

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 307 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 5-2-12-5 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) Subject to
- 5 section 13 of this chapter, the following persons must register under this
- 6 chapter:
- 7 (1) An offender who resides in Indiana. An offender resides in
- 8 Indiana if either of the following applies:
- 9 (A) The offender spends or intends to spend at least seven (7)
- 10 days (including part of a day) in Indiana during a one hundred
- 11 eighty (180) day period.
- 12 (B) The offender owns real property in Indiana and returns to
- 13 Indiana at any time.
- 14 (2) An offender not described in subdivision (1) who works or
- 15 carries on a vocation or intends to work or carry on a vocation
- 16 full-time or part-time for a period of time:
- 17 (A) exceeding fourteen (14) consecutive days; or
- 18 (B) for an aggregate period of time exceeding thirty (30) days;
- 19 during any calendar year in Indiana, whether the offender is
- 20 financially compensated, volunteered, or is acting for the purpose
- 21 of government or educational benefit.
- 22 (3) An offender not described in subdivision (1) who is enrolled
- 23 or intends to be enrolled on a full-time or part-time basis in any
- 24 public or private educational institution, including any secondary
- 25 school, trade, or professional institution, or institution of higher

1 education in Indiana.

2 (b) Except as provided in subsection (e), an offender who resides in
3 Indiana shall register with the sheriff of the county where the offender
4 resides. If an offender resides in more than one (1) county, the offender
5 shall register with the sheriff of each county in which the offender
6 resides. ~~However, if an offender resides in a county having a~~
7 ~~consolidated city, the offender shall register with the police chief of the~~
8 ~~consolidated city.~~

9 (c) An offender described in subsection (a)(2) shall register with the
10 sheriff of the county where the offender is or intends to be employed or
11 carry on a vocation. ~~However, an offender described in subsection~~
12 ~~(a)(2) who is employed or intends to be employed or to carry on a~~
13 ~~vocation in a consolidated city shall register with the police chief of the~~
14 ~~consolidated city.~~ If an offender is or intends to be employed or carry
15 on a vocation in more than one (1) county, the offender shall register
16 with the sheriff of each county. ~~However, if an offender is employed or~~
17 ~~intends to be employed or to carry on a vocation in a county containing~~
18 ~~a consolidated city and another county, the offender shall register with~~
19 ~~the police chief of the consolidated city and the sheriff of the other~~
20 ~~county.~~

21 (d) An offender described in subsection (a)(3) shall register with the
22 sheriff of the county where the offender is enrolled or intends to be
23 enrolled as a student. ~~However, if an offender described in subsection~~
24 ~~(a)(3) is enrolled or intends to be enrolled as a student in a county~~
25 ~~containing a consolidated city, the offender shall register with the~~
26 ~~police chief of the consolidated city.~~

27 (e) An offender described in subsection (a)(1)(B) shall register with
28 the sheriff in the county in which the real property is located. ~~However,~~
29 ~~if the offender owns real property in a county containing a consolidated~~
30 ~~city, the offender shall register with the police chief of the consolidated~~
31 ~~city.~~

32 (f) An offender shall complete a registration form. Each sheriff ~~or~~
33 ~~police chief of a consolidated city~~ shall make the registration forms
34 available to registrants.

35 (g) The offender shall register not more than seven (7) days after the
36 offender:

- 37 (1) is released from a penal facility (as defined in IC 35-41-1-21);
- 38 (2) is released from a secure private facility (as defined in
- 39 IC 31-9-2-115);
- 40 (3) is released from a juvenile detention facility;
- 41 (4) is transferred to a community transition program;
- 42 (5) is placed on parole;
- 43 (6) is placed on probation;
- 44 (7) is placed on home detention; or
- 45 (8) arrives at the place where the offender is required to register
- 46 under subsection (b), (c), or (d);
- 47 whichever occurs first.

1 (h) Whenever an offender registers with a sheriff, ~~or the police chief~~
 2 ~~of a consolidated city~~, the sheriff ~~or police chief~~ shall immediately
 3 notify the institute of the offender's registration by forwarding a copy
 4 of the registration form to the institute.

5 (i) The sheriff with whom an offender registers under this section
 6 shall make and publish a photograph of an offender on the Indiana
 7 sheriffs' sex offender registry web site established under
 8 IC 36-2-13-5.5. ~~The police chief of a consolidated city with whom an~~
 9 ~~offender registers under this section shall make a photograph of the~~
 10 ~~offender that complies with the requirements of IC 36-2-13-5.5 and~~
 11 ~~transmit the photograph (and other identifying information required by~~
 12 ~~IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site~~
 13 ~~established under IC 36-2-13-5.5. Every time a sex offender submits a~~
 14 ~~new registration form to the police chief of a consolidated city, but at~~
 15 ~~least once per year, the police chief shall make a photograph of the sex~~
 16 ~~offender that complies with the requirements of IC 36-2-13-5.5. The~~
 17 ~~police chief of a consolidated city shall transmit the photograph and a~~
 18 ~~copy of the registration form to the Indiana sheriffs' sex offender~~
 19 ~~registry web site established under IC 36-2-13-5.5. The sheriff of a~~
 20 ~~county containing a consolidated city shall provide the police chief of~~
 21 ~~a consolidated city with all photographic and computer equipment~~
 22 ~~necessary to enable the police chief of the consolidated city to transmit~~
 23 ~~sex offender photographs (and other identifying information required~~
 24 ~~by IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site~~
 25 ~~established under IC 36-2-13-5.5. In addition, the sheriff of a county~~
 26 ~~containing a consolidated city shall provide all funding for the county's~~
 27 ~~financial obligation for the establishment and maintenance of the~~
 28 ~~Indiana sheriffs' sex offender registry web site established under~~
 29 ~~IC 36-2-13-5.5.~~

30 (j) When an offender completes a new registration form, the sheriff
 31 ~~or police chief of a consolidated city~~ shall:

32 (1) forward a copy of the new registration form to the institute;
 33 and

34 (2) notify every law enforcement agency having jurisdiction in the
 35 area where the offender resides.

36 SECTION 2. IC 5-2-12-7 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) Not more
 38 than fourteen (14) days before an Indiana offender who is required to
 39 register under this chapter is scheduled to be released from a
 40 correctional facility, transferred to a community transition or
 41 community corrections program, transferred to the jurisdiction of a
 42 sentencing court or probation office for a term of probation after being
 43 confined in a facility, released from any other penal facility (as defined
 44 in IC 35-41-1-21), released from a secure private facility (as defined in
 45 IC 31-9-2-115), or released from a juvenile detention facility, an
 46 official of the facility shall do the following:

47 (1) Orally inform the offender of the offender's duty to register

1 under this chapter and require the offender to sign a written
 2 statement that the offender was orally informed or, if the offender
 3 refuses to sign the statement, certify that the offender was orally
 4 informed of the duty to register.

5 (2) Deliver a registration form advising the offender of the
 6 offender's duty to register under this chapter and require the
 7 offender to sign a written statement that the offender received the
 8 written notice or, if the offender refuses to sign the statement,
 9 certify that the offender was given the written notice of the duty
 10 to register.

11 (3) Obtain the address where the offender expects to reside after
 12 the offender's release.

13 (4) Inform in writing on a form or in the form prescribed or
 14 approved by the institute the sheriff having jurisdiction in the
 15 county ~~or the police chief having jurisdiction in the consolidated~~
 16 ~~city~~ where the offender expects to reside of the offender's name,
 17 date of release or transfer, new address, and the offense or
 18 delinquent act committed by the offender.

19 (b) Not more than three (3) days after an offender who is required
 20 to register under this chapter is released or transferred as described in
 21 subsection (a), an official of the facility shall transmit to the state police
 22 the following:

23 (1) The offender's fingerprints, photograph, and identification
 24 factors.

25 (2) The address where the offender expects to reside after the
 26 offender's release.

27 (3) The complete criminal history data (as defined in
 28 IC 10-13-3-5) or, if the offender committed a delinquent act,
 29 juvenile history data (as defined in IC 10-13-4-4) of the offender.

