

SENATE BILL No. 394

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-49.1; IC 3-8; IC 3-10; IC 3-11-2-12; IC 3-13; IC 5-4-1-4; IC 5-8-3.5-1; IC 5-10.1-1; IC 6-1.1; IC 6-1.5-5-5; IC 6-2.5-8-1; IC 6-3.5-6-18.5; IC 6-6-5.5; IC 6-8.1-7-1; IC 8-22-3-11.6; IC 9-22-5-1; IC 10-18-5-1; IC 12-7-2-192.6; IC 14-21-1-13.5; IC 15-3; IC 15-5-9; IC 23-14; IC 32-21-2-13; IC 32-26; IC 32-28-3; IC 32-31-3-11; IC 33-23; IC 33-30-2-1; IC 33-33-49; IC 33-37; IC 33-38; IC 33-41-1-7; IC 34-30-2-58; IC 36-1-2-22; IC 36-2-15-5; IC 36-3; IC 36-6; IC 36-7; IC 36-8; IC 36-9; IC 36-10; IC 3-11-1.5-32.5; IC 33-34; IC 36-6-6-2.5; IC 36-8-4.3.

Synopsis: Indianapolis/Marion County consolidation. Provides, beginning January 1, 2009, that Marion County consists of the central township district (consisting of the area comprising the Indianapolis public school district) and the consolidated township (consisting of all areas within the county that are outside of the Indianapolis public school district). Transfers all assets, property rights, equipment, records, personnel, and contracts concerning the provision of township assistance to the applicable township district on January 1, 2009. Transfers other assets, property rights, equipment, records, personnel, and contracts of a township to the consolidated city on January 1, 2009. Provides that the indebtedness of a township not connected with the provision of township assistance is assumed or defeased by the consolidated city. Exempts property taxes imposed by the consolidated city for that indebtedness from the ad valorem property tax limits. Requires township trustees and township boards representing the township districts be elected at the 2008 general election. Provides for
(Continued next page)

Effective: Upon passage; July 1, 2006; January 1, 2007; January 1, 2008; January 1, 2009.

Breaux

January 11, 2006, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

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a transitional advisory board to make recommendations regarding reorganization of the townships. In Marion County: (1) eliminates the office of township assessor and provides that the city controller administers the dog tax and dog fund and the county assessor assumes other township assessor duties and responsibilities; (2) reduces the term of office for a township assessor and a township trustee elected in the 2006 general election from four years to two years; (3) adjusts the membership of the county property tax assessment board of appeals; and (4) provides that ordinances and resolutions concerning budgets and appropriations for judicial officers and certain county officers are subject to veto (current law exempts those ordinances and resolutions from veto). Replaces the Marion County small claims court with corresponding township divisions of a small claims division of the Marion superior court. Permits the consolidated city to adopt an ordinance to merge the airport authority's law enforcement services into the consolidated law enforcement department of the consolidated city (current law requires the airport authority to adopt a substantially similar ordinance). Provides that, on January 1, 2007, the township fire departments, fire protection territories, and the airport authority fire department are consolidated into the fire department of the consolidated city. Exempts from the ad valorem property tax limits amounts imposed by a consolidated city to fund indebtedness assumed, defeated, paid, or refunded in connection with the consolidation of certain fire departments into the fire department of a consolidated city. Establishes the annual maximum increase in the permissible ad valorem property tax levy for a consolidated city related to the fire special service district. Provides that the employees of the fire departments being consolidated become employees of the consolidated fire department. Provides that the property, equipment, records, rights, contracts (including labor contracts), and indebtedness related to fire protection services of the fire departments being consolidated are transferred to or assumed by the consolidated city. Establishes the process by which the fire department of an excluded city may be consolidated into the fire department of a consolidated city. Provides that the consolidated fire department shall provide emergency ambulance services in the county. Authorizes the fire special services district to levy a tax to pay the amounts required to satisfy the 1937 firefighters' pension fund obligations. Authorizes a consolidated city to issue obligations to refund obligations issued by the fire departments being consolidated into the fire department of the consolidated city. Adjusts the maximum ad valorem property tax levy of a consolidated city for 2007 to account for the consolidation of certain fire departments into the fire department of the consolidated city. Provides that a firefighter who is a member of the 1937 or 1977 fund remains a member of the same fund after the consolidation. Provides that a firefighter whose services for an entity are consolidated into the metropolitan law enforcement agency or the fire department of a consolidated city becomes a member of the 1977 fund. Makes conforming changes. Makes legislative findings concerning the need for government consolidation in Marion County. Repeals: (1) certain provisions concerning township board districts in Marion County; and (2) provisions concerning small claims courts that are replaced by this bill.

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Introduced

Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

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SENATE BILL No. 394

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 3-5-2-49.1 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 3 JANUARY 1, 2008]: **Sec. 49.1. "Township" means the following:**
- 4 (1) **A township in a county not having a consolidated city.**
- 5 (2) **A township district (as defined in IC 36-6-4.1-5) in a**
- 6 **county having a consolidated city.**
- 7 SECTION 2. IC 3-8-1-30 IS AMENDED TO READ AS FOLLOWS
- 8 [EFFECTIVE JANUARY 1, 2007]: **Sec. 30. A candidate for the office**
- 9 **of small claims judge of a small claims court (as defined in**
- 10 **IC 33-33-49-5.2) must:**
- 11 (1) be a United States citizen upon taking office;
- 12 (2) either:
- 13 (A) have resided in the township from which the candidate is
- 14 elected for at least one (1) year upon taking office; or
- 15 (B) have been elected as a small claims court judge in the



1 township before 1999;
 2 (3) be of high moral character and reputation; and
 3 (4) be admitted to the practice of law in Indiana upon filing a
 4 declaration of candidacy or petition of nomination or upon the
 5 filing of a certificate of candidate selection under IC 3-13-1-15 or
 6 IC 3-13-2-8.

7 SECTION 3. IC 3-8-1-31 IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JANUARY 1, 2007]: Sec. 31. A candidate for the office
 9 of **small claims** constable ~~of a small claims court~~ must:

- 10 (1) have resided in the township for more than one (1) year upon
 11 taking office; and
 12 (2) be at least twenty-one (21) years old upon taking office.

13 SECTION 4. IC 3-8-2-5 IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JANUARY 1, 2007]: Sec. 5. A declaration of candidacy
 15 for:

- 16 (1) a federal office;
 17 (2) a state office;
 18 (3) a legislative office; or
 19 (4) the local office of:
 20 (A) judge of a circuit, superior, probate, ~~or county or small~~
 21 ~~claims~~ court; or
 22 (B) prosecuting attorney of a judicial circuit;
 23 shall be filed with the secretary of state.

24 SECTION 5. IC 3-10-1-19, AS AMENDED BY P.L.221-2005,
 25 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JANUARY 1, 2007]: Sec. 19. (a) The ballot for a primary election shall
 27 be printed in substantially the following form for all the offices for
 28 which candidates have qualified under IC 3-8:

29 OFFICIAL PRIMARY BALLOT

30 _____ Party
 31 For paper ballots, print: To vote for a person, make a voting mark
 32 (X or ✓) on or in the box before the person's name in the proper
 33 column. For punch card ballots, print: To vote for a person, punch
 34 through the chad before the number assigned to the person's name in
 35 the proper column. For optical scan ballots, print: To vote for a person,
 36 darken or shade in the circle, oval, or square (or draw a line to connect
 37 the arrow) that precedes the person's name in the proper column. For
 38 optical scan ballots that do not contain a candidate's name, print: To
 39 vote for a person, darken or shade in the oval that precedes the number
 40 assigned to the person's name in the proper column. For electronic
 41 voting systems, print: To vote for a person, touch the screen (or press
 42 the button) in the location indicated.

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Vote for one (1) only
Representative in Congress
 (1) AB _____
 (2) CD _____
 (3) EF _____
 (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

- (1) Federal and state offices:
 - (A) President of the United States.
 - (B) United States Senator.
 - (C) Governor.
 - (D) United States Representative.
- (2) Legislative offices:
 - (A) State senator.
 - (B) State representative.
- (3) Circuit offices and county judicial offices:
 - (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
 - (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
 - (C) Judge of the probate court.
 - (D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.
 - (E) Prosecuting attorney.
 - (F) Circuit court clerk.
- (4) County offices:
 - (A) County auditor.
 - (B) County recorder.
 - (C) County treasurer.
 - (D) County sheriff.
 - (E) County coroner.
 - (F) County surveyor.
 - (G) County assessor.
 - (H) County commissioner.
 - (I) County council member.
- (5) Township offices:
 - (A) Township assessor.
 - (B) Township trustee.
 - (C) Township board member.

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1 (D) ~~Small claims judge. of the small claims court.~~
2 (E) ~~Small claims constable. of the small claims court.~~
3 (6) City offices:
4 (A) Mayor.
5 (B) Clerk or clerk-treasurer.
6 (C) Judge of the city court.
7 (D) City-county council member or common council member.
8 (7) Town offices:
9 (A) Clerk-treasurer.
10 (B) Judge of the town court.
11 (C) Town council member.
12 (c) The political party offices with candidates for election shall be
13 placed on the primary election ballot in the following order after the
14 offices described in subsection (b):
15 (1) Precinct committeeman.
16 (2) State convention delegate.
17 (d) The following offices and public questions shall be placed on the
18 primary election ballot in the following order after the offices described
19 in subsection (c):
20 (1) School board offices to be elected at the primary election.
21 (2) Other local offices to be elected at the primary election.
22 (3) Local public questions.
23 (e) The offices and public questions described in subsection (d)
24 shall be placed:
25 (1) in a separate column on the ballot if voting is by paper ballot;
26 (2) after the offices described in subsection (c) in the form
27 specified in IC 3-11-13-11 if voting is by ballot card; or
28 (3) either:
29 (A) on a separate screen for each office or public question; or
30 (B) after the offices described in subsection (c) in the form
31 specified in IC 3-11-14-3.5;
32 if voting is by an electronic voting system.
33 (f) A public question shall be placed on the primary election ballot
34 in the following form:
35 (The explanatory text for the public question,
36 if required by law.)
37 "Shall (insert public question)?"
38 YES
39 NO
40 SECTION 6. IC 3-10-2-13 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13. The following
42 public officials shall be elected at the general election before their

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- 1 terms of office expire and every four (4) years thereafter:
- 2 (1) Clerk of the circuit court.
- 3 (2) County auditor.
- 4 (3) County recorder.
- 5 (4) County treasurer.
- 6 (5) County sheriff.
- 7 (6) County coroner.
- 8 (7) County surveyor.
- 9 (8) County assessor.
- 10 (9) County commissioner.
- 11 (10) County council member.
- 12 (11) Township trustee.
- 13 (12) Township board member.
- 14 (13) Township assessor.
- 15 (14) ~~Small claims~~ judge. ~~of a small claims court.~~
- 16 (15) ~~Small claims~~ constable. ~~of a small claims court.~~
- 17 SECTION 7. IC 3-11-2-12, AS AMENDED BY P.L.2-2005,
- 18 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JANUARY 1, 2007]: Sec. 12. The following offices shall be placed on
- 20 the general election ballot in the following order:
- 21 (1) Federal and state offices:
- 22 (A) President and Vice President of the United States.
- 23 (B) United States Senator.
- 24 (C) Governor and lieutenant governor.
- 25 (D) Secretary of state.
- 26 (E) Auditor of state.
- 27 (F) Treasurer of state.
- 28 (G) Attorney general.
- 29 (H) Superintendent of public instruction.
- 30 (I) United States Representative.
- 31 (2) Legislative offices:
- 32 (A) State senator.
- 33 (B) State representative.
- 34 (3) Circuit offices and county judicial offices:
- 35 (A) Judge of the circuit court, and unless otherwise specified
- 36 under IC 33, with each division separate if there is more than
- 37 one (1) judge of the circuit court.
- 38 (B) Judge of the superior court, and unless otherwise specified
- 39 under IC 33, with each division separate if there is more than
- 40 one (1) judge of the superior court.
- 41 (C) Judge of the probate court.
- 42 (D) Judge of the county court, with each division separate, as

