



March 25, 2021

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## ENGROSSED SENATE BILL No. 396

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DIGEST OF SB 396 (Updated March 25, 2021 10:24 am - DI 141)

**Citations Affected:** IC 36-8.

**Synopsis:** 1977 pension and disability fund. Amends the definition of "salary of a first class patrolman or first class firefighter" for the purpose of benefits paid from and contributions made to the 1977 police officers' and firefighters' pension and disability fund (fund). Establishes certain requirements if an employer certifies a new salary under IC 36-8-8-6.5. Changes the maximum age for an applicant to a police department from 35 to 39 years of age. Requires an employer that participates in the fund and provides longevity increases to pay an amount greater than or equal to the longevity increase paid in the previous year. Requires employers to provide reports or records requested by the system board, and permits the system board to fine the employer for each day that reports or records are late. Provides that an alleged failure of an employer to make required payments to the 1977 fund may be examined by the state board of accounts or by the Indiana public retirement system. Requires employers to submit, both annually and at the request of the system board, the salary of a first class patrolman or firefighter.

**Effective:** Upon passage.

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**Boots, Brown L, Tallian, Buck,  
Randolph Lonnie M**

(HOUSE SPONSOR — FRYE R)

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January 14, 2021, read first time and referred to Committee on Pensions and Labor.  
February 11, 2021, reassigned to Committee on Appropriations pursuant to Rule 68(b).  
February 18, 2021, amended, reported favorably — Do Pass.  
February 22, 2021, read second time, ordered engrossed. Engrossed.  
February 23, 2021, read third time, passed. Yeas 46, nays 0.

HOUSE ACTION

March 4, 2021, read first time and referred to Committee on Employment, Labor and Pensions.  
March 25, 2021, amended, reported — Do Pass.

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ES 396—LS 6839/DI 137





March 25, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 396

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

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

1 SECTION 1. IC 36-8-1-11 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) "Salary of  
3 a first class patrolman or first class firefighter" means the ~~base~~ **highest**  
4 **nonpromoted** salary of a patrolman or firefighter plus all longevity  
5 increases, if provided by the employer, for:  
6 (1) **service of not more than twenty (20) years; or**  
7 (2) **service of more than twenty (20) years but less than**  
8 **twenty-five (25) years if provided as a result of the meet and**  
9 **confer process under IC 36-8-22;**  
10 ~~service of twenty (20) years or less~~ but does not include remuneration  
11 or allowances for fringe benefits, incentive pay, holiday pay, insurance,  
12 clothing, automobiles, firearms, education, overtime, or compensatory  
13 time off.  
14 (b) **This subsection applies if a salary certified under**  
15 **IC 36-8-8-6.5 is greater than the salary of a first class patrolman**  
16 **or first class firefighter under subsection (a). An employer may not**  
17 **increase the salary certified under IC 36-8-8-6.5 unless the salary**

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1 of a first class patrolman or first class firefighter under subsection  
 2 (a) exceeds the employer's most recent salary certified. If an  
 3 employer certifies a new salary under IC 36-8-8-6.5, the new  
 4 certified salary must be equal to the salary of a first class  
 5 patrolman or first class firefighter under subsection (a). Subsection  
 6 (a) does not require an employer to decrease the certified salary of  
 7 a first class patrolman or first class firefighter in effect on May 14,  
 8 2021.

9 ~~(b)~~ (c) With respect to the 1925, 1937, and 1953 funds, "salary of a  
 10 first class patrolman or firefighter" may include longevity increases for  
 11 more than twenty (20) years of service at the option of the employer but  
 12 only if these longevity increases had taken effect before January 1,  
 13 1983.

14 SECTION 2. IC 36-8-3.5-12, AS AMENDED BY P.L.127-2017,  
 15 SECTION 230, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Subject to IC 36-8-4.7,  
 17 to be appointed to the department, an applicant must be:

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

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

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

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

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

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

42 The results of the general aptitude test shall be filed with the



1 commission. If the commission finds that the applicant lacks the proper  
2 qualifications, it shall reject the applicant.

3 (e) The applicants shall then be rated on the selection criteria and  
4 testing methods adopted by the commission, which may include mental  
5 alertness, character, habits, and reputation. The commission shall adopt  
6 rules for grading the applicants, including the establishment of a  
7 passing score. The commission shall place the names of applicants with  
8 passing scores on an eligibility list by the order of their scores and shall  
9 certify the list to the safety board.