30 (4) Information regarding the offender's past treatment for mental
 31 disorders.

32 (5) Information as to whether the offender has been determined to
 33 be a sexually violent predator.

34 (c) This subsection applies if an offender is placed on probation or
 35 in a community corrections program without confining the offender in
 36 a penal facility. The probation office serving the court in which the sex
 37 and violent offender is sentenced shall perform the duties required
 38 under subsections (a) and (b).

39 SECTION 3. IC 5-2-12-8 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) If an
 41 offender who is required to register under this chapter changes:

42 (1) home address; or

43 (2) if section 5(a)(2) or 5(a)(3) of this chapter applies, the place
 44 where the offender stays in Indiana;

45 the offender shall complete and submit a new registration form not
 46 more than seven (7) days after the address change to the sheriff ~~or the~~
 47 ~~police chief~~ with whom the offender last registered.

1 (b) If the offender moves to a new county in Indiana, the sheriff ~~or~~
 2 ~~the police chief~~ referred to in subsection (a) shall inform the sheriff in
 3 the new county ~~or the police chief of the consolidated city, if the county~~
 4 ~~has a consolidated city~~, in Indiana of the offender's residence by
 5 forwarding to the sheriff ~~or the police chief~~ in the new county a copy
 6 of the registration form. The sheriff ~~or the police chief~~ receiving the
 7 notice under this subsection shall verify the address of the offender
 8 under section 8.5 of this chapter within seven (7) days after receiving
 9 the notice.

10 (c) If an offender who is required to register under section 5(a)(2) or
 11 5(a)(3) of this chapter changes the offender's principal place of
 12 employment, principal place of vocation, or campus or location where
 13 the offender is enrolled in school, the offender shall submit a new
 14 registration form not more than seven (7) days after the change to the
 15 sheriff ~~or the police chief of a consolidated city~~ with whom the offender
 16 last registered.

17 (d) If an offender moves the offender's place of employment,
 18 vocation, or enrollment to a new county in Indiana, the sheriff ~~or the~~
 19 ~~police chief of a consolidated city~~ referred to in subsection (c) shall
 20 inform the sheriff in the new county in Indiana ~~or the police chief of the~~
 21 ~~consolidated city, if the county has a consolidated city~~, of the offender's
 22 new principal place of employment, vocation, or enrollment by
 23 forwarding a copy of the registration form to the sheriff ~~or the police~~
 24 ~~chief of the consolidated city~~ in the new county.

25 (e) If an offender moves the offender's residence, place of
 26 employment, or enrollment to a new state, the sheriff ~~or the police chief~~
 27 ~~of the consolidated city~~ shall inform the state police in the new state of
 28 the offender's new place of residence, employment, or enrollment.

29 (f) A sheriff ~~or police chief of a consolidated city~~ shall make the
 30 forms required under this section available to registrants.

31 (g) A sheriff ~~or police chief of a consolidated city~~ who is notified of
 32 a change under subsection (a) or (c) shall immediately notify the
 33 institute of the change by forwarding a copy of the registration form to
 34 the institute.

35 SECTION 4. IC 5-2-12-8.5 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8.5. (a) To verify
 37 an offender's current residence, the sheriff (~~or the police chief of a~~
 38 ~~consolidated city~~) shall do the following:

39 (1) Mail each offender a registration form to the offender's listed
 40 address at least one (1) time per year, beginning seven (7) days
 41 after the sheriff (~~or the police chief of a consolidated city~~) receives
 42 a notice under section 14 of this chapter or the date the offender
 43 is:

44 (A) released from a penal facility (as defined in
 45 IC 35-41-1-21), a secure private facility (as defined in
 46 IC 31-9-2-115), or a juvenile detention facility;

47 (B) placed in a community transition program;

- 1 (C) placed in a community corrections program;
 2 (D) placed on parole; or
 3 (E) placed on probation;
 4 whichever occurs first.
- 5 (2) Mail a registration form to each offender who is designated a
 6 sexually violent predator under IC 35-38-1-7.5 at least once every
 7 ninety (90) days, beginning seven (7) days after the sheriff ~~(or the~~
 8 ~~police chief of a consolidated city)~~ receives a notice under section
 9 14 of this chapter or the date the offender is:
- 10 (A) released from a penal facility (as defined in
 11 IC 35-41-1-21), a secure private facility (as defined in
 12 IC 31-9-2-115), or a juvenile detention facility;
 13 (B) placed in a community transition program;
 14 (C) placed in a community corrections program;
 15 (D) placed on parole; or
 16 (E) placed on probation;
 17 whichever occurs first.
- 18 (b) If an offender fails to return a signed registration form either by
 19 mail or in person, the sheriff ~~(or the police chief of a consolidated city)~~
 20 shall immediately notify the institute and the prosecuting attorney.
- 21 SECTION 5. IC 5-2-12-8.6 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8.6. (a) An
 23 offender who is required to register under this chapter may not petition
 24 for a change of name under IC 34-28-2.
- 25 (b) If an offender who is required to register under this chapter
 26 changes the offender's name due to marriage, the offender must notify
 27 the county sheriff ~~(or the police chief of a consolidated city)~~ by
 28 completing a registration form not more than thirty (30) days after the
 29 name change.
- 30 SECTION 6. IC 5-2-12-14 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. (a) The
 32 governor may enter into a compact with one (1) or more jurisdictions
 33 outside Indiana to exchange notifications concerning the release,
 34 transfer, or change of address, employment, vocation, or enrollment of
 35 an offender between Indiana and the other jurisdiction or the other
 36 jurisdiction and Indiana.
- 37 (b) The compact must provide for the designation of a state agency
 38 to coordinate the transfer of information.
- 39 (c) If the state agency receives information that an offender has
 40 relocated to Indiana to reside, engage in employment or a vocation, or
 41 enroll in school, the state agency shall inform in writing the sheriff of
 42 the county ~~(or the police chief of the consolidated city)~~ where the
 43 offender is required to register in Indiana of:
- 44 (1) the offender's name, date of relocation, and new address; and
 45 (2) the sex and violent offense or delinquent act committed by the
 46 offender.
- 47 SECTION 7. IC 6-1.1-17-21 IS ADDED TO THE INDIANA

1 CODE AS A NEW SECTION TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: **Sec. 21. Notwithstanding any**
3 **other law, in a county having a consolidated city, the city controller**
4 **of the consolidated city has all the powers and shall perform all the**
5 **duties assigned to county auditors under this chapter related to the**
6 **fixing and reviewing of budgets, tax rates, and tax levies.**

7 SECTION 8. IC 8-22-3-11.5 IS ADDED TO THE INDIANA
8 CODE AS A NEW SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2005]: **Sec. 11.5. (a) This section applies only**
10 **to an airport authority established for a county having a**
11 **consolidated city.**

12 **(b) Notwithstanding section 11 of this chapter, the legislative**
13 **body of the consolidated city may adopt an ordinance providing**
14 **that the law enforcement services of the airport authority are**
15 **consolidated into the police department of the consolidated city or**
16 **into the county sheriff's department.**

17 SECTION 9. IC 8-22-3-11.6 IS ADDED TO THE INDIANA
18 CODE AS A NEW SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2005]: **Sec. 11.6. (a) This section applies only**
20 **to an airport authority established for a county having a**
21 **consolidated city.**

22 **(b) The legislative body of the consolidated city may adopt an**
23 **ordinance providing that the fire department of the airport**
24 **authority is consolidated into the fire department of the**
25 **consolidated city under IC 36-3-1-6.1 effective January 1, 2007, and**
26 **that the fire department of the consolidated city shall provide fire**
27 **protection services for the airport authority.**

28 SECTION 10. IC 11-13-3-4 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 4. (a) A condition**
30 **to remaining on parole is that the parolee not commit a crime during the**
31 **period of parole.**

32 **(b) The parole board may also adopt, under IC 4-22-2, additional**
33 **conditions to remaining on parole and require a parolee to satisfy one**
34 **(1) or more of these conditions. These conditions must be reasonably**
35 **related to the parolee's successful reintegration into the community and**
36 **not unduly restrictive of a fundamental right.**

37 **(c) If a person is released on parole the parolee shall be given a**
38 **written statement of the conditions of parole. Signed copies of this**
39 **statement shall be:**

- 40 (1) retained by the parolee;
41 (2) forwarded to any person charged with the parolee's
42 supervision; and
43 (3) placed in the parolee's master file.