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- 1 required by IC 33-30-3-3.
- 2 (E) Prosecuting attorney.
- 3 (F) Clerk of the circuit court.
- 4 (4) County offices:
- 5 (A) County auditor.
- 6 (B) County recorder.
- 7 (C) County treasurer.
- 8 (D) County sheriff.
- 9 (E) County coroner.
- 10 (F) County surveyor.
- 11 (G) County assessor.
- 12 (H) County commissioner.
- 13 (I) County council member.
- 14 (5) Township offices:
- 15 (A) Township assessor.
- 16 (B) Township trustee.
- 17 (C) Township board member.
- 18 (D) ~~Small claims~~ judge. ~~of the small claims court.~~
- 19 (E) ~~Small claims~~ constable. ~~of the small claims court.~~
- 20 (6) City offices:
- 21 (A) Mayor.
- 22 (B) Clerk or clerk-treasurer.
- 23 (C) Judge of the city court.
- 24 (D) City-county council member or common council member.
- 25 (7) Town offices:
- 26 (A) Clerk-treasurer.
- 27 (B) Judge of the town court.
- 28 (C) Town council member.
- 29 SECTION 8. IC 3-13-1-15 IS AMENDED TO READ AS
- 30 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 15. (a) A county
- 31 chairman filling a candidate vacancy under section 6(a)(2) of this
- 32 chapter or the chairman of a meeting filling a candidate vacancy under
- 33 this chapter shall file a written certificate of candidate selection on a
- 34 form prescribed by the commission stating the following information
- 35 for each candidate selected:
- 36 (1) The name of each candidate as:
- 37 (A) the candidate wants the candidate's name to appear on the
- 38 ballot; and
- 39 (B) the candidate's name is permitted to appear on the ballot
- 40 under IC 3-5-7.
- 41 (2) The residence address of each candidate.
- 42 (b) The certificate shall be filed with:

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- 1 (1) the election division for:
- 2 (A) a committee acting under section 3, 4, 5, or 6(b) of this
- 3 chapter; or
- 4 (B) a committee acting under section 6(a) of this chapter to fill
- 5 a candidate vacancy in the office of judge **or small claims**
- 6 **judge** of a circuit, superior, probate, **or county or small claims**
- 7 court or prosecuting attorney; or
- 8 (2) the circuit court clerk, for a committee acting under section
- 9 6(a) of this chapter to fill a candidate vacancy for a local office
- 10 not described in subdivision (1).
- 11 (c) This subsection applies to a candidate vacancy resulting from a
- 12 vacancy on the primary election ballot as described in section 2 of this
- 13 chapter. The certificate required by subsection (a) shall be filed not
- 14 later than noon July 3 before election day.
- 15 (d) This subsection applies to all candidate vacancies not described
- 16 by subsection (c). The certificate required by subsection (a) shall be
- 17 filed not more than three (3) days (excluding Saturdays and Sundays)
- 18 after selection of the candidates.
- 19 SECTION 9. IC 3-13-2-8, AS AMENDED BY P.L.2-2005,
- 20 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JANUARY 1, 2007]: Sec. 8. (a) The chairman or chairmen filling a
- 22 candidate vacancy under this chapter shall immediately file a written
- 23 certificate of candidate selection on a form prescribed by the
- 24 commission stating the following information for each candidate
- 25 selected:
- 26 (1) The name of each candidate as:
- 27 (A) the candidate wants the candidate's name to appear on the
- 28 ballot; and
- 29 (B) the candidate's name is permitted to appear on the ballot
- 30 under IC 3-5-7.
- 31 (2) The residence address of each candidate.
- 32 (b) The certificate shall be filed with:
- 33 (1) the election division for:
- 34 (A) one (1) or more chairmen acting under section 2, 3, 4, or
- 35 5(b) of this chapter; or
- 36 (B) a committee acting under section 5(b) of this chapter to fill
- 37 a candidate vacancy for the office of judge **or small claims**
- 38 **judge** of a circuit, superior, probate, **or county or small claims**
- 39 court or prosecuting attorney; or
- 40 (2) the circuit court clerk of the county in which the greatest
- 41 percentage of the population of the election district is located, for
- 42 a chairman acting under section 5(a) of this chapter to fill a

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1 candidate vacancy for a local office not described in subdivision
2 (1).

3 (c) The certificate required by subsection (a) shall be filed not more
4 than three (3) days (excluding Saturdays and Sundays) after selection
5 of the candidate.

6 SECTION 10. IC 3-13-10-5, AS AMENDED BY P.L.119-2005,
7 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JANUARY 1, 2007]: Sec. 5. (a) This section applies to a vacancy in the
9 office of **small claims** judge of a ~~small claims court~~ or small claims
10 ~~court~~ constable not covered by section 1 of this chapter.

11 (b) A vacancy shall be filled by the township board at a regular or
12 special meeting. The chairman of the township board shall give notice
13 of the meeting. Except as provided in subsection (c), the meeting shall
14 be held not later than thirty (30) days after the vacancy occurs. The
15 notice must:

- 16 (1) be in writing;
- 17 (2) state the purpose of the meeting;
- 18 (3) state the date, time, and place of the meeting; and
- 19 (4) be sent by first class mail to each board member at least ten
20 (10) days before the meeting.

21 (c) If a vacancy exists because of the death of a judicial officer, the
22 meeting required by subsection (b) shall be held not later than thirty
23 (30) days after the chairman of the township board receives notice of
24 the death under IC 5-8-6. The chairman of the township board may not
25 give the notice required by subsection (b) until the chairman of the
26 township board receives notice of the death under IC 5-8-6.

27 **mayor of the consolidated city.**

28 SECTION 11. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) As used in this section,
30 "political subdivision" has the meaning set forth in IC 36-1-2-13.

31 (b) The copy of the oath under section 2 of this chapter shall be
32 deposited by the person as follows:

- 33 (1) Of all officers whose oath is endorsed on or attached to the
34 commission and whose duties are not limited to a particular
35 county or of a justice, judge, or prosecuting attorney, in the office
36 of the secretary of state.
- 37 (2) Of the circuit court clerk, officers of a political subdivision or
38 school corporation, and **small claims** constables, ~~of a small~~
39 ~~claims court~~, in the circuit court clerk's office of the county
40 containing the greatest percentage of the population of the
41 political subdivision or school corporation.
- 42 (3) Of a deputy prosecuting attorney, in the office of the clerk of

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1 the circuit court of the county in which the deputy prosecuting
2 attorney resides or serves.

3 SECTION 12. IC 5-8-3.5-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) An officer
5 who wants to resign shall give written notice of the officer's resignation
6 as follows:

7 (1) The governor and lieutenant governor shall notify the
8 principal clerk of the house of representatives and the principal
9 secretary of the senate to act in accordance with Article 5, Section
10 10 of the Constitution of the State of Indiana. The clerk and the
11 secretary shall file a copy of the notice with the office of the
12 secretary of state.

13 (2) A member of the general assembly shall notify the following,
14 whichever applies:

15 (A) A member of the senate shall notify the president pro
16 tempore of the senate.

17 (B) A member of the house of representatives shall notify the
18 speaker of the house of representatives.

19 (3) The following officers commissioned by the governor under
20 IC 4-3-1-5 shall notify the governor:

21 (A) An elector or alternate elector for President and Vice
22 President of the United States.

23 (B) The secretary of state, auditor of state, treasurer of state,
24 superintendent of public instruction, or attorney general.

25 (C) An officer elected by the general assembly, the senate, or
26 the house of representatives.

27 (D) A justice of the Indiana supreme court, judge of the
28 Indiana court of appeals, or judge of the Indiana tax court.

29 (E) A judge **or small claims judge** of a circuit, city, county,
30 probate, superior, **or town or township small claims** court.

31 (F) A prosecuting attorney.

32 (G) A circuit court clerk.

33 (H) A county auditor, county recorder, county treasurer,
34 county sheriff, county coroner, or county surveyor.

35 (4) An officer of a political subdivision (as defined by
36 IC 36-1-2-13) other than an officer listed in subdivision (3) shall
37 notify the circuit court clerk of the county containing the largest
38 percentage of population of the political subdivision.

39 (5) An officer not listed in subdivisions (1) through (4) shall
40 notify the person or entity from whom the officer received the
41 officer's appointment.

42 (b) A person or an entity that receives notice of a resignation and

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1 does not have the power to fill the vacancy created by the resignation
2 shall, not later than seventy-two (72) hours after receipt of the notice
3 of resignation, give notice of the vacancy to the person or entity that
4 has the power to:

- 5 (1) fill the vacancy; or
- 6 (2) call a caucus for the purpose of filling the vacancy.

7 SECTION 13. IC 5-10.1-1-6 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. "Governing
9 body" means the fiscal body of a county, city, town, ~~or~~ township, **or**
10 **township district**, a trustee, the township board, board of school
11 commissioners, library board, or any board which by law is authorized
12 to fix a rate of taxation on property of a political subdivision, or any
13 other board which is empowered to administer the affairs of any
14 department of, or associated with, a political subdivision, which
15 department receives revenue independently of, or in addition to, funds
16 obtained from taxation.

17 SECTION 14. IC 5-10.1-1-7 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. Political
19 Subdivision. "Political subdivision" as used in this article means a
20 county, city, town, township, **township district**, political body
21 corporate, political entity, local housing authority, public school
22 corporation, public library, public utility of a county, city, town, or
23 township whether the public utility is operated by the city or town or
24 under the terms of a trusteeship for the benefit of the city or town, and
25 a department of, or associated with, a county, city, town, or township,
26 which department receives revenue independently of, or in addition to,
27 funds obtained through taxation. A state agency or a judicial circuit
28 may not be construed as a political subdivision.

29 SECTION 15. IC 6-1.1-1.5 IS ADDED TO THE INDIANA CODE
30 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
31 JANUARY 1, 2007]:

32 **Chapter 1.5. County Assessor Performs Township Assessor**
33 **Duties**

34 **Sec. 1. In a county having a consolidated city, the county**
35 **assessor has the same duties and responsibilities for the county that**
36 **the township assessor in a county that does not have a consolidated**
37 **city has for the township.**

38 SECTION 16. IC 6-1.1-3-17 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 17. (a) On or
40 before June 1 of each year, each township assessor of a county **not**
41 **having a consolidated city** shall deliver to the county assessor a list
42 which states by taxing district the total of the personal property

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1 assessments as shown on the personal property returns filed with the
2 **township** assessor on or before the filing date of that year. ~~and in a~~
3 ~~county with a township assessor under IC 36-6-5-1 in every township~~
4 ~~the township assessor shall deliver the lists to the county auditor as~~
5 ~~prescribed in subsection (b).~~

6 (b) On or before July 1 of each year, each county assessor shall
7 certify to the county auditor the assessment value of the personal
8 property in every taxing district.

9 (c) The department of local government finance shall prescribe the
10 forms required by this section.

11 SECTION 17. IC 6-1.1-4-13.8, AS AMENDED BY P.L.228-2005,
12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JANUARY 1, 2007]: Sec. 13.8. (a) As used in this section,
14 "commission" refers to a county land valuation commission established
15 under subsection (b).

16 (b) Subject to subsection (1), a county land valuation commission is
17 established in each county for the purpose of determining the value of
18 commercial, industrial, and residential land (including farm homesites)
19 in the county.

20 (c) The county assessor is chairperson of the commission.

21 (d) The following are members of the commission:

22 (1) The county assessor. The county assessor shall cast a vote
23 only to break a tie.

24 (2) **Except in a county having a consolidated city**, each
25 township assessor, when the respective township land values for
26 that township assessor's township are under consideration. A
27 township assessor serving under this subdivision shall vote on all
28 matters relating to the land values of that township assessor's
29 township.

30 (3) **Except in a consolidated city**, one (1) township assessor from
31 the county to be appointed by a majority vote of all the township
32 assessors in the county.

33 (4) One (1) county resident who:
34 (A) holds a license under IC 25-34.1-3 as a salesperson or
35 broker; and

36 (B) is appointed by:
37 (i) the board of commissioners (as defined in IC 36-3-3-10)
38 for a county having a consolidated city; or
39 (ii) the county executive (as defined in IC 36-1-2-5) for a
40 county not described in item (i).