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

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

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

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

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

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

40 SECTION 3. IC 36-8-4-7, AS AMENDED BY P.L.115-2016,  
41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 UPON PASSAGE]: Sec. 7. (a) Subject to IC 36-8-4.7, a person may not



1 be appointed as a member of the:

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

4 **(2) police department after the person has reached forty (40)**  
5 **years of age.**

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

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

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

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

24 SECTION 4. IC 36-8-8-3, AS AMENDED BY P.L.130-2015,  
25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 UPON PASSAGE]: Sec. 3. (a) If a town establishes a board of  
27 metropolitan police commissioners, or if a town becomes a city, the  
28 municipality shall participate in the 1977 fund. However, if a police  
29 officer or former marshal is a member of the public employees'  
30 retirement fund, the police officer or former marshal may continue as  
31 a member of that fund instead of the 1977 fund. Notwithstanding the  
32 age requirements under section 7(a) of this chapter, a police officer or  
33 former marshal employed by a municipality at the time the  
34 municipality enters the 1977 fund under this section shall be a member  
35 of the 1977 fund unless the police officer or former marshal elects to  
36 continue as a member of the public employees' retirement fund. A  
37 person may become a member of the 1977 fund under this subsection  
38 without meeting the age limitation under section 7(a) of this chapter  
39 only if the person satisfies:

40 (1) any aptitude, physical agility, or physical and mental standards  
41 established by a local board under IC 36-8-3.2; and

42 (2) the minimum standards that are:

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- 1 (A) adopted by the system board under section 19 of this  
 2 chapter; and  
 3 (B) in effect on the date the person becomes a member of the  
 4 1977 fund.

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

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

13 (c) A unit that:  
 14 (1) has not established a pension fund for its firefighters; or  
 15 (2) is participating in the public employees' retirement fund under  
 16 subsection (b);

17 may participate in the 1977 fund upon approval by the fiscal body,  
 18 notwithstanding IC 5-10.3-6-8. A unit that participates in the 1977 fund  
 19 under this subsection must comply with section 21 of this chapter.  
 20 However, if a police officer or firefighter is a member of the public  
 21 employees' retirement fund, the police officer or firefighter may  
 22 continue as a member of that fund instead of the 1977 fund.

23 **(d) If a unit that participates in the 1977 fund provides longevity**  
 24 **increases, the amount of the longevity increase provided in a year**  
 25 **must be greater than or equal to the amount of the longevity**  
 26 **increase provided in the previous year.**

27 SECTION 5. IC 36-8-8-6, AS AMENDED BY P.L.35-2012,  
 28 SECTION 118, IS AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Each employer shall  
 30 annually on March 31, June 30, September 30, and December 31, for  
 31 the calendar quarters ending on those dates, or an alternate date  
 32 established by the rules of the system board, pay into the 1977 fund an  
 33 amount determined by the system board:

34 (1) for administration expenses; and  
 35 (2) sufficient to maintain level cost funding during the period of  
 36 employment on an actuarial basis for members hired after April  
 37 30, 1977.

38 (b) After December 31, 2011, each employer shall submit the  
 39 payments required by subsection (a) by electronic funds transfer.

40 **(c) After June 30, 2021, an employer must provide to the system**  
 41 **board any reports or records requested by the system board. The**  
 42 **requested reports or records must be provided to the system**



1 board:

2 (1) not more than thirty (30) days after the end of the  
3 calendar quarter, if applicable; or

4 (2) by an alternate due date established by the rules of the  
5 system board.

6 The reports or records requested by the system board must be  
7 provided through a secure connection over the Internet or through  
8 other electronic means specified by the system board.

9 (d) If the employer does not provide the reports or records  
10 specified in subsection (c), the system board may fine the employer  
11 or department one hundred dollars (\$100) for each day that the  
12 reports or records are late, to be withheld under subsection (e).

13 (e) If an employer fails to make the payments or provide the  
14 reports and membership records as required by subsection (a) or (c)  
15 or fails to send the fund members' contributions required by section  
16 8(a) of this chapter, the amount payable, on request of the system  
17 board, may be withheld by the auditor of state from money payable to  
18 the employer and transferred to the fund. In the alternative, the amount  
19 payable may be recovered in the circuit or superior court of the county  
20 in which the employer is located, in an action by the state on the  
21 relation of the system board, prosecuted by the attorney general.

22 (f) In addition to the right of recovery in subsection (e), an  
23 alleged failure of an employer to make the payments required by  
24 subsection (a) may be examined by the state board of accounts  
25 under IC 5-11-1 or by the Indiana public retirement system as  
26 necessary to confirm compliance with subsection (a).

27 SECTION 6. IC 36-8-8-6.5 IS ADDED TO THE INDIANA CODE  
28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
29 UPON PASSAGE]: **Sec. 6.5. (a) An employer shall annually submit  
30 to the system board before January 1 the salary of a first class  
31 patrolman or first class firefighter.**

32 (b) If the system board requests that an employer submit the  
33 salary of a first class patrolman or first class firefighter, the  
34 employer must submit the requested salary to the system board not  
35 more than thirty (30) days after the system board makes the  
36 request.

37 (c) The submissions in subsections (a) and (b) must be made  
38 through a secure connection over the Internet or through other  
39 electronic means specified by the system board.

40 (d) If an employer substantially increases the salary of a first  
41 class patrolman or first class firefighter, the system board may  
42 require the employer to at least maintain that salary to avoid a





1       **negative fiscal impact.**  
2       **SECTION 7. An emergency is declared for this act.**



REPORT OF THE PRESIDENT  
PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 396, currently assigned to the Committee on Pensions and Labor, be reassigned to the Committee on Appropriations.