44 **(d) The parole board may modify parole conditions if the parolee**
45 **receives notice of that action and had ten (10) days after receipt of the**
46 **notice to express the parolee's views on the proposed modification. This**
47 **subsection does not apply to modification of parole conditions after a**

- 1 revocation proceeding under section 10 of this chapter.
- 2 (e) As a condition of parole, the parole board may require the
3 parolee to reside in a particular parole area. In determining a parolee's
4 residence requirement, the parole board shall:
- 5 (1) consider:
- 6 (A) the residence of the parolee prior to the parolee's
7 incarceration; and
- 8 (B) the parolee's place of employment; and
- 9 (2) assign the parolee to reside in the county where the parolee
10 resided prior to the parolee's incarceration unless assignment on
11 this basis would be detrimental to the parolee's successful
12 reintegration into the community.
- 13 (f) As a condition of parole, the parole board may require the parolee
14 to:
- 15 (1) periodically undergo a laboratory chemical test (as defined in
16 IC 14-15-8-1) or series of tests to detect and confirm the presence
17 of a controlled substance (as defined in IC 35-48-1-9); and
- 18 (2) have the results of any test under this subsection reported to
19 the parole board by the laboratory.
- 20 The parolee is responsible for any charges resulting from a test required
21 under this subsection. However, a person's parole may not be revoked
22 on the basis of the person's inability to pay for a test under this
23 subsection.
- 24 (g) As a condition of parole, the parole board:
- 25 (1) may require a parolee who is a sex and violent offender (as
26 defined in IC 5-2-12-4) to:
- 27 (A) participate in a treatment program for sex offenders
28 approved by the parole board; and
- 29 (B) avoid contact with any person who is less than sixteen (16)
30 years of age unless the parolee:
- 31 (i) receives the parole board's approval; or
32 (ii) successfully completes the treatment program referred to
33 in clause (A); and
- 34 (2) shall:
- 35 (A) require a parolee who is an offender (as defined in
36 IC 5-2-12-4) to register with a sheriff ~~(or the police chief of a~~
37 ~~consolidated city)~~ under IC 5-2-12-5;
- 38 (B) prohibit the offender from residing within one thousand
39 (1,000) feet of school property (as defined in IC 35-41-1-24.7)
40 for the period of parole, unless the offender obtains written
41 approval from the parole board; and
- 42 (C) prohibit a parolee who is an offender convicted of a sex
43 offense (as defined in IC 35-38-2-2.5) from residing within one
44 (1) mile of the victim of the offender's sex offense unless the
45 offender obtains a waiver under IC 35-38-2-2.5.
- 46 If the parole board allows the offender to reside within one thousand
47 (1,000) feet of school property under subdivision (2)(B), the parole

1 board shall notify each school within one thousand (1,000) feet of the
2 offender's residence of the order.

3 (h) The address of the victim of a parolee who is an offender
4 convicted of a sex offense (as defined in IC 35-38-2-2.5) is
5 confidential, even if the offender obtains a waiver under
6 IC 35-38-2-2.5.

7 SECTION 11. IC 31-37-19-5 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) This section
9 applies if a child is a delinquent child under IC 31-37-1.

10 (b) The juvenile court may, in addition to an order under section 6
11 of this chapter, enter at least one (1) of the following dispositional
12 decrees:

13 (1) Order supervision of the child by:

14 (A) the probation department; or

15 (B) the county office of family and children.

16 As a condition of probation under this subdivision, the juvenile
17 court shall after a determination under IC 5-2-12-4 require a child
18 who is adjudicated a delinquent child for an act that would be an
19 offense described in IC 5-2-12-4 if committed by an adult to
20 register with the sheriff ~~(or the police chief of a consolidated city)~~
21 under IC 5-2-12.

22 (2) Order the child to receive outpatient treatment:

23 (A) at a social service agency or a psychological, a psychiatric,
24 a medical, or an educational facility; or

25 (B) from an individual practitioner.

26 (3) Order the child to surrender the child's driver's license to the
27 court for a specified period of time.

28 (4) Order the child to pay restitution if the victim provides
29 reasonable evidence of the victim's loss, which the child may
30 challenge at the dispositional hearing.

31 (5) Partially or completely emancipate the child under section 27
32 of this chapter.

33 (6) Order the child to attend an alcohol and drug services program
34 established under IC 12-23-14.

35 (7) Order the child to perform community restitution or service for
36 a specified period of time.

37 (8) Order wardship of the child as provided in section 9 of this
38 chapter.

39 SECTION 12. IC 33-24-5-2 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. **(a)** The sheriff
41 of the supreme court or a county police officer shall:

42 (1) attend the court in term time;

43 ~~(2) execute the orders of the court;~~

44 ~~(3) (2) preserve order within the court; and~~

45 ~~(4) execute all process issued out of the court;~~

46 **(3) execute all civil process issued out of the court.**

47 **(b) An officer of the police department of the consolidated city**

1 **or a county police officer, as determined by the ordinance adopted**
2 **by the legislative body of the consolidated city, shall execute:**

3 **(1) the orders of the court; and**

4 **(2) all criminal process issued out of the court.**

5 SECTION 13. IC 35-38-1-7.5 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7.5. (a) As used
7 in this section, "sexually violent predator" has the meaning set forth in
8 IC 5-2-12-4.5.

9 (b) This section applies whenever a court sentences a person for a
10 sex offense listed in IC 5-2-12-4(a)(1) through IC 5-2-12-4(a)(10) for
11 which the person is required to register with the sheriff ~~(or the police~~
12 ~~chief of a consolidated city)~~ under IC 5-2-12-5.

13 (c) At the sentencing hearing, the court shall determine whether the
14 person is a sexually violent predator. Before making a determination
15 under this section, the court shall consult with a board of experts
16 consisting of two (2) board certified psychologists or psychiatrists who
17 have expertise in criminal behavioral disorders.

18 (d) If the court finds that a person is a sexually violent predator:

19 (1) the person is required to register with the sheriff ~~(or the police~~
20 ~~chief of a consolidated city)~~ as provided in IC 5-2-12-13(b); and

21 (2) the court shall send notice of its finding under this subsection
22 to the criminal justice institute.

23 (e) A person who is found by a court to be a sexually violent
24 predator under subsection (c) may petition the court to consider whether
25 the person is no longer a sexually violent predator. The person may file
26 a petition under this subsection not earlier than ten (10) years after the
27 sentencing court makes its finding under subsection (c). A person may
28 file a petition under this subsection not more than one (1) time per year.
29 If a court finds that the person is no longer a sexually violent predator,
30 the court shall send notice to the Indiana criminal justice institute that
31 the person is no longer considered a sexually violent predator.

32 SECTION 14. IC 35-38-2-2.2 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2.2. As a
34 condition of probation for an offender (as defined in IC 5-2-12-4), the
35 court shall:

36 (1) require the offender to register with the sheriff ~~(or the police~~
37 ~~chief of a consolidated city)~~ under IC 5-2-12-5; and

38 (2) prohibit the offender from residing within one thousand
39 (1,000) feet of school property (as defined in IC 35-41-1-24.7) for
40 the period of probation, unless the offender obtains written
41 approval from the court.

42 If the court allows the offender to reside within one thousand (1,000)
43 feet of school property under subdivision (2), the court shall notify each
44 school within one thousand (1,000) feet of the offender's residence of
45 the order.