41 (5) Four (4) individuals who:
42 (A) are appointed by the county executive (as defined in

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1 IC 36-1-2-5); and
 2 (B) represent one (1) of the following four (4) kinds of land in
 3 the county:
 4 (i) Agricultural.
 5 (ii) Commercial.
 6 (iii) Industrial.
 7 (iv) Residential.
 8 Each of the four (4) kinds of land in the county must be
 9 represented by one (1) individual appointed under this
 10 subdivision.
 11 (6) One (1) individual who:
 12 (A) represents financial institutions in the county; and
 13 (B) is appointed by:
 14 (i) the board of commissioners (as defined in IC 36-3-3-10)
 15 for a county having a consolidated city; or
 16 (ii) the county executive (as defined in IC 36-1-2-5) for a
 17 county not described in item (i).
 18 (e) The term of each member of the commission begins November
 19 1 of the year that precedes by two (2) years the year in which a general
 20 reassessment begins under IC 6-1.1-4-4, and ends January 1 of the year
 21 in which the general reassessment begins under IC 6-1.1-4-4. The
 22 appointing authority may fill a vacancy for the remainder of the vacated
 23 term.
 24 (f) The commission shall determine the values of all classes of
 25 commercial, industrial, and residential land (including farm homesites)
 26 in the county using guidelines determined by the department of local
 27 government finance. Not later than November 1 of the year preceding
 28 the year in which a general reassessment begins, the commission
 29 determining the values of land shall submit the values, all data
 30 supporting the values, and all information required under rules of the
 31 department of local government finance relating to the determination
 32 of land values to the county property tax assessment board of appeals
 33 and the department of local government finance. Not later than January
 34 1 of the year in which a general reassessment begins, the county
 35 property tax assessment board of appeals shall hold a public hearing in
 36 the county concerning those values. The property tax assessment board
 37 of appeals shall give notice of the hearing in accordance with IC 5-3-1
 38 and shall hold the hearing after March 31 of the year preceding the year
 39 in which the general reassessment begins and before January 1 of the
 40 year in which the general reassessment under IC 6-1.1-4-4 begins.
 41 (g) The county property tax assessment board of appeals shall
 42 review the values, data, and information submitted under subsection (f)

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1 and may make any modifications it considers necessary to provide
 2 uniformity and equality. The county property tax assessment board of
 3 appeals shall coordinate the valuation of property adjacent to the
 4 boundaries of the county with the county property tax assessment
 5 boards of appeals of the adjacent counties using the procedures adopted
 6 by rule under IC 4-22-2 by the department of local government finance.
 7 If the commission fails to submit land values under subsection (f) to the
 8 county property tax assessment board of appeals before January 1 of
 9 the year the general reassessment under IC 6-1.1-4-4 begins, the county
 10 property tax assessment board of appeals shall determine the values.

11 (h) The county property tax assessment board of appeals shall give
 12 notice to the county and township assessors, **if any**, of its decision on
 13 the values. The notice must be given before March 1 of the year the
 14 general reassessment under IC 6-1.1-4-4 begins. Not later than twenty
 15 (20) days after that notice, the county assessor or a township assessor
 16 in the county, **if any**, may request that the county property tax
 17 assessment board of appeals reconsider the values. The county property
 18 tax assessment board of appeals shall hold a hearing on the
 19 reconsideration in the county. The county property tax assessment
 20 board of appeals shall give notice of the hearing under IC 5-3-1.

21 (i) Not later than twenty (20) days after notice to the county
 22 **assessor and the** township assessor, **if any**, is given under subsection
 23 (h), a taxpayer may request that the county property tax assessment
 24 board of appeals reconsider the values. The county property tax
 25 assessment board of appeals may hold a hearing on the reconsideration
 26 in the county. The county property tax assessment board of appeals
 27 shall give notice of the hearing under IC 5-3-1.

28 (j) A taxpayer may appeal the value determined under this section
 29 as applied to the taxpayer's land as part of an appeal filed under
 30 IC 6-1.1-15 after the taxpayer has received a notice of assessment. If a
 31 taxpayer that files an appeal under IC 6-1.1-15 requests the values,
 32 data, or information received by the county property tax assessment
 33 board of appeals under subsection (f), the county property tax
 34 assessment board of appeals shall satisfy the request. The department
 35 of local government finance may modify the taxpayer's land value and
 36 the value of any other land in the township, the county where the
 37 taxpayer's land is located, or the adjacent county if the department of
 38 local government finance determines it is necessary to provide
 39 uniformity and equality.

40 (k) The county assessor shall notify all township assessors, **if any**,
 41 in the county of the values as determined by the commission and as
 42 modified by the county property tax assessment board of appeals or

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1 department of local government finance under this section. Township
2 assessors shall use the values determined under this section.

3 (l) After notice to the county assessor and all township assessors in
4 the county, **if any**, a majority of the assessors authorized to vote under
5 this subsection may vote to abolish the county land valuation
6 commission established under subsection (b). Each township assessor,
7 **if any**, and the county assessor has one (1) vote. The county assessor
8 shall give written notice to:

- 9 (1) each member of the county land valuation commission; and
 - 10 (2) each township assessor, **if any**, in the county;
- 11 of the abolishment of the commission under this subsection.

12 SECTION 18. IC 6-1.1-4-25, AS AMENDED BY P.L.177-2005,
13 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JANUARY 1, 2007]: Sec. 25. (a) Each township assessor shall keep
15 the assessor's reassessment data and records current by securing the
16 necessary field data and by making changes in the assessed value of
17 real property as changes occur in the use of the real property. The
18 township assessor's records shall at all times show the assessed value
19 of real property in accordance with the provisions of this chapter. The
20 township assessor shall ensure that the county assessor has full access
21 to the assessment records maintained by the township assessor.

22 (b) ~~The township assessor in a county having a consolidated city, or~~
23 ~~the county assessor in every other county,~~ shall:

- 24 (1) maintain an electronic data file of:
 - 25 (A) the parcel characteristics and parcel assessments of all
 - 26 parcels; and
 - 27 (B) the personal property return characteristics and
 - 28 assessments by return;
- 29 for each township in the county as of each assessment date;
- 30 (2) maintain the electronic file in a form that formats the
- 31 information in the file with the standard data, field, and record
- 32 coding required and approved by:
 - 33 (A) the legislative services agency; and
 - 34 (B) the department of local government finance;
- 35 (3) transmit the data in the file with respect to the assessment date
- 36 of each year before October 1 of the year to:
 - 37 (A) the legislative services agency; and
 - 38 (B) the department of local government finance;
- 39 in a manner that meets the data export and transmission
- 40 requirements in a standard format, as prescribed by the office of
- 41 technology established by IC 4-13.1-2-1 and approved by the
- 42 legislative services agency; and

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1 (4) resubmit the data in the form and manner required under this
 2 subsection, upon request of the legislative services agency or the
 3 department of local government finance, if data previously
 4 submitted under this subsection does not comply with the
 5 requirements of this subsection, as determined by the legislative
 6 services agency or the department of local government finance.
 7 An electronic data file maintained for a particular assessment date may
 8 not be overwritten with data for a subsequent assessment date until a
 9 copy of an electronic data file that preserves the data for the particular
 10 assessment date is archived in the manner prescribed by the office of
 11 technology established by IC 4-13.1-2-1 and approved by the
 12 legislative services agency.

13 SECTION 19. IC 6-1.1-5-14, AS AMENDED BY P.L.88-2005,
 14 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JANUARY 1, 2007]: Sec. 14. Not later than May 15, each assessing
 16 official **in a county not having a consolidated city** shall prepare and
 17 deliver to the county assessor a detailed list of the real property listed
 18 for taxation in the township. On or before July 1 of each year, each
 19 county assessor shall, under oath, prepare and deliver to the county
 20 auditor a detailed list of the real property listed for taxation in the
 21 county. ~~In a county with an elected township assessor in every~~
 22 ~~township the township assessor shall prepare the real property list.~~ The
 23 assessing officials and the county assessor shall prepare the list in the
 24 form prescribed by the department of local government finance. The
 25 township assessor shall ensure that the county assessor has full access
 26 to the assessment records maintained by the township assessor.

27 SECTION 20. IC 6-1.1-5.5-3, AS AMENDED BY P.L.228-2005,
 28 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JANUARY 1, 2007]: Sec. 3. (a) For purposes of this section, "party"
 30 includes:

- 31 (1) a seller of property that is exempt under the seller's ownership;
 - 32 or
 - 33 (2) a purchaser of property that is exempt under the purchaser's
 - 34 ownership;
- 35 from property taxes under IC 6-1.1-10.

36 (b) Before filing a conveyance document with the county auditor
 37 under IC 6-1.1-5-4, all the parties to the conveyance must complete and
 38 sign a sales disclosure form as prescribed by the department of local
 39 government finance under section 5 of this chapter. All the parties may
 40 sign one (1) form, or if all the parties do not agree on the information
 41 to be included on the completed form, each party may sign and file a
 42 separate form.

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1 (c) ~~Except as provided in subsection (d);~~ The auditor shall forward
2 each sales disclosure form to the county assessor. The county assessor
3 shall retain the forms for five (5) years. The county assessor shall
4 forward the sales disclosure form data to the department of local
5 government finance and the legislative services agency

6 (1) ~~before January 1, 2005; in an electronic format, if possible;~~
7 ~~and~~

8 (2) ~~after December 31, 2004; in an electronic format specified~~
9 ~~jointly by the department of local government finance and the~~
10 ~~legislative services agency.~~

11 The county assessor shall forward a copy of the sales disclosure forms
12 to the township assessors, **if any**, in the county. The forms may be used
13 by the county assessing officials, the department of local government
14 finance, and the legislative services agency for the purposes established
15 in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules
16 under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized
17 purpose.

18 (d) ~~In a county containing a consolidated city, the auditor shall~~
19 ~~forward the sales disclosure form to the appropriate township assessor.~~
20 ~~The township assessor shall forward the sales disclosure form to the~~
21 ~~department of local government finance and the legislative services~~
22 ~~agency:~~

23 (1) ~~before January 1, 2005; in an electronic format, if possible;~~
24 ~~and~~

25 (2) ~~after December 31, 2004; in an electronic format specified~~
26 ~~jointly by the department of local government finance and the~~
27 ~~legislative services agency.~~

28 The forms may be used by the county assessing officials, the
29 department of local government finance, and the legislative services
30 agency for the purposes established in ~~IC 6-1.1-4-13.6; sales ratio~~
31 ~~studies; equalization; adoption of rules under IC 6-1.1-31-3 and~~
32 ~~IC 6-1.1-31-6; and any other authorized purpose.~~

33 (e) (d) If a sales disclosure form includes the telephone number or
34 Social Security number of a party, the telephone number or Social
35 Security number is confidential.

