925, 1937, 1953, or 1977 fund and can complete twenty (20) years of service before reaching sixty (60) years of age.

(b) This section does not apply to a fire chief appointed under a waiver under section 6(c) of this chapter or a police chief appointed under a waiver under section 6.5(c) of this chapter.

(c) A person must pass the aptitude, physical agility, and physical examination required by the local board of the fund and by IC 36-8-8-19 to be appointed or reappointed as a member of the department.

(d) A fire chief appointed under a waiver under section 6(c) of this chapter or police chief appointed under a waiver under section 6.5(c) of this chapter who is receiving, or is entitled to receive, benefits from the 1925, 1937, 1953, or 1977 fund may receive those benefits while serving as chief, subject to all normal requirements for receipt of a benefit, including a separation from service."

Page 5, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 6. IC 36-8-8-7, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:
Sec. 7. (a) Subject to IC 36-8-4.7 and except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m), ~~(†)~~ a police officer **or a firefighter** who:

(1) is less than forty (40) years of age; ~~or and~~

(2) ~~a firefighter who is less than thirty-six (36) years of age; 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 thirty (30) 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.

(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.

(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~~ **and** 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;
- (2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated

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city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

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

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 law enforcement department or fire department of a consolidated city; 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) may not be:

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

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

solely because of a change in employer under the consolidation.

(n) Notwithstanding any other provision of this chapter and subject to subsection (o), a police officer or firefighter who:

(1) is an active member of the 1977 fund with an employer that participates in the 1977 fund;

(2) separates from that employer; and

(3) not later than one hundred eighty (180) days after the date of the separation described in subdivision (2), becomes employed as a full-time police officer or firefighter with the same or a second employer that participates in the 1977 fund;

is a member of the 1977 fund without meeting for a second time the age limitation under subsection (a) and the requirements under sections 19 and 21 of this chapter. A police officer or firefighter to whom this subsection applies is entitled to receive credit for all years of 1977 fund covered service as a police officer or firefighter with all employers that participate in the 1977 fund.

(o) The one hundred eighty (180) day limitation described in subsection (n)(3) does not apply to a member of the 1977 fund who is eligible for reinstatement under IC 36-8-4-11.



(p) Notwithstanding any other provision of this chapter, a veteran who is:

- (1) described in IC 36-8-4.7; and
- (2) employed as a firefighter or police officer;

is a member of the 1977 fund.

(q) Notwithstanding any other provision of this chapter and except as provided in subsection (o), a police officer or firefighter who:

- (1) is an active member of the 1977 fund with an employer that participates in the 1977 fund;
- (2) separates from that employer; and
- (3) more than one hundred eighty (180) days after the date of the separation described in subdivision (2), becomes employed as a full-time police officer or firefighter with the same or a second employer that participates in the 1977 fund;

is a member of the 1977 fund without meeting the age limitation under subsection (a) provided the member can accrue twenty (20) years of service credit in the 1977 fund by the time the firefighter becomes sixty (60) years of age. A police officer or firefighter who participates in the 1977 fund under this subsection must pass the baseline statewide physical and mental examination under section 19 of this chapter. A police officer or firefighter to whom this subsection applies is entitled to receive credit for all years of 1977 fund covered service as a police officer or firefighter with all employers that participate in the 1977 fund."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 185 as introduced.)

ROGERS, Chairperson

Committee Vote: Yeas 9, Nays 0.

