

PROPOSED AMENDMENT

HB 1016 # 4

DIGEST

Police and fire merit systems. Removes provisions that would establish a merit system for certain police and fire departments on January 1, 2025. Requires a unit's legislative body or the governing board of a district or territory to hold a public meeting not later than October 31, 2023, to consider and vote on a resolution proposing to establish a merit system for each eligible department. Provides that if a resolution is adopted and a majority of the active members of the department vote to approve the resolution, the merit system is established on January 1 following the vote. Provides that if the legislative body or governing board holds a public meeting and does not adopt a resolution approving the establishment of a merit system, the active members of the department may, not later than October 31, 2024, hold a meeting to vote on whether the members recommend the establishment of a merit system. Provides that if the members vote to recommend the establishment of a merit system, the legislative body or governing board shall hold a public meeting not later than April 30, 2025, to consider whether to establish a merit system for each eligible department. Makes technical corrections.

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- 1 Page 7, delete lines 19 through 42, begin a new paragraph and
2 insert:
3 **"(d) Not later than October 31, 2023, the unit's legislative body**
4 **or the governing board of the district or territory shall hold a**
5 **public meeting to consider whether to establish a merit system for**
6 **each eligible department.**
7 **(e) The following apply to a public meeting held under**
8 **subsection (d) or (g):**
9 **(1) The legislative body or governing board shall list, as an**
10 **item for consideration on the agenda for the meeting, whether**
11 **to establish a merit system for each eligible department.**
12 **(2) Members of the public must be permitted to provide**
13 **testimony at the meeting.**
14 **(3) The members of the legislative body or governing board**
15 **shall vote at the conclusion of the meeting on a resolution**
16 **proposing to establish a merit system for each eligible**
17 **department.**
18 **(f) This subsection applies if a legislative body or governing**
19 **board adopts a resolution under subsection (e)(3) approving the**
20 **establishment of a merit system by an affirmative vote of at least**

1 a majority of its members. The active full-time, paid members of
2 the department shall vote to approve or reject the resolution
3 adopted by the legislative body or governing board in accordance
4 with the procedure set forth in section 4(a) through 4(c) of this
5 chapter. If a majority of the active members of the department
6 vote to approve the resolution, the merit system is established on
7 January 1 following the vote. The following apply to the merit
8 system:

9 (1) The merit system shall be considered to be established by
10 an ordinance or resolution that adopts all of the mandatory
11 and discretionary provisions of this chapter applicable to the
12 establishing unit, district, or territory.

13 (2) Not later than March 1 following the vote, a merit
14 commission shall be appointed that establishes or administers
15 policies based on merit for the appointment, promotion,
16 demotion, and dismissal of members of the department as set
17 forth in this chapter.

18 (g) This subsection applies if a legislative body or governing
19 board holds a public meeting under subsection (d) before
20 November 1, 2023, and does not adopt a resolution under
21 subsection (e)(3) approving the establishment of a merit system by
22 an affirmative vote of at least a majority of its members. Not later
23 than October 31, 2024, the active full-time, paid members of the
24 department may hold a meeting to vote on whether the members
25 recommend the establishment of a merit system. The following
26 apply to a meeting under this subsection:

27 (1) The safety board shall give at least three (3) weeks' notice
28 to all active members of the department that a meeting will be
29 held to vote on whether the members recommend the
30 establishment of a merit system.

31 (2) The notice shall be given by posting it in prominent places
32 in all stations of the department. The notice must designate
33 the time, place, and purpose of the meeting.

34 (3) A copy of the notice shall be distributed to each active
35 member of the department at least one (1) week before the
36 date of the meeting.

37 (4) Only active members of the department may attend the
38 meeting, and at the meeting one (1) of them shall be selected
39 as chair.

40 (5) All voting must be by secret written ballot.

(6) The other procedures for holding the meeting may be determined by the safety board and shall be posted in accordance with subdivision (2).

If a majority of the active members of the department vote to recommend the establishment of a merit system, the safety board shall provide written notice of the vote to the unit's legislative body or the governing board of the district or territory, as applicable. A legislative body or governing board that receives written notice under this subsection shall hold a public meeting not later than April 30, 2025, to consider whether to establish a merit system for each eligible department. The requirements described in subsections (e) and (f) apply to the public meeting and the actions that must be taken following the public meeting.

(h) After January 1, 2024, a merit system established under this section may be amended or dissolved as follows:

(1) The merit system may be amended by the:

(A) unit's legislative body adopting an ordinance or resolution as provided in section 3 of this chapter; or

(B) governing board adopting a resolution under section 1.1 of this chapter;

that has the effect of amending or deleting provisions of the merit system that are left to the discretion of the unit, district, or territory under this chapter.

(2) A merit system may be dissolved by following the procedure for establishing or rejecting a merit system under section 4 or 5 of this chapter. The dissolution takes effect on January 1 following the vote of at least a majority of the:

(A) active full-time paid members of the department to approve the ordinance or resolution dissolving the merit system under section 4 of this chapter; or

(B) members of the unit's legislative body or governing board to adopt the ordinance or resolution to dissolve the merit system under section 5 of this chapter, whichever is appropriate.

(i) If a majority of the active members of the department vote to reject the merit system under subsection (f), another proposal may not be put to a vote within one (1) year after the day the meeting is held."

Delete page 8.

Page 9, delete lines 1 through 7.

- 1 Page 12, line 12, delete "body;" and insert "**board;**".
(Reference is to HB 1016 as printed January 19, 2023.)