36 SECTION 21. IC 6-1.1-5.5-12 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) A party to
38 a conveyance who:

39 (1) is required to file a sales disclosure form under this chapter;
40 and

41 (2) fails to file a sales disclosure form at the time and in the
42 manner required by this chapter;

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1 is subject to a penalty in the amount determined under subsection (b).
 2 (b) The amount of the penalty under subsection (a) is the greater of:
 3 (1) one hundred dollars (\$100); or
 4 (2) twenty-five thousandths percent (0.025%) of the sale price of
 5 the real property transferred under the conveyance document.
 6 (c) ~~The township assessor in a county containing a consolidated city;~~
 7 ~~or the county assessor in any other county;~~ shall:
 8 (1) determine the penalty imposed under this section;
 9 (2) assess the penalty to the party to a conveyance; and
 10 (3) notify the party to the conveyance that the penalty is payable
 11 not later than thirty (30) days after notice of the assessment.
 12 (d) The county auditor shall:
 13 (1) collect the penalty imposed under this section;
 14 (2) deposit penalty collections as required under section 4 of this
 15 chapter; and
 16 (3) notify the county prosecuting attorney of delinquent payments.
 17 (e) The county prosecuting attorney shall initiate an action to
 18 recover a delinquent penalty under this section. In a successful action
 19 against a person for a delinquent penalty, the court shall award the
 20 county prosecuting attorney reasonable attorney's fees.
 21 SECTION 22. IC 6-1.1-8-24, AS AMENDED BY P.L.88-2005,
 22 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JANUARY 1, 2007]: Sec. 24. (a) Each year a township assessor shall
 24 assess the fixed property which as of the assessment date of that year
 25 is:
 26 (1) owned or used by a public utility company; and
 27 (2) located in the township the township assessor serves.
 28 (b) The township assessor shall determine the assessed value of
 29 fixed property. **Except as provided in subsection (c),** the township
 30 assessor shall certify the assessed values to the county assessor on or
 31 before April 1 of the year of assessment. ~~However,~~ **The county**
 32 **assessor shall review the assessed values and shall certify the**
 33 **assessed values to the department of local government finance on**
 34 **or before April 10 of the year of assessment.**
 35 (c) In a county with an elected township assessor in every township,
 36 the township assessor shall certify the list to the department of local
 37 government finance. **In a county having a consolidated city,** the
 38 county assessor shall ~~review the assessed values and shall~~ certify the
 39 ~~assessed values list~~ **list** to the department of local government finance. ~~on~~
 40 ~~or before April 10 of the year of assessment.~~
 41 SECTION 23. IC 6-1.1-18.5-21 IS ADDED TO THE INDIANA
 42 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE JANUARY 1, 2007]: **Sec. 21. (a) The ad valorem**
2 **property tax levy limits imposed by this chapter do not apply to ad**
3 **valorem property taxes imposed by a consolidated city to pay or**
4 **fund any indebtedness assumed, defeased, paid, or refunded under**
5 **IC 36-3-1-6.1, IC 36-3-1-6.3, or IC 36-6-1.1-4.**

6 (b) For property taxes first due and payable each year
7 beginning in 2007, the maximum permissible ad valorem property
8 tax levy for a consolidated city is increased each year by an amount
9 equal to the lesser of:

- 10 (1) the difference between:
 - 11 (A) the maximum permissible ad valorem property tax
 - 12 levy under section 3 of this chapter for the current year for
 - 13 the consolidated city's fire special service district created
 - 14 under IC 36-3-1-6; and
 - 15 (B) the amount levied that year for the fire special service
 - 16 district; or
- 17 (2) ten percent (10%) of the maximum permissible ad valorem
- 18 property tax levy under section 3 of this chapter for property
- 19 taxes first due and payable in 2007 for the consolidated city's
- 20 fire special service district created under IC 36-3-1-6.

21 SECTION 24. IC 6-1.1-28-1, AS AMENDED BY P.L.228-2005,
22 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JANUARY 1, 2007]: **Sec. 1. (a) This section applies to all counties**
24 **except a county having a consolidated city.** Each county shall have
25 a county property tax assessment board of appeals composed of
26 individuals who are at least eighteen (18) years of age and
27 knowledgeable in the valuation of property. In addition to the county
28 assessor, only one (1) other individual who is an officer or employee of
29 a county or township may serve on the board of appeals in the county
30 in which the individual is an officer or employee. Subject to
31 subsections (d) and (e), the fiscal body of the county shall appoint two
32 (2) individuals to the board. At least one (1) of the members appointed
33 by the county fiscal body must be a certified level two
34 assessor-appraiser. Subject to subsections (d) and (e), the board of
35 commissioners of the county shall appoint two (2) freehold members
36 so that not more than three (3) of the five (5) members ~~may be~~ **are** of
37 the same political party and so that at least three (3) of the five (5)
38 members are residents of the county. At least one (1) of the members
39 appointed by the board of county commissioners must be a certified
40 level two assessor-appraiser. If the county assessor is a certified level
41 two assessor-appraiser, the board of county commissioners may waive
42 the requirement in this subsection that one (1) of the freehold members

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1 appointed by the board of county commissioners must be a certified
 2 level two assessor-appraiser. A person appointed to a property tax
 3 assessment board of appeals may serve on the property tax assessment
 4 board of appeals of another county at the same time. The members of
 5 the board shall elect a president. The employees of the county assessor
 6 shall provide administrative support to the property tax assessment
 7 board of appeals. The county assessor is a voting member of the
 8 property tax assessment board of appeals. The county assessor shall
 9 serve as secretary of the board. The secretary shall keep full and
 10 accurate minutes of the proceedings of the board. A majority of the
 11 board that includes at least one (1) certified level two
 12 assessor-appraiser constitutes a quorum for the transaction of business.
 13 Any question properly before the board may be decided by the
 14 agreement of a majority of the whole board.

15 (b) The county assessor, county fiscal body, and board of county
 16 commissioners may agree to waive the requirement in subsection (a)
 17 that not more than three (3) of the five (5) members of the county
 18 property tax assessment board of appeals may be of the same political
 19 party if it is necessary to waive the requirement due to the absence of
 20 certified level two Indiana assessor-appraisers:

- 21 (1) who are willing to serve on the board; and
- 22 (2) whose political party membership status would satisfy the
 23 requirement in subsection ~~(c)(1)~~: **(a)**.

24 (c) If the board of county commissioners is not able to identify at
 25 least two (2) prospective freehold members of the county property tax
 26 assessment board of appeals who are:

- 27 (1) residents of the county;
- 28 (2) certified level two Indiana assessor-appraisers; and
- 29 (3) willing to serve on the county property tax assessment board
 30 of appeals;

31 it is not necessary that at least three (3) of the five (5) members of the
 32 county property tax assessment board of appeals be residents of the
 33 county.

34 (d) Except as provided in subsection (e), the term of a member of
 35 the county property tax assessment board of appeals appointed under
 36 subsection (a):

- 37 (1) is one (1) year; and
- 38 (2) begins January 1.

39 (e) If:

- 40 (1) the term of a member of the county property tax assessment
 41 board of appeals appointed under subsection (a) expires;
- 42 (2) the member is not reappointed; and

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(3) a successor is not appointed;
 the term of the member continues until a successor is appointed.

SECTION 25. IC 6-1.1-28-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 1.5. (a) This section applies to a county having a consolidated city. The county property tax assessment board of appeals is established, composed of individuals who are at least eighteen (18) years of age and knowledgeable in the valuation of property. In addition to the county assessor, who serves as a nonvoting member, only one (1) other individual who is an officer or employee of the county may serve on the board of appeals. The fiscal body of the county shall appoint two (2) individuals to the board. At least one (1) of the members appointed by the county fiscal body must be a certified level two Indiana assessor-appraiser. The board of commissioners of the county shall appoint three (3) freehold members so that not more than three (3) of the five (5) voting members are of the same political party and so that at least three (3) of the five (5) voting members are residents of the county. At least one (1) of the members appointed by the board of county commissioners must be a certified level two Indiana assessor-appraiser. One (1) of the members appointed by the board of county commissioners must be a representative of a neighborhood or taxpayer organization located in the county. A person appointed to a property tax assessment board of appeals may serve on the property tax assessment board of appeals of another county at the same time. The members of the board shall elect a president. The employees of the county assessor shall provide administrative support to the property tax assessment board of appeals. The county assessor shall serve as secretary of the board. The secretary shall keep full and accurate minutes of the proceedings of the board. A majority of the voting members of the board that includes at least one (1) certified level two Indiana assessor-appraiser constitutes a quorum for the transaction of business. Any question properly before the board may be decided by the agreement of a majority of the voting members of the board.**

(b) The county fiscal body and board of commissioners of the county may agree to waive the requirement in subsection (a) that not more than three (3) of the five (5) members of the county property tax assessment board of appeals are of the same political party if it is necessary to waive the requirement due to the absence of certified level two Indiana assessor-appraisers:

(1) who are willing to serve on the board; and

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1 (2) whose political party membership status would satisfy the
2 requirement in subsection (a).

3 (c) If the board of county commissioners is not able to identify
4 at least two (2) prospective freehold members of the county
5 property tax assessment board of appeals who are:

- 6 (1) residents of the county;
7 (2) certified level two Indiana assessor-appraisers; and
8 (3) willing to serve on the county property tax assessment
9 board of appeals;

10 it is not necessary that at least three (3) of the five (5) members of
11 the county property tax assessment board of appeals be residents
12 of the county.

13 SECTION 26. IC 6-1.1-31.5-3.5, AS AMENDED BY P.L.228-2005,
14 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JANUARY 1, 2007]: Sec. 3.5. (a) Until the system described in
16 subsection (e) is implemented, each county shall maintain a state
17 certified computer system that has the capacity to:

- 18 (1) process and maintain assessment records;
19 (2) process and maintain standardized property tax forms;
20 (3) process and maintain standardized property assessment
21 notices;
22 (4) maintain complete and accurate assessment records for the
23 county; and
24 (5) process and compute complete and accurate assessments in
25 accordance with Indiana law.

26 **In a county that does not have a consolidated city and does not**
27 **have an elected township assessor in every township,** the county
28 assessor with the recommendation of the township assessors shall
29 select the computer system used by township assessors and the county
30 assessor in the county. ~~except in a county with an elected township~~
31 ~~assessor in every township:~~ **In a county with that does not have a**
32 **consolidated city but has** an elected township assessor in every
33 township, the elected township assessors shall select a computer system
34 based on a majority vote of the township assessors in the county. **In a**
35 **county that has a consolidated city, the county assessor shall select**
36 **a computer system.**

37 (b) All information on a computer system referred to in subsection
38 (a) shall be readily accessible to:

- 39 (1) township assessors;
40 (2) the county assessor;
41 (3) the department of local government finance; and
42 (4) members of the county property tax assessment board of

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1 appeals.

2 (c) The certified system referred to in subsection (a) used by the

3 counties must be:

4 (1) compatible with the data export and transmission

5 requirements in a standard format prescribed by the office of

6 technology established by IC 4-13.1-2-1 and approved by the

7 legislative services agency; and

8 (2) maintained in a manner that ensures prompt and accurate

9 transfer of data to the department of local government finance and

10 the legislative services agency.

11 (d) All standardized property forms and notices on the certified

12 computer system referred to in subsection (a) shall be maintained by

13 the township assessor and the county assessor in an accessible location

14 and in a format that is easily understandable for use by persons of the

15 county.

16 (e) The department shall adopt rules before July 1, 2006, for the

17 establishment of:

18 (1) a uniform and common property tax management system

19 among all counties that:

20 (A) includes a combined mass appraisal and county auditor

21 system integrated with a county treasurer system; and

22 (B) replaces the computer system referred to in subsection (a);

23 and

24 (2) a schedule for implementation of the system referred to in

25 subdivision (1) structured to result in the implementation of the

26 system in all counties with respect to an assessment date:

27 (A) determined by the department; and

28 (B) specified in the rule.

29 (f) The department shall appoint an advisory committee to assist the

30 department in the formulation of the rules referred to in subsection (e).

31 The department shall determine the number of members of the

32 committee. The committee:

33 (1) must include at least:

34 (A) one (1) township assessor;

35 (B) one (1) county assessor;

36 (C) one (1) county auditor; and

37 (D) one (1) county treasurer; and

38 (2) shall meet at times and locations determined by the

39 department.

40 (g) Each member of the committee appointed under subsection (f)

41 who is not a state employee is not entitled to the minimum salary per

42 diem provided by IC 4-10-11-2.1(b). The member is entitled to

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1 reimbursement for traveling expenses as provided under IC 4-13-1-4
2 and other expenses actually incurred in connection with the member's
3 duties as provided in the state policies and procedures established by
4 the Indiana department of administration and approved by the budget
5 agency.

6 (h) Each member of the committee appointed under subsection (f)
7 who is a state employee is entitled to reimbursement for traveling
8 expenses as provided under IC 4-13-1-4 and other expenses actually
9 incurred in connection with the member's duties as provided in the state
10 policies and procedures established by the Indiana department of
11 administration and approved by the budget agency.

12 (i) The department shall report to the budget committee in writing
13 the department's estimate of the cost of implementation of the system
14 referred to in subsection (e).

15 SECTION 27. IC 6-1.5-5-5, AS AMENDED BY P.L.199-2005,
16 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JANUARY 1, 2007]: Sec. 5. After the hearing, the Indiana board shall
18 give the petitioner, the township assessor, **if any**, the county assessor,
19 the county auditor, the affected taxing units required to be notified
20 under section 2(e) of this chapter, and the department of local
21 government finance:

22 (1) notice, by mail, of its final determination, findings of fact, and
23 conclusions of law; and

24 (2) notice of the procedures the petitioner or the department of
25 local government finance must follow in order to obtain court
26 review of the final determination of the Indiana board.