BRAY

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COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 396, 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:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE UPON PASSAGE]".

Page 1, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 2. IC 36-8-3.5-12, AS AMENDED BY P.L.127-2017, SECTION 230, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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

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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.

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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 3. IC 36-8-4-7, AS AMENDED BY P.L.115-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Subject to IC 36-8-4.7, a person may not be appointed as a member of the:

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

A person may be reappointed as a member of the department only if 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 3, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 5. IC 36-8-8-6, AS AMENDED BY P.L.35-2012, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Each employer shall annually on March 31, June 30, September 30, and December 31, for the calendar quarters ending on those dates, or an alternate date established by the rules of the system board, pay into the 1977 fund an amount determined by the system board:

- (1) for administration expenses; and
- (2) sufficient to maintain level cost funding during the period of employment on an actuarial basis for members hired after April 30, 1977.



(b) After December 31, 2011, each employer shall submit the payments required by subsection (a) by electronic funds transfer.

**(c) After June 30, 2021, an employer must provide to the system board any reports or records requested by the system board. The requested reports or records must be provided to the system board:**

- (1) not more than thirty (30) days after the end of the calendar quarter, if applicable; or**
- (2) by an alternate due date established by the rules of the system board.**

**The reports or records requested by the system board must be provided through a secure connection over the Internet or through other electronic means specified by the system board.**

**(d) If the employer does not provide the reports or records specified in subsection (c), the system board may fine the employer or department one hundred dollars (\$100) for each day that the reports or records are late, to be withheld under subsection (e).**

**(e) If an employer fails to make the payments or provide the reports and membership records as required by subsections (a) or (c) or fails to send the fund members' contributions required by section 8(a) of this chapter, the amount payable, on request of the system board, may be withheld by the auditor of state from money payable to the employer and transferred to the fund. In the alternative, the amount payable may be recovered in the circuit or superior court of the county in which the employer is located, in an action by the state on the relation of the system board, prosecuted by the attorney general.**

**(f) In addition to the right of recovery in subsection (e), an alleged failure of an employer to make the payments required by subsection (a) may be examined by the state board of accounts under IC 5-11-1 or by the Indiana public retirement system as necessary to confirm compliance with subsection (a).**

SECTION 6. IC 36-8-8-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. (a) An employer shall annually submit to the system board before January 1 the salary of a first class patrolman or first class firefighter.**

**(b) If the system board requests that an employer submit the salary of a first class patrolman or first class firefighter, the employer must submit the requested salary to the system board not more than thirty (30) days after the system board makes the request.**



(c) The submissions in subsections (a) and (b) must be made through a secure connection over the Internet or through other electronic means specified by the system board.

(d) If an employer substantially increases the salary of a first class patrolman or first class firefighter, the system board may require the employer to at least maintain that salary to avoid a negative fiscal impact."

Page 3, delete lines 2 through 26, begin a new paragraph and insert: "SECTION 7. An emergency is declared for this act."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 396 as introduced.)

MISHLER, Chairperson

Committee Vote: Yeas 12, Nays 0.

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#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred Senate Bill 396, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 36-8-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) "Salary of a first class patrolman or first class firefighter" means the ~~base~~ **highest nonpromoted** salary of a patrolman or firefighter plus all longevity increases, if provided by the employer, for:

- (1) **service of not more than twenty (20) years; or**
- (2) **service of more than twenty (20) years but less than twenty-five (25) years if provided as a result of the meet and confer process under IC 36-8-22;**

~~service of twenty (20) years or less~~ but does not include remuneration or allowances for fringe benefits, incentive pay, holiday pay, insurance, clothing, automobiles, firearms, education, overtime, or compensatory time off.

(b) **This subsection applies if a salary certified under IC 36-8-8-6.5 is greater than the salary of a first class patrolman or first class firefighter under subsection (a). An employer may not**

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**increase the salary certified under IC 36-8-8-6.5 unless the salary of a first class patrolman or first class firefighter under subsection (a) exceeds the employer's most recent salary certified. If an employer certifies a new salary under IC 36-8-8-6.5, the new certified salary must be equal to the salary of a first class patrolman or first class firefighter under subsection (a). Subsection (a) does not require an employer to decrease the certified salary of a first class patrolman or first class firefighter in effect on May 14, 2021.**

(b) (c) With respect to the 1925, 1937, and 1953 funds, "salary of a first class patrolman or firefighter" may include longevity increases for more than twenty (20) years of service at the option of the employer but only if these longevity increases had taken effect before January 1, 1983."

Page 5, line 41, reset in roman "subsection".

Page 5, line 42, delete "subsections".

Page 6, line 30, delete "act." and insert "**act.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 396 as printed February 19, 2021.)

VANNATTER

Committee Vote: yeas 11, nays 0.