46 SECTION 15. IC 36-1-2-7 IS AMENDED TO READ AS
47 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. "Fiscal officer"

- 1 means:
- 2 (1) auditor, for a county **not having a consolidated city;**
 - 3 (2) controller, for a:
 - 4 (A) consolidated city;
 - 5 (B) **county having a consolidated city, except as otherwise**
 - 6 **provided; or**
 - 7 (C) second class city; - 8 (3) clerk-treasurer, for a third class city;
 - 9 (4) clerk-treasurer, for a town; or
 - 10 (5) trustee, for a township.
- 11 SECTION 16. IC 36-2-9-1 IS AMENDED TO READ AS
- 12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter
- 13 applies to all counties **except a county containing a consolidated city.**
- 14 SECTION 17. IC 36-2-9.5 IS ADDED TO THE INDIANA CODE
- 15 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 16 UPON PASSAGE]:
- 17 **Chapter 9.5. County Auditor of Marion County**
- 18 **Sec. 1. This chapter applies to a county having a consolidated**
- 19 **city.**
- 20 **Sec. 2. (a) The county auditor must reside within the county as**
- 21 **provided in Article 6, Section 6 of the Constitution of the State of**
- 22 **Indiana. The auditor forfeits office if the auditor ceases to be a**
- 23 **resident of the county.**
- 24 **(b) The term of office of the county auditor under Article 6,**
- 25 **Section 2 of the Constitution of the State of Indiana is four (4) years**
- 26 **and continues until a successor is elected and qualified.**
- 27 **Sec. 3. The county auditor shall keep an office in a building**
- 28 **provided at the county seat by the county executive. The auditor**
- 29 **shall keep the office open for business during regular business**
- 30 **hours on every day of the year except:**
- 31 (1) Sundays;
 - 32 (2) legal holidays; and
 - 33 (3) days specified by the county executive according to the
 - 34 custom and practice of the county.
- 35 **Sec. 4. A legal action required to be taken in the county**
- 36 **auditor's office on a day when the auditor's office is closed under**
- 37 **section 3 of this chapter may be taken on the next day the office is**
- 38 **open.**
- 39 **Sec. 5. The county auditor shall furnish standard forms for use**
- 40 **in the transaction of business under this article and for use in the**
- 41 **performance of services for which the auditor receives a specific**
- 42 **fee.**
- 43 **Sec. 6. The county auditor may administer the following:**
- 44 (1) An oath necessary in the performance of the auditor's
 - 45 duties.
 - 46 (2) The oath of office to an officer who receives the officer's

1 certificate of appointment or election from the auditor.

2 (3) An oath relating to the duty of an officer who receives the
3 officer's certificate of appointment or election from the
4 auditor.

5 (4) The oath of office to a member of the board of directors of
6 a solid waste management district established under IC 13-21
7 or IC 13-9.5 (before its repeal).

8 **Sec. 7. (a) The county auditor shall:**

9 (1) keep a separate account for each item of appropriation
10 made by the legislative body of the consolidated city; and

11 (2) in each warrant the county auditor draws on the county or
12 city treasury, specifically indicate the item of appropriation
13 the warrant is drawn against.

14 (b) The county auditor may not permit an item of appropriation
15 to be:

16 (1) overdrawn; or

17 (2) drawn on for a purpose other than the specific purpose for
18 which the appropriation was made.

19 (c) A county auditor who knowingly violates this section
20 commits a Class A misdemeanor.

21 **Sec. 8. The county auditor shall keep an accurate account
22 current with the county treasurer. When a receipt given by the
23 treasurer for money paid into the county or city treasury is
24 deposited with the county auditor, the county auditor shall:**

25 (1) file the treasurer's receipt;

26 (2) charge the treasurer with the amount of the treasurer's
27 receipt; and

28 (3) issue the county auditor's receipt to the person presenting
29 the treasurer's receipt.

30 **Sec. 9. (a) This section does not apply to:**

31 (1) funds received from the state or the federal government
32 for:

33 (A) township assistance;

34 (B) unemployment relief; or

35 (C) old age pensions; or

36 (2) other funds available under:

37 (A) the federal Social Security Act; or

38 (B) another federal statute providing for civil and public
39 works projects.

40 (b) Except for money that by statute is due and payable from the
41 county or city treasury to:

42 (1) the state; or

43 (2) a township or municipality in the county;

44 money may be paid from the county or city treasury only upon a
45 warrant drawn by the county auditor.

46 (c) A warrant may be drawn on the county or city treasury only

- 1 **if:**
- 2 **(1) the legislative body of the consolidated city made an**
- 3 **appropriation of the money for the calendar year in which the**
- 4 **warrant is drawn; and**
- 5 **(2) the appropriation is not exhausted.**
- 6 **(d) Notwithstanding subsection (c), an appropriation by the**
- 7 **legislative body is not necessary to authorize the drawing of a**
- 8 **warrant on and payment from the county or city treasury for:**
- 9 **(1) money that:**
- 10 **(A) belongs to the state; and**
- 11 **(B) is required by statute to be paid into the state treasury;**
- 12 **(2) money that belongs to a school fund, whether principal or**
- 13 **interest;**
- 14 **(3) money that:**
- 15 **(A) belongs to a township or municipality in the county;**
- 16 **and**
- 17 **(B) is required by statute to be paid to the township or**
- 18 **municipality;**
- 19 **(4) money that:**
- 20 **(A) is due a person;**
- 21 **(B) is paid into the county or city treasury under an**
- 22 **assessment on persons or property of the county in**
- 23 **territory less than that of the whole county; and**
- 24 **(C) is paid for construction, maintenance, or purchase of a**
- 25 **public improvement;**
- 26 **(5) money that is due a person and is paid into the county**
- 27 **treasury to redeem property from a tax sale or other forced**
- 28 **sale;**
- 29 **(6) money that is due a person and is paid to the county or city**
- 30 **under law as a tender or payment to the person;**
- 31 **(7) taxes erroneously paid;**
- 32 **(8) money paid to a cemetery board under IC 23-14-65-22;**
- 33 **(9) money distributed under IC 23-14-70-3; or**
- 34 **(10) payments under a statute that expressly provides for**
- 35 **payments from the county or city treasury without**
- 36 **appropriation by the legislative body.**
- 37 **(e) A county auditor who knowingly violates this section**
- 38 **commits a Class A misdemeanor.**
- 39 **Sec. 10. (a) The county auditor shall examine and settle all**
- 40 **accounts and demands that are:**
- 41 **(1) chargeable against the county or city; and**
- 42 **(2) not otherwise provided for by statute.**
- 43 **(b) The county auditor shall issue warrants on the county or city**
- 44 **treasury for:**
- 45 **(1) sums of money settled and allowed by the county auditor;**
- 46 **(2) sums of money settled and allowed by another official; or**

1 **(3) settlements and allowances fixed by statute;**
2 **and shall make the warrants payable to the person entitled to**
3 **payment. The warrants shall be numbered progressively, and the**
4 **controller shall record the number, date, amount, payee, and**
5 **purpose of issue of each warrant at the time of issuance.**

6 **Sec. 11. Whenever:**

7 **(1) a judgment or an order is issued by a court in a case in**
8 **which the county was a party and was served with process for**
9 **the payment of a claim;**

10 **(2) a certified copy of the judgment or order is filed with the**
11 **auditor; and**

12 **(3) the claim is allowed by the county executive;**
13 **the auditor shall issue his warrant for the claim.**

14 **Sec. 12. (a) At the semiannual settlement under IC 6-1.1-27, the**
15 **auditor shall issue calls for the redemption of outstanding county**
16 **warrants if there is any money available in the county treasury for**
17 **redemption of those warrants.**

18 **(b) A warrant included in a call under this section ceases to bear**
19 **interest upon the date of the call. The county treasurer shall**
20 **redeem warrants included in the call when they are presented to**
21 **the county treasurer.**

22 **(c) An auditor who violates this section is liable for the interest**
23 **on all money used for redemption.**

24 **Sec. 13. (a) The county auditor is responsible for the issuance of**
25 **warrants for payments from county and city funds.**

26 **(b) The county auditor is responsible for:**

27 **(1) accounting;**

28 **(2) payroll, accounts payable, and accounts receivable;**

29 **(3) revenue and tax distributions; and**

30 **(4) maintenance of property records;**

31 **for all city and county departments, offices, and agencies.**

32 **Sec. 14. The county auditor has all the powers and duties**
33 **assigned to county auditors under IC 6-1.1, except for the powers**
34 **and duties related to the fixing and reviewing of budgets, tax rates,**
35 **and tax levies.**