27 SECTION 28. IC 6-2.5-8-1 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) A retail
29 merchant may not make a retail transaction in Indiana, unless ~~he~~ **the**
30 **retail merchant** has applied for a registered retail merchant's
31 certificate.

32 (b) A retail merchant may obtain a registered retail merchant's
33 certificate by filing an application with the department and paying a
34 registration fee of twenty-five dollars (\$25) for each place of business
35 listed on the application. The retail merchant shall also provide such
36 security for payment of the tax as the department may require under
37 IC 6-2.5-6-12.

38 (c) The retail merchant shall list on the application the location
39 (including the township) of each place of business where ~~he~~ **the**
40 **merchant** makes retail transactions. However, if the retail merchant
41 does not have a fixed place of business, ~~he~~ **the merchant** shall list ~~his~~
42 **the merchant's** residence as ~~his~~ **the merchant's** place of business. In

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1 addition, a public utility may list only its principal Indiana office as its
 2 place of business for sales of public utility commodities or service, but
 3 the utility must also list on the application the places of business where
 4 it makes retail transactions other than sales of public utility
 5 commodities or service.

6 (d) Upon receiving a proper application, the correct fee, and the
 7 security for payment, if required, the department shall issue to the retail
 8 merchant a separate registered retail merchant's certificate for each
 9 place of business listed on the application. Each certificate shall bear
 10 a serial number and the location of the place of business for which it is
 11 issued.

12 (e) If a retail merchant intends to make retail transactions during a
 13 calendar year at a new Indiana place of business, ~~he~~ **the retail**
 14 **merchant** must file a supplemental application and pay the fee for that
 15 place of business.

16 (f) A retail merchant engaged in business in Indiana as defined in
 17 IC 6-2.5-3-1(c) who makes retail transactions that are only subject to
 18 the use tax must obtain a registered retail merchant's certificate before
 19 making those transactions. The retail merchant may obtain the
 20 certificate by following the same procedure as a retail merchant under
 21 subsections (b) and (c), except that the retail merchant must also
 22 include on the application:

- 23 (1) the names and addresses of the retail merchant's principal
 24 employees, agents, or representatives who engage in Indiana in
 25 the solicitation or negotiation of the retail transactions;
- 26 (2) the location of all of the retail merchant's places of business in
 27 Indiana, including offices and distribution houses; and
- 28 (3) any other information that the department requests.

29 (g) The department may permit an out-of-state retail merchant to
 30 collect the use tax. However, before the out-of-state retail merchant
 31 may collect the tax, ~~he~~ **the retail merchant** must obtain a registered
 32 retail merchant's certificate in the manner provided by this section.
 33 Upon receiving the certificate, the out-of-state retail merchant becomes
 34 subject to the same conditions and duties as an Indiana retail merchant
 35 and must then collect the use tax due on all sales of tangible personal
 36 property that ~~he~~ **the retail merchant** knows is intended for use in
 37 Indiana.

38 (h) The department shall submit to the township assessor **or, in the**
 39 **case of a township located in a county having a consolidated city,**
 40 **the county assessor** before July 15 of each year:

- 41 (1) the name of each retail merchant that has newly obtained a
 42 registered retail merchant's certificate between March 2 of the

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1 preceding year and March 1 of the current year for a place of
2 business located in the township **or county, as appropriate**; and
3 (2) the address of each place of business of the taxpayer in the
4 township **or county, as appropriate**.

5 SECTION 29. IC 6-3.5-6-18.5, AS AMENDED BY P.L.234-2005,
6 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JANUARY 1, 2007]: Sec. 18.5. (a) This section applies to a county
8 containing a consolidated city.

9 (b) Notwithstanding section 18(e) of this chapter, the distributive
10 shares that each civil taxing unit in a county containing a consolidated
11 city is entitled to receive during a month equals the following:

12 (1) For the calendar year beginning January 1, 1995, calculate the
13 total amount of revenues that are to be distributed as distributive
14 shares during that month multiplied by the following factor:

15	Center Township	.0251
16	Decatur Township	.00217
17	Franklin Township	.0023
18	Lawrence Township	.01177
19	Perry Township	.01130
20	Pike Township	.01865
21	Warren Township	.01359
22	Washington Township	.01346
23	Wayne Township	.01307
24	Lawrence-City	.00858
25	Beech Grove	.00845
26	Southport	.00025
27	Speedway	.00722
28	Indianapolis/Marion County	.86409

29 (2) Notwithstanding subdivision (1), for the calendar year
30 beginning January 1, 1995, the distributive shares for each civil
31 taxing unit in a county containing a consolidated city shall be not
32 less than the following:

33	Center Township	\$1,898,145
34	Decatur Township	\$164,103
35	Franklin Township	\$173,934
36	Lawrence Township	\$890,086
37	Perry Township	\$854,544
38	Pike Township	\$1,410,375
39	Warren Township	\$1,027,721
40	Washington Township	\$1,017,890
41	Wayne Township	\$988,397
42	Lawrence-City	\$648,848

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1	Beech Grove	\$639,017
2	Southport	\$18,906
3	Speedway	\$546,000

4 (3) For each year after 1995, calculate the total amount of
5 revenues that are to be distributed as distributive shares during
6 that month as follows:

7 STEP ONE: Determine the total amount of revenues that were
8 distributed as distributive shares during that month in calendar
9 year 1995.

10 STEP TWO: Determine the total amount of revenue that the
11 department has certified as distributive shares for that month
12 under section 17 of this chapter for the calendar year.

13 STEP THREE: Subtract the STEP ONE result from the STEP
14 TWO result.

15 STEP FOUR: If the STEP THREE result is less than or equal
16 to zero (0), multiply the STEP TWO result by the ratio
17 established under subdivision (1).

18 STEP FIVE: Determine the ratio of:

19 (A) the maximum permissible property tax levy under
20 IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for each civil
21 taxing unit for the calendar year in which the month falls,
22 plus, for a county, an amount equal to the property taxes
23 imposed by the county in 1999 for the county's welfare fund
24 and welfare administration fund; divided by

25 (B) the sum of the maximum permissible property tax levies
26 under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all
27 civil taxing units of the county during the calendar year in
28 which the month falls, and an amount equal to the property
29 taxes imposed by the county in 1999 for the county's welfare
30 fund and welfare administration fund.

31 STEP SIX: If the STEP THREE result is greater than zero (0),
32 the STEP ONE amount shall be distributed by multiplying the
33 STEP ONE amount by the ratio established under subdivision
34 (1).

35 STEP SEVEN: For each taxing unit determine the STEP FIVE
36 ratio multiplied by the STEP TWO amount.

37 STEP EIGHT: For each civil taxing unit determine the
38 difference between the STEP SEVEN amount minus the
39 product of the STEP ONE amount multiplied by the ratio
40 established under subdivision (1). The STEP THREE excess
41 shall be distributed as provided in STEP NINE only to the civil
42 taxing units that have a STEP EIGHT difference greater than

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or equal to zero (0).
STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:
(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by
(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

(c) Except with respect to Center Township, for each year after 2006, sixty-six percent (66%) of the revenues to be distributed as distributive shares during each month to the townships listed in this section are to be distributed as additional distributive shares to Indianapolis/Marion County and the township distributive shares are reduced by sixty-six percent (66%).

(d) If Lawrence, Beech Grove, Southport, or Speedway consolidates its fire department into the consolidated fire department under IC 36-3-1-6.3, commencing with the calendar year following that consolidation and for each year thereafter, the monthly distributive share of county option income taxes distributed to Lawrence, Beech Grove, Southport, or Speedway, as applicable, shall be reduced by a percentage set forth in the ordinances adopted under IC 36-3-1-6.3, and those revenues shall instead be distributed as additional distributive shares to Indianapolis/Marion County.

SECTION 30. IC 6-6-5.5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 18. (a) A taxpayer who owns, holds, possesses, or controls a commercial vehicle that:
(1) is subject to the commercial vehicle excise tax imposed under this chapter; and
(2) would have been subject to assessment as personal property on March 1, 2000, under the law in effect before January 1, 2000; shall file an information return on or before May 15, 2000, with the assessor of each township in which the taxpayer's commercial vehicles

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1 would have been subject to assessment and taxation under IC 6-1.1.
 2 (b) The information return ~~shall be~~ **is** filed on a form prescribed by
 3 the department of local government finance and shall require the
 4 taxpayer to provide information regarding the value, nature, and
 5 location of each commercial vehicle which the taxpayer owns, holds,
 6 possesses, or controls on March 1, 2000. If a commercial vehicle is
 7 used or operated in interstate commerce, the value reported on the
 8 information return ~~shall be~~ **is** determined under the procedure set forth
 9 in 50 IAC 4.2-10-3.
 10 (c) The information return shall be furnished to the taxpayer by the
 11 appropriate ~~township~~ **assessor for each township** in the same manner
 12 and at the same time as the taxpayer's personal property tax return.
 13 (d) In completing an information return under this section, a
 14 taxpayer shall make a complete disclosure of all information, required
 15 by the department of local government finance, that is related to the
 16 value, nature, or location of commercial vehicles that the taxpayer
 17 owns, holds, possesses or controls on March 1, 2000. The taxpayer
 18 shall certify to the truth of all information appearing in the information
 19 return and all data accompanying the information return.
 20 (e) The ~~township~~ **assessor for each township** shall examine and
 21 verify the accuracy of each information return filed by a taxpayer. If
 22 appropriate, the assessor **for each township** shall compare an
 23 information return with the books of the taxpayer and with commercial
 24 vehicles owned, held, possessed, or controlled by the taxpayer.
 25 SECTION 31. IC 6-6-5.5-19 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 19. (a) As used
 27 in this section, "assessed value" means an amount equal to the true tax
 28 value of commercial vehicles that:
 29 (1) are subject to the commercial vehicle excise tax under this
 30 chapter; and
 31 (2) would have been subject to assessment as personal property
 32 on March 1, 2000, under the law in effect before January 1, 2000.
 33 (b) For calendar year 2001, a taxing unit's base revenue shall be
 34 determined as provided in subsection (f). For calendar years that begin
 35 after December 31, 2001, a taxing unit's base revenue shall be
 36 determined by multiplying the previous year's base revenue by one
 37 hundred five percent (105%).
 38 (c) The amount of commercial vehicle excise tax distributed to the
 39 taxing units of Indiana from the commercial vehicle excise tax fund
 40 shall be determined in the manner provided in this section. On or
 41 before June 1, 2000, ~~each township the assessor of a county for each~~
 42 **township** shall deliver to the county assessor a list that states by taxing

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1 district the total assessed value as shown on the information returns
2 filed with the assessor on or before May 15, 2000.

3 (d) On or before July 1, 2000, each county assessor shall certify to
4 the county auditor the assessed value of commercial vehicles in every
5 taxing district.

6 (e) On or before August 1, 2000, the county auditor shall certify the
7 following to the department of local government finance:

- 8 (1) The total assessed value of commercial vehicles in the county.
- 9 (2) The total assessed value of commercial vehicles in each taxing
10 district of the county.

11 (f) The department of local government finance shall determine
12 each taxing unit's base revenue by applying the current tax rate for each
13 taxing district to the certified assessed value from each taxing district.
14 The department of local government finance shall also determine the
15 following:

- 16 (1) The total amount of base revenue to be distributed from the
17 commercial vehicle excise tax fund in 2001 to all taxing units in
18 Indiana.
- 19 (2) The total amount of base revenue to be distributed from the
20 commercial vehicle excise tax fund in 2001 to all taxing units in
21 each county.
- 22 (3) Each county's total distribution percentage. A county's total
23 distribution percentage shall be determined by dividing the total
24 amount of base revenue to be distributed in 2001 to all taxing
25 units in the county by the total base revenue to be distributed
26 statewide.
- 27 (4) Each taxing unit's distribution percentage. A taxing unit's
28 distribution percentage shall be determined by dividing each
29 taxing unit's base revenue by the total amount of base revenue to
30 be distributed in 2001 to all taxing units in the county.

31 (g) The department of local government finance shall certify each
32 taxing unit's base revenue and distribution percentage for calendar year
33 2001 to the auditor of state on or before September 1, 2000.

34 (h) The auditor of state shall keep permanent records of each taxing
35 unit's base revenue and distribution percentage for calendar year 2001
36 for purposes of determining the amount of money each taxing unit in
37 Indiana is entitled to receive in calendar years that begin after
38 December 31, 2001.

39 SECTION 32. IC 6-8.1-7-1 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) This
41 subsection does not apply to the disclosure of information concerning
42 a conviction on a tax evasion charge. Unless in accordance with a

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1 judicial order or as otherwise provided in this chapter, the department,
2 its employees, former employees, counsel, agents, or any other person
3 may not divulge the amount of tax paid by any taxpayer, terms of a
4 settlement agreement executed between a taxpayer and the department,
5 investigation records, investigation reports, or any other information
6 disclosed by the reports filed under the provisions of the law relating
7 to any of the listed taxes, including required information derived from
8 a federal return, except to:

- 9 (1) members and employees of the department;
- 10 (2) the governor;
- 11 (3) the attorney general or any other legal representative of the
12 state in any action in respect to the amount of tax due under the
13 provisions of the law relating to any of the listed taxes; or
- 14 (4) any authorized officers of the United States;

15 when it is agreed that the information is to be confidential and to be
16 used solely for official purposes.

17 (b) The information described in subsection (a) may be revealed
18 upon the receipt of a certified request of any designated officer of the
19 state tax department of any other state, district, territory, or possession
20 of the United States when:

- 21 (1) the state, district, territory, or possession permits the exchange
22 of like information with the taxing officials of the state; and
- 23 (2) it is agreed that the information is to be confidential and to be
24 used solely for tax collection purposes.

25 (c) The information described in subsection (a) relating to a person
26 on public welfare or a person who has made application for public
27 welfare may be revealed to the director of the division of family and
28 children, and to any county director of family and children located in
29 Indiana, upon receipt of a written request from either director for the
30 information. The information shall be treated as confidential by the
31 directors. In addition, the information described in subsection (a)
32 relating to a person who has been designated as an absent parent by the
33 state Title IV-D agency shall be made available to the state Title IV-D
34 agency upon request. The information shall be subject to the
35 information safeguarding provisions of the state and federal Title IV-D
36 programs.

37 (d) The name, address, Social Security number, and place of
38 employment relating to any individual who is delinquent in paying
39 educational loans owed to an institution of higher education may be
40 revealed to that institution if it provides proof to the department that the
41 individual is delinquent in paying for educational loans. This
42 information shall be provided free of charge to approved institutions of

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1 higher learning (as defined by IC 20-12-21-3(2)). The department shall
2 establish fees that all other institutions must pay to the department to
3 obtain information under this subsection. However, these fees may not
4 exceed the department's administrative costs in providing the
5 information to the institution.

6 (e) The information described in subsection (a) relating to reports
7 submitted under IC 6-6-1.1-502 concerning the number of gallons of
8 gasoline sold by a distributor, and IC 6-6-2.5 concerning the number of
9 gallons of special fuel sold by a supplier and the number of gallons of
10 special fuel exported by a licensed exporter or imported by a licensed
11 transporter may be released by the commissioner upon receipt of a
12 written request for the information.

13 (f) The information described in subsection (a) may be revealed
14 upon the receipt of a written request from the administrative head of a
15 state agency of Indiana when:

16 (1) the state agency shows an official need for the information;
17 and

18 (2) the administrative head of the state agency agrees that any
19 information released will be kept confidential and will be used
20 solely for official purposes.

21 (g) The name and address of retail merchants, including township,
22 as specified in IC 6-2.5-8-1(h) may be released solely for tax collection
23 purposes to ~~township~~ assessors **for each township**.

24 (h) The department shall notify the appropriate innkeepers' tax
25 board, bureau, or commission that a taxpayer is delinquent in remitting
26 innkeepers' taxes under IC 6-9.

27 (i) All information relating to the delinquency or evasion of the
28 motor vehicle excise tax may be disclosed to the bureau of motor
29 vehicles in Indiana and may be disclosed to another state, if the
30 information is disclosed for the purpose of the enforcement and
31 collection of the taxes imposed by IC 6-6-5.

32 (j) All information relating to the delinquency or evasion of
33 commercial vehicle excise taxes payable to the bureau of motor
34 vehicles in Indiana may be disclosed to the bureau and may be
35 disclosed to another state, if the information is disclosed for the
36 purpose of the enforcement and collection of the taxes imposed by
37 IC 6-6-5.5.

38 (k) All information relating to the delinquency or evasion of
39 commercial vehicle excise taxes payable under the International
40 Registration Plan may be disclosed to another state, if the information
41 is disclosed for the purpose of the enforcement and collection of the
42 taxes imposed by IC 6-6-5.5.

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1 (l) This section does not apply to:
 2 (1) the beer excise tax (IC 7.1-4-2);
 3 (2) the liquor excise tax (IC 7.1-4-3);
 4 (3) the wine excise tax (IC 7.1-4-4);
 5 (4) the hard cider excise tax (IC 7.1-4-4.5);
 6 (5) the malt excise tax (IC 7.1-4-5);
 7 (6) the motor vehicle excise tax (IC 6-6-5);
 8 (7) the commercial vehicle excise tax (IC 6-6-5.5); and
 9 (8) the fees under IC 13-23.

10 (m) The name and business address of retail merchants within each
 11 county that sell tobacco products may be released to the division of
 12 mental health and addiction and the alcohol and tobacco commission
 13 solely for the purpose of the list prepared under ~~IC 6-2.5-6-14.~~
 14 **IC 6-2.5-6-14.2.**

15 SECTION 33. IC 8-22-3-11.6, AS ADDED BY P.L.227-2005,
 16 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 UPON PASSAGE]: Sec. 11.6. (a) This section applies only to an
 18 airport authority established for a county having a consolidated city.

19 (b) ~~The legislative body of the consolidated city and the governing~~
 20 ~~body of the airport authority may adopt substantially similar ordinances~~
 21 ~~providing that After December 31, 2006, the fire department of the~~
 22 ~~airport authority is consolidated into the fire department of the~~
 23 ~~consolidated city created by IC 36-3-1-6.1, and that the fire~~
 24 ~~department of the consolidated city shall provide fire protection~~
 25 ~~services for the airport authority. If ordinances are adopted under this~~
 26 ~~section, the consolidation shall take effect on the date agreed to by the~~
 27 ~~legislative body of the consolidated city and the governing body of the~~
 28 ~~airport authority in the ordinances.~~

29 (c) ~~The legislative body of the consolidated city and the governing~~
 30 ~~body of the airport authority may adopt substantially similar ordinances~~
 31 **an ordinance under IC 36-3-1-5.1** providing that the law enforcement
 32 services of the airport authority are consolidated into the consolidated
 33 law enforcement department of the consolidated city **created by**
 34 **IC 36-3-1-5.1**, and that the law enforcement department of the
 35 consolidated city shall provide law enforcement services for the airport
 36 authority. ~~If ordinances are adopted under this section, the~~
 37 ~~consolidation shall take effect on the date agreed to by the legislative~~
 38 ~~body of the consolidated city and the governing body of the airport~~
 39 ~~authority in the ordinances.~~

40 SECTION 34. IC 9-22-5-1 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. The following
 42 officers may act for their respective units of government under this

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- chapter:
- (1) The sheriff, for a county.
 - (2) The chief of police, for a city.
 - (3) A town marshal, for a town.
 - (4) A township trustee, for a township **in a county not having a consolidated city.**
 - (5) A state police officer, for the state.

SECTION 35. IC 10-18-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. A township trustee **for a township in a county not having a consolidated city** may receive as public property a monument or memorial built:

- (1) in the township;
- (2) in honor of the township's soldiers or marines; and
- (3) by the people with public donations;

if the people of the township want to give the monument or memorial to the township.

SECTION 36. IC 12-7-2-192.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2009]: **Sec. 192.6. "Township", for purposes of IC 12-20 and IC 12-30-4, means a:**

- (1) civil township; or**
- (2) township district (as defined in IC 36-6-4.1-5) for a county having a consolidated city.**

SECTION 37. IC 14-21-1-13.5, AS AMENDED BY P.L.1-2005, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 13.5. (a) The division may conduct a program to survey and register in a registry of Indiana cemeteries and burial grounds that the division establishes and maintains all cemeteries and burial grounds in each county in Indiana. The division may conduct the program alone or by entering into an agreement with one (1) or more of the following entities:

- (1) The Indiana Historical Society established under IC 23-6-3.
- (2) A historical society (as defined in IC 36-10-13-3).
- (3) The Historic Landmarks Foundation of Indiana.
- (4) A professional archeologist or historian associated with a college or university.
- (5) A township trustee **in a county not having a consolidated city.**
- (6) Any other entity that the division selects.

(b) In conducting a program under subsection (a), the division may receive gifts and grants under terms, obligations, and liabilities that the director considers appropriate. The director shall use a gift or grant

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1 received under this subsection:
 2 (1) to carry out subsection (a); and
 3 (2) according to the terms of the gift or grant.
 4 (c) At the request of the director, the auditor of state shall establish
 5 a trust fund for purposes of holding money received under subsection
 6 (b).
 7 (d) The director shall administer a trust fund established by
 8 subsection (c). The expenses of administering the trust fund shall be
 9 paid from money in the trust fund.
 10 (e) The treasurer of state shall invest the money in the trust fund
 11 established by subsection (c) that is not currently needed to meet the
 12 obligations of the trust fund in the same manner as other public trust
 13 funds may be invested. The treasurer of state shall deposit in the trust
 14 fund the interest that accrues from the investment of the trust fund.
 15 (f) Money in the trust fund at the end of a state fiscal year does not
 16 revert to the state general fund.
 17 (g) Nothing in this section may be construed to authorize violation
 18 of the confidentiality of information requirements of 16 U.S.C. 470(w)
 19 and 16 U.S.C. 470(h)(h).
 20 (h) The division may record in each county recorder's office the
 21 location of each cemetery and burial ground located in that county.
 22 SECTION 38. IC 15-3-4-0.5 IS ADDED TO THE INDIANA CODE
 23 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 24 **JANUARY 1, 2008]: Sec. 0.5. (a) This section applies to a township**
 25 **in a county having a consolidated city.**
 26 **(b) After December 31, 2007, the duties of a township trustee**
 27 **under this chapter are transferred to the consolidated city.**
 28 SECTION 39. IC 15-3-4-1 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) As used in
 30 this chapter, "detrimental plant" includes Canada thistle (*cirsium*
 31 *arvense*), Johnson grass, sorghum alumun (*sorghum halrphense*), bur
 32 cucumber (*sicyos angulatus*), shattercane (*Sorghum bicolor* [L.]
 33 *Moench* spp. *drummondii* [Steud.] deWet), and, in residential areas
 34 only, noxious weeds and rank vegetation. The term does not include
 35 agricultural crops.
 36 (b) As used in this chapter, "person" means an individual, an
 37 incorporated or unincorporated organization or association, a trustee or
 38 legal representative, the state, a political subdivision (as defined in
 39 IC 36-1-2-13), an agency of the state or a political subdivision, or a
 40 group of those persons acting in concert.
 41 (c) **As used in this chapter, "fund" means:**
 42 **(1) the township fund for a township in a county not having a**

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1 **consolidated city; or**
2 **(2) the appropriate fund of the consolidated city for a county**
3 **having a consolidated city.**
4 **(d) As used in this chapter, "township trustee" or "trustee"**
5 **means:**
6 **(1) a township trustee for a township in a county not having**
7 **a consolidated city; or**
8 **(2) the consolidated city for a township in a county having a**
9 **consolidated city.**
10 (c) (e) A person owning or possessing real estate in Indiana shall
11 destroy detrimental plants by cutting or mowing and, if necessary, by
12 plowing, cultivating, or smothering, or by the use of chemicals in the
13 bud stage of growth or earlier, to prevent those detrimental plants from
14 maturing on any such real estate.
15 SECTION 40. IC 15-3-4-2 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. (a) A township
17 trustee who has reason to believe that detrimental plants may be on real
18 estate may, after giving forty-eight (48) hours notice to the owner or
19 person in possession of the property, enter the real estate to investigate.
20 (b) Except as provided in subsection (c), if the township trustee
21 determines after investigating the property or by visual inspection
22 without entering the property that a person has detrimental plants
23 growing on real estate in ~~the~~ **a township that comprises all or a part**
24 **of the township trustee's jurisdiction** that have not been destroyed as
25 described in section 1 of this chapter, ~~the trustee of the township in~~
26 ~~which the real estate is located~~ **township trustee** shall notify, in
27 writing, the owner or person in possession of the real estate to destroy
28 the detrimental plants in a manner provided in section 1 of this chapter
29 within five (5) days after the notice is given. If the detrimental plants
30 are not destroyed as provided in section 1 of this chapter within five (5)
31 days after notice is given, the trustee shall cause the detrimental plants
32 to be destroyed in a manner seeming most practical to the trustee
33 within three (3) additional days. The trustee may hire a person to
34 destroy the detrimental plants. The trustee or the person employed to
35 destroy the detrimental plants may enter upon the real estate where the
36 detrimental plants are growing to destroy the detrimental plants, and
37 are not civilly or criminally liable for damage to crops, livestock, or
38 other property occurring while carrying out such work, except for gross
39 negligence or willful or wanton destruction.
40 (c) If the county has established a county weed control board under
41 IC 15-3-4.6 the township trustee may notify the county weed control
42 board of the real estate containing detrimental plants, and the board

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1 shall either assume jurisdiction to control the detrimental plants or
2 decline jurisdiction and refer the matter back to the township trustee.
3 The county weed control board shall notify the township trustee of the
4 board's decision.