36 **Sec. 15. The county auditor does not have powers and duties**
37 **concerning the fixing and reviewing of budgets, tax rates, and tax**
38 **levies.**

39 **Sec. 16. The county auditor has the powers and duties set forth**
40 **in IC 36-2-9-18 and IC 36-2-9-20.**

41 **Sec. 17. If a county auditor is held personally liable for penalties**
42 **and interest assessed by the Internal Revenue Service, the county**
43 **treasurer shall reimburse the county auditor in an amount equal to**
44 **the penalties and interest. However, the county treasurer may not**
45 **reimburse the county auditor if the county auditor willfully or**
46 **intentionally failed or refused to file a return or make a required**

- 1 **deposit on the date the return or deposit was due.**
- 2 SECTION 18. IC 36-3-1-5.1 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2005] **Sec. 5.1. (a) Except for those duties**
- 5 **that are reserved by law to the county sheriff, the city-county**
- 6 **legislative body may by majority vote adopt an ordinance to**
- 7 **consolidate the police department of the consolidated city and the**
- 8 **county sheriff's department.**
- 9 **(b) The city-county legislative body may not adopt an ordinance**
- 10 **under this section unless it first:**
- 11 **(1) holds a public hearing on the proposed consolidation; and**
- 12 **(2) determines that:**
- 13 **(A) reasonable and adequate police protection can be**
- 14 **provided through the consolidation; and**
- 15 **(B) the consolidation is in the public interest.**
- 16 **(c) An ordinance adopted under this section must be adopted**
- 17 **before July 1 of a year.**
- 18 **(d) The consolidation may not take effect earlier than January**
- 19 **1 following the year in which the ordinance is adopted.**
- 20 **(e) An ordinance adopted under this section must provide that**
- 21 **the county sheriff's department shall be responsible for all the**
- 22 **following for the consolidated city and the county under the**
- 23 **direction and control of the sheriff:**
- 24 **(1) County jail operations and facilities.**
- 25 **(2) Emergency communications.**
- 26 **(3) Security for buildings and property owned by:**
- 27 **(A) the consolidated city;**
- 28 **(B) the county; or**
- 29 **(C) both the consolidated city and county.**
- 30 **(4) Service of civil process and collection of taxes under tax**
- 31 **warrants.**
- 32 **(5) Sex offender registration under IC 5-2-12.**
- 33 **(f) The following apply if an ordinance is adopted under this**
- 34 **section:**
- 35 **(1) The department of local government finance, on**
- 36 **recommendation from the local government tax control**
- 37 **board, shall adjust the maximum permissible ad valorem**
- 38 **property tax levy of the consolidated city and the county for**
- 39 **property taxes first due and payable in the year a**
- 40 **consolidation takes effect under this section.**
- 41 **(2) The ordinance must specify which law enforcement**
- 42 **officers of the police department and which law enforcement**
- 43 **officers of the county sheriff's department shall be law**
- 44 **enforcement officers of the consolidated law enforcement**
- 45 **department.**
- 46 **(3) The consolidated law enforcement department shall**

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provide law enforcement services for an excluded city or town in the county if the legislative body of the excluded city or town adopts an ordinance requesting those law enforcement services.

(4) A member of the county police force who:

(A) was an employee beneficiary of the sheriff's pension trust before the consolidation of the law enforcement departments; and

(B) after the consolidation becomes a law enforcement officer of the consolidated law enforcement department; remains an employee beneficiary of the sheriff's pension trust. The member retains, after the consolidation, credit in the sheriff's pension trust for service earned while a member of the county police force and continues to earn service credit in the sheriff's pension trust as a member of the consolidated law enforcement department for purposes of determining the member's benefits from the sheriff's pension trust.

(5) A member of the police department of the consolidated city who:

(A) was a member of the 1953 fund or the 1977 fund before the consolidation of the law enforcement departments; and

(B) after the consolidation becomes a law enforcement officer of the consolidated law enforcement department; remains a member of the 1953 fund or the 1977 fund. The member retains, after the consolidation, credit in the 1953 fund or the 1977 fund for service earned while a member of the police department of the consolidated city and continues to earn service credit in the 1953 fund or the 1977 fund as a member of the consolidated law enforcement department for purposes of determining the member's benefits from the 1953 fund or the 1977 fund.

(6) The executive of the consolidated city shall provide for an independent evaluation and performance audit to determine the amount of any cost savings, operational efficiencies, or improved service levels that result from the consolidation. The independent evaluation and performance audit must be conducted in each of the first five (5) years following the year in which the consolidation becomes effective. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6.

SECTION 19. IC 36-3-1-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.1. (a) Except as provided in section 6.3 of this chapter, if the requirements of subsection (g) are satisfied, the fire departments of the following are consolidated into the fire department of a consolidated city (referred to as "the**

- 1 consolidated fire department") on January 1, 2007.
- 2 (1) A township in which the consolidation is approved by the
3 voters of the township under subsection (g).
- 4 (2) A fire protection territory established under IC 36-8-19
5 that is located in a township described in subdivision (1).
- 6 (b) Except as provided by section 6.3 of this chapter, the
7 consolidated fire department shall beginning January 1, 2007,
8 provide fire protection services within an entity described in
9 subsection (a)(1) or (a)(2) in which requirements of subsection (g)
10 are satisfied.
- 11 (c) If the requirements of subsection (g) are satisfied and the fire
12 department of an entity listed in subsection (a) is consolidated into
13 the fire department of the consolidated city, all of the property,
14 equipment, records, rights, and contracts of the department listed
15 in subsection (a) are:
16 (1) transferred to; or
17 (2) assumed by;
18 the consolidated city on January 1, 2007.
- 19 (d) If the requirements of subsection (g) are satisfied and the fire
20 departments of the entities listed in subsection (a) are consolidated
21 into the fire department of a consolidated city, the employees of the
22 departments listed in subsection (a) cease employment with those
23 departments and become employees of the consolidated fire
24 department on January 1, 2007. The consolidated city shall assume
25 all agreements with labor organizations that:
26 (1) are in effect on January 1, 2007; and
27 (2) apply to employees of the departments listed in subsection
28 (a) who become employees of the consolidated fire
29 department.
- 30 (e) If the requirements of subsection (g) are satisfied and the fire
31 department of an entity listed in subsection (a) is consolidated into
32 the fire department of a consolidated city, the indebtedness related
33 to fire protection services incurred before January 1, 2007, by the
34 entity or a building, holding, or leasing corporation on behalf of the
35 entity whose fire department is consolidated into the consolidated
36 fire department under subsection (a) shall remain the debt of the
37 entity and does not become and may not be assumed by the
38 consolidated city. Indebtedness related to fire protection services
39 that is incurred before January 1, 2007, by the consolidated city
40 shall remain the debt of the consolidated city and may only be paid
41 from property taxes levied within the fire special service district.
- 42 (f) If the requirements of subsection (g) are satisfied and the fire
43 departments of the entities listed in subsection (a) are consolidated
44 into the fire department of a consolidated city, the merit board and
45 the merit system of each fire department that is consolidated is
46 dissolved on January 1, 2007, and the duties of the merit boards are