- 5 (d) Notice required in subsection (a) or (b) may be given:
- 6 (1) by mail, using certified mail; or
- 7 (2) by personal service.

8 (e) Notice under subsection (d) is considered received by the owner
9 or person in possession of the real estate:

- 10 (1) if sent by mail, on the earlier of:
- 11 (A) the date of signature of receipt of the mailing; or
- 12 (B) three (3) business days after the date of mailing; or
- 13 (2) if served personally, on the date of delivery.

14 SECTION 41. IC 15-3-4-3 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) The
16 township trustee may pay for the chemicals, work, and labor performed
17 in cutting or destroying detrimental plants under this chapter at a rate
18 per hour to be fixed by the township trustee commensurate with local
19 hourly wages.

20 (b) In all cases in which the infestation of the land with detrimental
21 plants is so great and widespread as in the opinion of the trustee to
22 render such cutting or eradication by hand methods impractical, the
23 trustee shall engage the necessary power machinery or equipment and
24 may pay for the work at a rate per hour fixed by the township trustee
25 commensurate with the local hourly rate.

26 (c) When the work has been performed, the person doing the work
27 shall file an itemized bill for the work ~~in the office of~~ **with** the trustee
28 ~~of the township~~, and when the bill has been approved the trustee shall
29 pay the bill out of the ~~township~~ fund. The trustee of the township shall
30 certify the cost or expense of the work, and the cost of the chemicals,
31 adding to such bill twenty dollars (\$20) per day for each day that the
32 trustee or the trustee's agent supervises the performance of the services
33 required under this chapter as compensation for services, with a
34 description of the real estate on which the labor was performed.

35 (d) The certified statement of costs prepared under subsection (c)
36 shall be mailed using certificate of mailing to, or personally served on,
37 the owner or person possessing the real estate. The certified statement
38 shall be mailed to the auditor of state for any real estate owned by the
39 state or to the fiscal officer of another municipality (as defined in
40 IC 5-11-1-16) for real estate owned by the municipality. The statement
41 shall request that the person pay the cost of performing the service
42 under subsection (c) to the township trustee.

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1 (e) If the owner or person in possession of the property does not pay
2 the amount set forth in the statement within ten (10) days after
3 receiving the notice under subsection (d), the township trustee shall file
4 a copy of the certified statement in the office of the county auditor of
5 the county where the real estate is located **or, if the township is in a**
6 **county having a consolidated city, the office of the controller.**

7 (f) The auditor **or the city controller** shall place the amount
8 claimed in the certified statement on the tax duplicate of the real estate.
9 Except as provided in subsections (j) through (l), the amount claimed
10 shall be collected as taxes are collected.

11 (g) After an amount described in subsection (f) is collected, the
12 funds shall be deposited in the ~~trustee's township funds fund~~ for use at
13 the discretion of the trustee.

14 (h) If there is no money available in ~~a the township~~ fund for that
15 purpose, ~~the township board~~; upon finding an emergency exists:

16 (1) **the township legislative body** shall act under IC 36-6-6-14(b)
17 or IC 36-6-6-15; **or**

18 (2) **a consolidated city shall act under IC 36-3-4;**
19 to borrow a sum of money sufficient to meet the emergency.

20 (i) The trustee, when submitting estimates to the ~~township board~~
21 **legislative body** for action, shall include in the estimates an item
22 sufficient to cover those expenditures.

23 (j) This subsection applies to real estate owned by the state. The
24 auditor of state shall issue a warrant to pay the amount set forth in the
25 certified statement of costs for real estate owned by the state and shall
26 charge the appropriate fund for the amount.

27 (k) This subsection applies to real estate owned by a municipality
28 (as defined in IC 5-11-1-16) other than the township **or a consolidated**
29 **city**. The fiscal officer of the municipality shall make the necessary
30 appropriation from the appropriate fund to pay the township the
31 amount set forth in the certified statement of costs for real estate owned
32 by the municipality.

33 (l) This subsection applies to real estate that is exempt from
34 property taxation. The owner of the tax exempt real estate shall pay the
35 amount set forth in the certified statement of costs for the tax exempt
36 real estate. If the owner of the tax exempt real estate fails to pay the
37 amount required by this chapter, the owner is ineligible for the property
38 tax exemption and the department of local government finance shall
39 deny the property tax exemption for the real estate.

40 SECTION 42. IC 15-3-4-4 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. Except as
42 provided in section 3 of this chapter, the county auditor **or, if a**

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1 township is in a county having a consolidated city, the controller,
2 upon receiving and filing such trustee's certificate as prescribed in this
3 chapter, shall immediately place said amounts on the tax duplicate of
4 the county and such amounts shall be due at the next tax paying time,
5 and shall be collected for the proper township, or townships, or
6 consolidated city, the same as other state, county, or township taxes
7 are collected, including penalties, forfeitures, and sales, and when so
8 collected shall be paid to the proper trustee and placed in the township
9 fund.

10 SECTION 43. IC 15-3-4-5 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. (a) A person
12 who:

- 13 (1) knowingly allows detrimental plants to grow and mature on
- 14 land owned or possessed by the person;
- 15 (2) knowing of the existence of detrimental plants on land owned
- 16 or possessed by the person, fails to cut them down or eradicate
- 17 them by chemicals each year, as prescribed in this chapter;
- 18 (3) having charge of or control over any highway, knowingly
- 19 allows detrimental plants to grow or mature on the right-of-way
- 20 of the highway, or, knowing of the existence of the detrimental
- 21 plants fails to cut them down or eradicate them by chemicals, as
- 22 prescribed in this chapter;
- 23 (4) having charge of or control over the right-of-way of a railroad
- 24 or interurban company, knowingly allows detrimental plants to
- 25 grow and mature thereon, or knowing of the existence of the
- 26 detrimental plants, fails to cut them down or eradicate them by
- 27 chemicals, as prescribed in this chapter; or
- 28 (5) knowingly sells Canada thistle (*cirsium arvense*) seed;

29 commits a Class C infraction. Each day this section is violated
30 constitutes a separate infraction.

31 (b) All judgments collected under this section shall be paid to the
32 trustee and placed in the trustee's township funds fund for use at the
33 discretion of the trustee or the consolidated city.

34 SECTION 44. IC 15-3-4-7 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 7. When the
36 annual budget is prepared, a sufficient amount shall be appropriated to
37 enable the township officials trustee to comply with this chapter.

38 SECTION 45. IC 15-3-4-8 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 8. (a) The Purdue
40 University cooperative extension service shall provide technical
41 assistance to township trustees for the control of detrimental plants.

42 (b) All law enforcement agencies having jurisdiction in a township

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1 **or a consolidated city** shall assist the township trustee in carrying out
2 the duties imposed on the trustee under this chapter.

3 SECTION 46. IC 15-3-4.6-3 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. The weed
5 control board consists of the following members to be appointed by the
6 authorizing body:

- 7 (1) One (1) **member appointed as follows:**
 - 8 **(A) In a county not having a consolidated city, a township**
 - 9 **trustee of a township in the county.**
 - 10 **(B) In a county having a consolidated city, the director of**
 - 11 **the department of the consolidated city that is responsible**
 - 12 **for the destruction of detrimental plants described in this**
 - 13 **chapter or the director's designee.**
- 14 (2) One (1) soil and water conservation district supervisor.
- 15 (3) A representative from the agricultural community of the
- 16 county.
- 17 (4) A representative from the county highway department or an
- 18 appointee of the county commissioners. ~~and~~
- 19 (5) A cooperative extension service agent from the county to
- 20 serve in non-voting advisory capacity.

21 Each board member shall be appointed for a term of four (4) years. All
22 vacancies in the membership of the board shall be filled for the
23 unexpired term in the same manner as initial appointments. The board
24 shall elect a chairman, and a secretary. The members of the board are
25 not entitled to receive any compensation, but are entitled to such
26 traveling and other expenses as may be necessary in the discharge of
27 their duties. The board may appoint an executive director and employ
28 necessary technical, professional, and other assistants and it shall fix
29 the qualifications, duties, and salaries of these employees subject to the
30 permission of the county council. The county highway supervisor and
31 the soil and water conservation district supervisor or employee serving
32 the county shall serve as inspectors for the board. They shall make
33 periodic inspections and report their findings to the board and the
34 executive director, if any.

35 SECTION 47. IC 15-3-5-1 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. The Indiana
37 department of transportation, railroads, drainage districts, township
38 boards, **except township boards of townships in a county having a**
39 **consolidated city**, public utilities, and other public and quasi-public
40 corporations shall, between July 1 and September 15, do anything
41 possible to restrict the growth and seed production of all Johnson grass
42 growing on lands for which they are responsible in a municipality or

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1 township of this state.

2 SECTION 48. IC 15-5-9-0.5 IS ADDED TO THE INDIANA CODE
3 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE
4 JANUARY 1, 2007]: **Sec. 0.5. As used in this chapter, "assessor"**
5 **means:**

6 **(1) for a township located in a county not having a**
7 **consolidated city:**

- 8 **(A) the township assessor elected under IC 36-6-5-1; or**
- 9 **(B) the township trustee who is required by law to act as**
10 **the assessor for the township the trustee serves; or**

11 **(2) for a township located in a county having a consolidated**
12 **city, the controller of the consolidated city or the controller's**
13 **designee.**

14 SECTION 49. IC 15-5-9-1 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) The
16 ~~township~~ assessor shall make a diligent census as to the number of
17 dogs owned, harbored, or kept by any person. A person owning or
18 harboring a dog shall pay immediately to the ~~township~~ assessor a tax
19 for each dog owned, harbored, or kept on the same premises, whether
20 owned by that person or some other person, as follows:

- 21 (1) Except as provided in subsection (d), for each neutered dog,
- 22 two dollars (\$2).
- 23 (2) For each nonneutered dog, four dollars (\$4).
- 24 (3) For each additional dog, six dollars (\$6).

25 No dog under six (6) months of age is subject to any tax under this
26 chapter. Whoever becomes the owner or harbored of a dog after the dog
27 census by the ~~township~~ assessor or any owner or harbored of a dog for
28 which for any reason the assessor failed to collect the tax, shall, within
29 thirty (30) days after becoming the owner or harbored of a dog, apply
30 to the assessor, or the assessor's designee, pay the required fee, and
31 procure a tag for the dog.

32 (b) Dogs kept in kennels for breeding, boarding, or training
33 purposes or for sale shall not be assessed an individual license fee, but
34 the owner or keeper shall pay a kennel license fee according to the
35 following schedule:

- 36 (1) For a major kennel, consisting of fifteen (15) or more dogs, a
37 fee of thirty dollars (\$30).
- 38 (2) For a minor kennel, consisting of less than fifteen (15) dogs,
39 a fee of twenty dollars (\$20).