- 1 transferred to and assumed by the merit board for the consolidated
- 2 fire department on the effective date of the consolidation.
- 3 (g) The fire department of a township or a fire protection
- 4 territory within a township may be consolidated into the fire
- 5 department of a consolidated city under this section only if all of
- 6 the following conditions are satisfied:
- 7 (1) Before January 1, 2006, the legislative body of the
- 8 consolidated city adopts by majority vote an ordinance
- 9 approving the consolidation. The legislative body may adopt
- 10 the ordinance only if it determines after a public hearing that:
- 11 (A) reasonable and adequate fire protection service can be
- 12 provided if the consolidation occurs; and
- 13 (B) the consolidation is in the public interest.
- 14 (2) At the primary election in May 2006, a majority of the
- 15 voters residing in that part of the township that is not within
- 16 the fire special service district approve the consolidation in a
- 17 local public question under IC 3-10-9.
- 18 (h) The following apply if the requirements of subsection (g) are
- 19 satisfied in a township:
- 20 (1) The fire department of the township is consolidated into
- 21 the fire department of the consolidated city effective January
- 22 1, 2007.
- 23 (2) Notwithstanding any other provision, a firefighter:
- 24 (A) who is a member of the 1977 fund before the effective
- 25 date of a consolidation under this section or section 6.3 of
- 26 this chapter; and
- 27 (B) who, after the consolidation, becomes an employee of
- 28 the fire department of a consolidated city under this section
- 29 or section 6.3 of this chapter;
- 30 remains a member of the 1977 fund without being required to
- 31 meet the requirements under IC 36-8-8-19 and IC 36-8-8-21.
- 32 The firefighter shall receive credit for any service as a
- 33 member of the 1977 fund before the consolidation to
- 34 determine the firefighter's eligibility for benefits under
- 35 IC 36-8-8.
- 36 (3) Notwithstanding any other provision, a firefighter:
- 37 (A) who is a member of the 1937 fund before the effective
- 38 date of a consolidation under this section or section 6.3 of
- 39 this chapter; and
- 40 (B) who, after the consolidation, becomes an employee of
- 41 the fire department of a consolidated city under this section
- 42 or section 6.3 of this chapter;
- 43 remains a member of the 1937 fund. The firefighter shall
- 44 receive credit for any service as a member of the 1937 fund
- 45 before the consolidation to determine the firefighter's
- 46 eligibility for benefits under IC 36-8-7.

- 1 **(4) For property taxes first due and payable in 2007, the**
- 2 **maximum permissible ad valorem property tax levy under**
- 3 **IC 6-1.1-18.5:**
- 4 **(A) is increased for the consolidated city by an amount**
- 5 **equal to the maximum permissible ad valorem property**
- 6 **tax levy in 2006 for fire protection and related services by**
- 7 **each township whose fire department is consolidated into**
- 8 **the fire department of the consolidated city under this**
- 9 **section; and**
- 10 **(B) is reduced for each township whose fire department is**
- 11 **consolidated into the fire department of the consolidated**
- 12 **city under this section by the amount equal to the**
- 13 **maximum permissible ad valorem property tax levy in**
- 14 **2006 for fire protection and related services for the**
- 15 **township.**
- 16 **(5) The amount levied in 2006 by each township whose fire**
- 17 **department is consolidated into the fire department of the**
- 18 **consolidated city for the township's cumulative building and**
- 19 **equipment fund for fire protection and related services is**
- 20 **transferred on January 1, 2007, to the consolidated city's**
- 21 **cumulative building and equipment fund for fire protection**
- 22 **and related services, which is hereby established. The**
- 23 **consolidated city is exempted from the requirements of**
- 24 **IC 36-8-14 and IC 6-1.1-41 regarding establishment of the**
- 25 **cumulative building and equipment fund for fire protection**
- 26 **and related services.**
- 27 **(6) The executive of the consolidated city shall provide for an**
- 28 **independent evaluation to determine the amount of any cost**
- 29 **savings, operational efficiencies, or improved service levels**
- 30 **that result from the consolidation of fire departments under**
- 31 **this section. The independent evaluation must be conducted in**
- 32 **each of the first five (5) years following the year in which the**
- 33 **consolidation becomes effective. The independent evaluation**
- 34 **must be provided to the legislative council in an electronic**
- 35 **format under IC 5-14-6.**

36 SECTION 20. IC 36-3-1-6.2 IS ADDED TO INDIANA CODE AS
 37 A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON
 38 PASSAGE]: **Sec. 6.2. If a consolidated fire department is**
 39 **established under section 6.1 of this chapter, the consolidated city,**
 40 **through the consolidated fire department, shall beginning January**
 41 **1, 2007, establish, operate, and maintain emergency ambulance**
 42 **services (as defined in IC 16-18-2-107) in the townships in the**
 43 **county that are consolidated under section 6.1 of this chapter.**

44 SECTION 21. IC 36-3-1-6.3 IS ADDED TO THE INDIANA
 45 CODE AS A NEW SECTION TO READ AS FOLLOWS
 46 [EFFECTIVE UPON PASSAGE]: **Sec. 6.3. (a) This section applies**

1 **only if a consolidated fire department is established under section**
 2 **6.1 of this chapter.**

3 **(b) The consolidated fire department may not provide fire**
 4 **protection services for:**

5 **(1) an excluded city; or**

6 **(2) a fire protection territory for which an excluded city is a**
 7 **provider unit (as defined in IC 36-8-19-3);**

8 **unless the fire protection services are provided under a valid**
 9 **intergovernmental agreement under law or the conditions in**
 10 **subsection (c) are met.**

11 **(c) For the consolidated fire department to provide fire**
 12 **protection services to an excluded city other than under a valid**
 13 **intergovernmental agreement, all of the following must occur:**

14 **(1) The legislative body of the excluded city and the**
 15 **city-county legislative body must adopt substantially similar**
 16 **ordinances authorizing the consolidation of the fire**
 17 **department of the excluded city into the consolidated fire**
 18 **department.**

19 **(2) The ordinances described in subdivision (1) must specify:**

20 **(A) the effective date of the consolidation, which must be**
 21 **January 1 of the year following the year in which the**
 22 **ordinances are adopted; and**

23 **(B) the conditions of the consolidation.**

24 **(d) After the effective date of the consolidation described in**
 25 **subsection (c), the consolidated fire department shall provide fire**
 26 **protection services within the territory of the excluded city.**

27 **(e) After the effective date of the consolidation described in**
 28 **subsection (c), all the property, equipment, records, rights, and**
 29 **contracts of the fire department of the excluded city are**
 30 **transferred to and assumed by the consolidated city.**

31 **(f) After the effective date of the consolidation described in**
 32 **subsection (c), the employees of the fire department of the excluded**
 33 **city cease employment with the excluded city and become**
 34 **employees of the consolidated fire department. The consolidated**
 35 **city shall assume all agreements with labor organizations that:**

36 **(1) are in effect after the effective date of the consolidation**
 37 **described in subsection (c); and**

38 **(2) apply to employees of the fire department of the excluded**
 39 **city who become employees of the consolidated fire**
 40 **department.**

41 **(g) All indebtedness related to fire protection services incurred**
 42 **before the effective date of the consolidation described in**
 43 **subsection (c) by:**

44 **(1) an excluded city; or**

45 **(2) a building, holding, or leasing corporation on behalf of an**
 46 **excluded city;**

1 whose fire department is consolidated into the consolidated fire
2 department under subsection (c).

3 (h) Whenever an excluded city consolidates its fire department
4 into the consolidated fire department under subsection (c), the local
5 boards for the 1937 firefighters' pension fund and the 1977 police
6 officers' and firefighters' pension and disability fund of the
7 excluded city are dissolved, and their services are terminated not
8 later than the effective date of the consolidation. The duties
9 performed by the local boards under IC 36-8-7 and IC 36-8-8,
10 respectively, are assumed by the consolidated city's local board for
11 the 1937 firefighters' pension fund and local board for the 1977
12 police officers' and firefighters' pension and disability fund,
13 respectively.

14 (i) Whenever an excluded city consolidates its fire department
15 into the consolidated fire department under subsection (c), the
16 merit board and merit system of the excluded city's fire
17 department are dissolved, and the duties of the excluded city's
18 merit board are transferred to and assumed by the merit board for
19 the fire department of the consolidated city.

20 (j) Whenever an excluded city consolidates its fire department
21 into the consolidated fire department under subsection (c), for
22 property taxes first due and payable in the year of the
23 consolidation, the maximum permissible ad valorem property tax
24 levy under IC 6-1.1-18.5:

25 (1) is increased for a consolidated city by the amount of the
26 maximum permissible ad valorem property tax levy for fire
27 protection and related services by the excluded city for the
28 prior year; and

29 (2) is reduced for the excluded city by the amount of the
30 maximum permissible ad valorem property tax levy for fire
31 protection and related services by the excluded city for the
32 prior year.

33 (k) Whenever an excluded city consolidates its fire department
34 into the consolidated fire department under subsection (c), the
35 amount levied under IC 6-1.1-41 and IC 36-8-14 in the prior
36 calendar year by the excluded city for its cumulative building and
37 equipment fund for firefighting and related services is transferred
38 to the consolidated city's cumulative building and equipment fund
39 for firefighting and related services, and the consolidated city is
40 exempted from the requirements of IC 6-1.1-41 and IC 36-8-14
41 regarding an increase to the levy for its cumulative building and
42 equipment fund for firefighting and related services.

43 SECTION 22. IC 36-3-5-2 IS AMENDED TO READ AS
44 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The
45 executive shall, subject to the approval of the city-county legislative
46 body, appoint each of his the executive's deputies and the director of

1 each department of the consolidated city. A deputy or director is
 2 appointed for a term of one (1) year and until his a successor is
 3 appointed and qualified, but serves at the pleasure of the executive.

4 (b) When making an appointment under subsection (a), the
 5 executive shall submit the name of an appointee to an office to the
 6 legislative body for its approval as follows:

7 (1) When the office has an incumbent, not more than forty-five
 8 (45) days before the expiration of the incumbent's one (1) year
 9 term.

10 (2) When the office has been vacated, not more than forty-five
 11 (45) days after the vacancy occurs.

12 (c) The executive may appoint an acting deputy or acting director
 13 whenever the incumbent is incapacitated or the office has been vacated.
 14 An acting deputy or acting director has all the powers of the office.

15 (d) The executive shall appoint:

16 (1) a controller;

17 (2) **two (2) deputy controllers, only one (1) of whom may be**
 18 **from the same political party as the executive; and**

19 (3) a corporation counsel;

20 each of whom serves at the pleasure of the executive.

21 (e) The corporation counsel and every attorney who is a city
 22 employee working for the corporation counsel must be a resident of the
 23 county and admitted to the practice of law in Indiana.

24 SECTION 23. IC 36-3-5-2.5 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) The
 26 controller appointed under section 2 of this chapter is:

27 (1) the fiscal officer of:

28 (A) the consolidated city; ~~but~~ **and**

29 (B) **the county; and**

30 (2) **the director of the office of finance and management**
 31 **established by section 2.7 of this chapter.**

32 (b) The county treasurer ~~shall serve~~ **serves** ex officio as the treasurer
 33 of the consolidated city.

34 SECTION 24. IC 36-3-5-2.6 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.6. The:

36 (1) controller is not liable, in an individual capacity, for any act or
 37 omission occurring in connection with the performance of the
 38 controller's duty as a fiscal officer of:

39 (A) the consolidated city; **and**

40 (B) **the county; and**

41 (2) **deputy controller is not liable, in an individual capacity,**
 42 **for any act or omission occurring in connection with the**
 43 **performance of the deputy controller's duty;**

44 unless the act or omission constitutes gross negligence or an intentional
 45 disregard of the controller's **or the deputy controller's** duty.

46 SECTION 25. IC 36-3-5-2.7 IS ADDED TO THE INDIANA
 47 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

- 1 [EFFECTIVE UPON PASSAGE]: **Sec. 2.7. (a) The office of finance**
 2 **and management is established and is responsible for:**
 3 (1) **budgeting;**
 4 (2) **financial reporting and audits;**
 5 (3) **purchasing; and**
 6 (4) **fixed assets;**
 7 **for all city and county departments, offices, and agencies.**
 8 (b) **The controller:**
 9 (1) **serves as the director of; and**
 10 (2) **may organize into divisions;**
 11 **the office of finance and management.**
 12 (c) **The office of finance and management is not responsible for**
 13 **the issuance of warrants for payments from county and city funds.**
 14 SECTION 26. IC 36-3-5-2.8 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE UPON PASSAGE]: **Sec. 2.8. (a) Except as provided in**
 17 **subsections (c) and (d), the controller:**
 18 (1) **has all the powers; and**
 19 (2) **performs all the duties;**
 20 **of a county auditor under IC 36-2-9.**
 21 (b) **Notwithstanding any other law, the controller has all the**
 22 **powers and shall perform all the duties assigned by law to the**
 23 **county auditor concerning the fixing and reviewing of budgets, tax**
 24 **rates, and tax levies.**
 25 (c) **The controller does not have the powers and may not**
 26 **perform the duties of the county auditor:**
 27 (1) **under IC 36-2-9.5;**
 28 (2) **as a member of the board of commissioners of the county**
 29 **under IC 36-3-3-10;**
 30 (3) **under IC 6-1.1, except for the powers and duties related to**
 31 **the fixing and reviewing of budgets, tax rates, and tax levies;**
 32 **and**
 33 (4) **concerning the issuance of warrants for payments from**
 34 **county and city funds.**
 35 (d) **Notwithstanding subsection (a), the executive, with the**
 36 **approval of the legislative body, may allocate the duties of county**
 37 **auditors, except the duties referred to in subsection (c), among:**
 38 (1) **the controller;**
 39 (2) **the county assessor;**
 40 (3) **the county auditor; or**
 41 (4) **other appropriate city or county officials.**
 42 SECTION 27. IC 36-3-5-9 IS ADDED TO THE INDIANA CODE
 43 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 44 UPON PASSAGE]: **Sec. 9. (a) The controller shall furnish standard**
 45 **forms for use in the:**
 46 (1) **transaction of business; and**

1 **(2) performance of services for which the consolidated city or**
 2 **county receives a specific fee.**

3 **(b) The controller shall replace worn maps and plats as required**
 4 **in IC 36-2-17-5(c).**

5 SECTION 28. IC 36-3-5-10 IS ADDED TO THE INDIANA CODE
 6 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 7 **UPON PASSAGE]: Sec. 10. The controller, in the name of the state**
 8 **and on behalf of any fund of the county or consolidated city, may**
 9 **sue principals or sureties on any obligation, whether the obligation**
 10 **is in the name of the state or another person.**

11 SECTION 29. IC 36-3-5-11 IS ADDED TO THE INDIANA CODE
 12 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 13 **UPON PASSAGE]: Sec. 11. The controller shall:**

14 **(1) file the original of the county treasurer's monthly report**
 15 **under IC 36-2-10-16 with the records of the county board of**
 16 **finance;**

17 **(2) present one (1) copy of the report to the legislative body of**
 18 **the consolidated city at its next regular meeting; and**

19 **(3) immediately transmit one (1) copy of the report to the state**
 20 **board of accounts.**

21 SECTION 30. IC 36-3-5-18 IS ADDED TO THE INDIANA CODE
 22 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 23 **UPON PASSAGE]: Sec. 18. (a) Except as provided in subsection (b),**
 24 **if the controller is held personally liable for penalties and interest**
 25 **assessed by the Internal Revenue Service, the county treasurer**
 26 **shall reimburse the controller in an amount equal to the penalties**
 27 **and interest.**

28 **(b) The county treasurer may not reimburse the controller**
 29 **under subsection (a) if the controller willfully or intentionally fails**
 30 **or refuses to file a return or make a required deposit on the date**
 31 **the return or deposit is due.**

32 SECTION 31. IC 36-3-6-4 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Before the
 34 Wednesday after the first Monday in July each year, the consolidated
 35 city and county shall prepare budget estimates for the ensuing budget
 36 year under this section.

37 (b) The following officers shall prepare for their respective
 38 departments, offices, agencies, or courts an estimate of the amount of
 39 money required for the ensuing budget year, stating in detail each
 40 category and item of expenditure they anticipate:

41 (1) The director of each department of the consolidated city.

42 (2) Each township assessor, elected county officer, or head of a
 43 county agency.

44 (3) The county clerk, for each court of which he is clerk.

45 (c) In addition to the estimates required by subsection (b), the county
 46 clerk shall prepare an estimate of the amount of money that is, under
 47 law, taxable against the county for the expenses of cases tried in other

1 counties on changes of venue.

2 (d) Each officer listed in subsection (b)(2) or (b)(3) shall append a
3 certificate to each estimate ~~he~~ **the officer** prepares stating that in ~~his~~ **the**
4 **officer's** opinion the amount fixed in each item will be required for the
5 purpose indicated. The certificate must be verified by the oath of the
6 officer.

7 (e) An estimate for a court or division of a court is subject to
8 modification and approval by the judge of the court or division.

9 (f) All of the estimates prepared by city officers **and county officers**
10 shall be submitted to the ~~city fiscal officer~~, and all of the estimates
11 prepared by county officers shall be submitted to the county fiscal
12 ~~officer~~: **controller**.

13 (g) The ~~city fiscal officer~~ **controller** shall also prepare an itemized
14 estimate of city **and county** expenditures for other purposes above the
15 money proposed to be used by the city departments **and county**
16 **officers and agencies**.

17 SECTION 32. IC 36-3-6-5 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The
19 ~~consolidated city fiscal officer~~ **controller** shall review and revise the
20 estimates of city **and county** expenditures ~~prepared~~ **submitted** under
21 section 4 of this chapter. Then ~~he~~ **the controller** shall prepare for the
22 executive a report of the estimated ~~department~~ budgets, miscellaneous
23 expenses, and revenues necessary or available to finance the estimates,
24 along with ~~his~~ **the controller's** recommendations.

25 (b) The executive shall determine the amounts to be included in the
26 proposed appropriations ordinance by the ~~city fiscal officer~~ **controller**
27 and advise ~~him~~ **the controller** of those amounts.

28 SECTION 33. IC 36-3-6-6 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The
30 ~~consolidated city fiscal officer and the county fiscal officer~~ **controller**
31 shall, with the assistance of the corporation counsel, prepare:

- 32 (1) proposed appropriations ordinances for the city and county
33 and each special service district; and
34 (2) proposed ordinances fixing the rate of taxation for the taxes to
35 be levied for all city and county departments, offices, and
36 agencies.

37 The proposed appropriations ordinances must contain all the amounts
38 necessary for the operation of consolidated government, listed in major
39 classifications.

40 (b) The ~~fiscal officers~~ **controller** shall submit the proposed
41 ordinances **prepared under subsection (a)** along with appropriation
42 detail accounts for each city and county department, office, and agency,
43 to the city clerk not later than the first meeting of the city-county
44 legislative body in August.

45 SECTION 34. IC 36-3-6-8 IS AMENDED TO READ AS
46 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. After the
47 passage of an appropriations ordinance, a legislative body may, on the

1 recommendation of
 2 ~~(1) the consolidated city fiscal officer as to city matters; or~~
 3 ~~(2) the county fiscal officer controller, as to all city and county~~
 4 ~~matters,~~
 5 make further or additional appropriations, unless their result is to
 6 increase a tax levy set by ordinance.

7 SECTION 35. IC 36-6-4-3 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The executive
 9 shall do the following:

- 10 (1) Keep a written record of official proceedings.
- 11 (2) Manage all township property interests.
- 12 (3) Keep township records open for public inspection.
- 13 (4) Attend all meetings of the township legislative body.
- 14 (5) Receive and pay out township funds.
- 15 (6) Examine and settle all accounts and demands chargeable
 16 against the township.
- 17 (7) Administer poor relief under IC 12-20 and IC 12-30-4.
- 18 (8) Perform the duties of fence viewer under IC 32-26.
- 19 (9) Act as township assessor when required by IC 36-6-5.
- 20 (10) Provide and maintain cemeteries under IC 23-14.
- 21 (11) Provide fire protection under IC 36-8, **except in a township**
 22 **that:**
 23 **(A) is located in a county having a consolidated city; and**
 24 **(B) consolidated the township's fire department under**
 25 **IC 36-3-1-6.1.**
- 26 (12) File an annual personnel report under IC 5-11-13.
- 27 (13) Provide and maintain township parks and community centers
 28 under IC 36-10.
- 29 (14) Destroy detrimental plants, noxious weeds, and rank
 30 vegetation under IC 15-3-4.
- 31 (15) Provide insulin to the poor under IC 12-20-16.
- 32 (16) Perform other duties prescribed by statute.

33 SECTION 36. IC 36-8-13-1 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter
 35 applies to all townships. **However, this chapter does not apply to a**
 36 **township in which the township's fire department has been**
 37 **consolidated with the fire department of a consolidated city under**
 38 **IC 36-3-1-6.1.**

39 SECTION 37. [EFFECTIVE JULY 1, 2005] The general assembly
 40 finds the following:

- 41 (1) **A consolidated city faces unique budget challenges due to**
 42 **a high demand for services combined with the large number**
 43 **of tax exempt properties located in a consolidated city as the**
 44 **seat of state government, home to several institutions of higher**
 45 **education, and home to numerous national, state, and regional**
 46 **nonprofit corporations.**
- 47 (2) **By virtue of its size and population density, a consolidated**

- 1 city has unique overlapping territories of county, city, and
2 township government and an absence of unincorporated areas
3 within its county.
- 4 (3) By virtue of its size, population, and absence of
5 unincorporated areas, development extends to and across the
6 boundaries of the contiguous governmental territories located
7 within a county having a consolidated city, thus giving less
8 meaning to boundaries of the governmental territories located
9 within the county.
- 10 (4) By virtue of its size, population, absence of unincorporated
11 areas, overlapping territories, and development to and across
12 the boundaries of contiguous governmental territories, there
13 is less need for differentiation of local governmental services
14 within the separate governmental territories located within a
15 county having a consolidated city, but rather the local
16 governmental service needs are similar and more uniform
17 within and across a county having a consolidated city.
- 18 (5) The provision of local governmental services by multiple
19 governmental entities with overlapping territories, and by
20 governmental entities with contiguous territories with less
21 meaningful boundaries, results in disparate levels of local
22 government services within a county having a consolidated
23 city and results in the inefficient and poor use of taxpayer
24 dollars.
- 25 (6) As the state capital and a center for professional sporting
26 events, tourism, and culture in central Indiana, the
27 consolidated city faces unique demands for protecting
28 governmental property and securing the safety of large
29 numbers of residents and visitors, which require innovative
30 approaches to public safety resources.
- 31 (7) By virtue of its size and population, a consolidated city has
32 a larger number of public safety employees than other
33 municipalities, resulting in more significant pension
34 obligations, and through consolidation of public safety
35 resources, there is greater need for coordinated fiscal
36 oversight of pension funding.
- 37 (8) Substantial operational efficiencies, reduction of
38 administrative costs, and economies of scale may be obtained
39 in a consolidated city through further consolidation of county
40 and city services and operations.
- 41 (9) Consolidation of county and city services and operations
42 in the consolidated city will serve the public purpose by
43 allowing the consolidated city to:
- 44 (A) eliminate duplicative services;
- 45 (B) provide better coordinated and more uniform delivery
46 of local governmental services;

- 1 **(C) provide uniform oversight and accountability for the**
- 2 **budgets for local governmental services; and**
- 3 **(D) allow local government services to be provided more**
- 4 **efficiently and at a lower cost than without consolidation.**
- 5 **(10) Efficient and fiscally responsible operation of local**
- 6 **government benefits the health and welfare of the citizens of**
- 7 **a consolidated city and is of public utility and benefit.**
- 8 **(11) The public purpose of this act is to provide a consolidated**
- 9 **city with the means to perform essential governmental**
- 10 **services for its citizens in an effective, efficient, and fiscally**
- 11 **responsible manner.**

12 SECTION 38. [EFFECTIVE UPON PASSAGE] **The legislative**

13 **services agency shall prepare legislation for introduction in the**

14 **2006 regular session of the general assembly to organize and**

15 **correct statutes affected by this act, if necessary."**

16 Page 6, delete lines 21 through 28.

17 Re-number all SECTIONS consecutively.

 (Reference is to ESB 307 as printed March 25, 2005.)

Representative Hinkle