40 For each individual dog tag or kennel license issued under this chapter,
41 the ~~township assessor (or trustee who collects the fee)~~ shall retain from
42 the fee described in this section, an administrative fee of fifty cents

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1 (\$0.50). Administrative fees collected by ~~the~~ **an assessor other than a**
2 **township trustee** shall be deposited in the county general fund, and
3 administrative fees collected by ~~the~~ **a township** trustee shall be
4 deposited in the township general fund.

5 (c) Upon the payment of the license fee required by subsection (b),
6 the ~~township~~ assessor shall deliver to the owner or keeper of the kennel
7 a proper license together with a metallic tag for each dog in such
8 kennel. The license shall be dated and numbered and shall bear the
9 name of the county issuing it and the name and address of the owner of
10 the kennel licensed, and a description of the breed, number, sex, and
11 age of the dogs kept in such kennel. Any person becoming the owner
12 of a dog kennel shall, within thirty (30) days after becoming the owner,
13 apply to the ~~township~~ assessor, township trustee, or assessor's designee
14 and, upon payment of the required fee, procure a license and a metallic
15 tag for all dogs kept in the kennel.

16 (d) A county council may increase the tax on neutered dogs imposed
17 under subsection (a) from two dollars (\$2) to three dollars (\$3).

18 (e) ~~A township~~ **An assessor (or a township trustee who has the**
19 **duties of a township assessor)** may designate one (1) or more licensed
20 veterinarians or humane societies in the assessor's township **or county,**
21 **as the case may be,** to collect the dog taxes and kennel license fees
22 and issue the licenses under this chapter. A designee may retain
23 seventy-five cents (\$0.75) as a fee for that service and remit the
24 balance of the money collected to the ~~township trustee assessor who~~
25 **designated the designee** by the tenth day of each month. As used in
26 this subsection, "humane society" includes an animal shelter, animal
27 control center, or other animal impounding facility that has as its
28 purpose the humane treatment of animals.

29 SECTION 50. IC 15-5-9-2 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) The
31 ~~township~~ assessor shall give to each person a receipt for the money
32 paid the assessor, which shall be designated for dog tax. The receipt
33 shall show the person's name who owns, harbors, or keeps the dog, the
34 amount paid, and the number, description, and kind of dogs paid for,
35 whether male or female, and the number of each. The receipt relieves
36 the person owning, keeping, or harboring dogs for the current year,
37 extending one (1) year from its date. The assessor shall keep a record
38 of persons owning dogs subject to taxation and a record of the dogs
39 paid for. The assessor shall keep a stub record or copy of the receipts
40 given for money paid as dog tax. The stub record shall show the
41 amount paid, the number of dogs, both male and female, paid for, and
42 the person's name owning the dogs paid for. At the time when the

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1 receipt is issued to the person, the assessor shall give to the person a
2 tag, which shall be attached to the collar worn by the dog.

3 (b) Before July 1 each year, the ~~township~~ assessor, **except an**
4 **assessor in a county having a consolidated city**, shall turn over to the
5 township trustee all the records kept by the assessor relating to the
6 collecting and payment of dog taxes and kennel license fees, and a
7 copy of all receipts given by the assessor to persons having paid dog
8 taxes and kennel license fees, and all money received by the assessor
9 as dog taxes, and all tags left in the assessor's possession. The assessor
10 shall assess against each person who failed to pay to the assessor the
11 amount of any license fee owed by the person, and the amount of the
12 license fees shall be placed upon the tax duplicate by the county auditor
13 and collected as taxes are collected.

14 (c) From July 1 each year until March 1 of the next year, the
15 ~~township trustee assessor~~ shall receive any license fees subject to be
16 paid under this chapter and issue any licenses under this chapter that
17 may be received or issued by the ~~township~~ assessor under this chapter.

18 SECTION 51. IC 15-5-9-3 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. **This section**
20 **does not apply to a township in a county having a consolidated city**
21 **or to a consolidated city.** The ~~township~~ assessor shall, before July 1
22 each year, report the amount collected as dog tax and kennel license
23 fees to the county auditor. The dog taxes and kennel license fees
24 collected by ~~the a township~~ assessor shall be turned over by the
25 **township** assessor to the township trustee of the **township** assessor's
26 township. The county auditor shall make a record of the same, and
27 charge the amount stated in the report against the township trustee as
28 receipts from the county dog fund.

29 SECTION 52. IC 15-5-9-4 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) Each
31 ~~township~~ assessor shall perform the duties imposed by this chapter. If
32 a dog owner has failed to turn in a dog for taxation purposes, the
33 assessor shall notify the owner that the assessor is listing the unpaid
34 taxes within a period of ten (10) days, at which time the person will be
35 assessed double the amount of taxes provided by this chapter unless the
36 person owning the dog appears voluntarily within the ten (10) days
37 and:

- 38 (1) proves to the satisfaction of the assessor that the person owned
39 no such dog at the time the census was made; or
- 40 (2) makes an affidavit to be kept on file by the assessor to the
41 effect that the failure to report a dog for taxation was not
42 intentional and was not purposely omitted for the purpose of

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1 avoiding payment of taxes.

2 (b) Each assessor shall keep a complete list of all dogs subject to the

3 tax under this chapter together with the names of their owners on

4 record in the assessor's office at all times and available to the public.

5 If any person shall acquire, own, harbor, or keep any dog after the

6 assessor has completed the census, the person shall report the dog to

7 and pay to the assessor the amount of dog tax as provided in this

8 chapter and receive a receipt and tag for the payment. The receipt and

9 tag exempts the person from further payment of dog tax on dogs

10 described in the receipt for one (1) year from the date of the receipt.

11 SECTION 53. IC 15-5-9-5 IS AMENDED TO READ AS

12 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. ~~A township~~ **An**

13 assessor ~~or assessor's designee or township trustee~~ who:

14 (1) fails to perform the duties imposed by this chapter; or

15 (2) fails to make a complete report within the time specified in

16 this chapter;

17 commits a Class C infraction.

18 SECTION 54. IC 15-5-9-6 IS AMENDED TO READ AS

19 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. Every person

20 liable to taxation in any township and residing in the township when

21 listed for taxation shall make and subscribe to an oath to the ~~township~~

22 assessor in which the person states the number of dogs neutered or

23 unneutered over the age of six (6) months and owned or harbored by

24 the person.

25 SECTION 55. IC 15-5-9-8 IS AMENDED TO READ AS

26 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) All money

27 derived by the taxing of dogs under this chapter shall constitute a fund

28 known as the township dog fund ~~or, in the case of a township located~~

29 **in a county having a consolidated city, the county dog fund** that the

30 township trustee ~~or, in the case of a township located in a county~~

31 **having a consolidated city, the controller of the consolidated city,**

32 shall use in the manner provided in this chapter for the payment of the

33 following:

34 (1) Damages, less insurance proceeds, sustained by owners of the

35 following stock, fowl, or game killed, maimed, or damaged by

36 dogs:

37 (A) Sheep.

38 (B) Cattle.

39 (C) Horses.

40 (D) Swine.

41 (E) Goats.

42 (F) Mules.

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- 1 (G) Chickens.
 2 (H) Geese.
 3 (I) Turkeys.
 4 (J) Ducks.
 5 (K) Guineas.
 6 (L) Tame rabbits.
 7 (M) Game birds and game animals held in captivity under
 8 authority of a game breeder's license issued by the department
 9 of natural resources.
 10 (N) Bison.
 11 (O) Farm raised cervidae.
 12 (P) Ratitae.
 13 (2) The expense of taking the Pasteur treatment for hydrophobia
 14 incurred by any person bitten by or exposed to a dog known to
 15 have hydrophobia. ~~within any township of Indiana.~~
 16 (b) Any person requiring the treatment described in subsection
 17 (a)(2) may select the person's own physician.
 18 (c) No damages shall be assessed or paid under this chapter on
 19 sheep except where individual damage exists or is shown.
 20 (d) This subsection applies to a county whose legislative body has
 21 acted under this subsection. A county legislative body may designate
 22 by ordinance one (1) humane society located in that county to receive
 23 fifty cents (\$0.50) from each dog tax payment collected under this
 24 chapter.
 25 (e) A humane society designated under subsection (d) shall use the
 26 funds disbursed to the society to maintain an animal shelter.
 27 (f) If a county does not designate a humane society to receive
 28 payments under subsection (d), those amounts remain in the township
 29 dog fund **or, in the case of a county having a consolidated city, the**
 30 **county dog fund.**
 31 SECTION 56. IC 15-5-9-9.1 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9.1. (a) ~~In order~~
 33 To qualify for payment for damages by a township trustee **or, in the**
 34 **case of a township located in a county having a consolidated city,**
 35 **the controller of the consolidated city** under this chapter, the owner
 36 of stock, fowl, or game listed in section 8(a)(1) of this chapter killed,
 37 maimed, or damaged by dogs shall do the following:
 38 (1) Not more than seventy-two (72) hours after the time of the
 39 loss, notify one (1) of the following having jurisdiction in the
 40 location where the loss occurred:
 41 (A) A law enforcement officer.
 42 (B) An officer of a county or municipal animal control center,

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1 shelter, or similar impounding facility.

2 (2) Within twenty (20) days from the time of the loss, report the

3 loss to the trustee ~~of his township of the owner's township or, in~~

4 **a township located in a county having a consolidated city, to**

5 **the controller of the consolidated city** as follows:

6 (A) Under oath, the owner shall state:

7 (i) the number, age, and value of the stock, fowl, or game;

8 and

9 (ii) the damages, less any insurance proceeds, sustained.

10 (B) In an affidavit, the owner must be joined by two (2)

11 disinterested and reputable freeholders residing in the

12 township in which the stock, fowl, or game were killed,

13 maimed, or damaged. The affidavit must state that the

14 freeholders are:

15 (i) disinterested; and

16 (ii) not related by blood or marriage to the claimant.

17 (C) No appraisal may exceed the actual cash value of the

18 stock, fowl, or game. As it applies to ratitae, cash value is no

19 more than the slaughter value.

20 (D) The owner shall provide verification of the loss by an

21 officer under subdivision (1).

22 (E) No loss shall be paid for property owned by a claimant on

23 the last property tax assessment date if the property was not

24 reported by the owner for assessment purposes at that time.

25 (b) An officer who receives notice under subsection (a)(1) shall visit

26 the scene of the loss, verify the loss in writing, and mark the animal so

27 that the animal can support only one (1) claim under this chapter.

28 SECTION 57. IC 15-5-9-10 IS AMENDED TO READ AS

29 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The

30 ~~trustees township trustee or the controller of the consolidated city~~

31 shall register and pay damages for all losses in the order in which the

32 losses are reported.

33 (b) A person may not receive payment from the trustee ~~or the~~

34 **controller of the consolidated city** for stock, fowl, or game listed in

35 section 8(a)(1) of this chapter:

36 (1) that are killed, maimed, or damaged by any dog or dogs owned

37 or harbored by that person;

38 (2) for which the person received from another person an amount

39 equal to the actual damages; or

40 (3) for which the owner has not complied with section 9.1 of this

41 chapter.

42 (c) When rabies shall develop in any stock, fowl, or game listed in

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1 section 8(a)(1) of this chapter, however contracted, and when the
2 existence of such disease shall be proven by:

- 3 (1) laboratory diagnosis, made in the laboratory of the state
- 4 department of health, or some other laboratory maintained by
- 5 state, county, or municipal funds; or
- 6 (2) affidavit of an attending legally qualified graduate
- 7 veterinarian;

8 the owner of such animal with rabies shall be entitled to recover in the
9 same amount and manner as provided in sections 8 and 9.1 of this
10 chapter.

11 (d) Whenever any dog not accompanied by the dog's owner or
12 owner's agent is suspected of having rabies and found roaming at large,
13 and the dog dies or is destroyed on said account, the **township trustee**
14 **or controller of the consolidated city** shall do the following:

- 15 (1) Remove or have removed the head of the dog.
- 16 (2) Pay from the township dog fund **or, in the case of a township**
- 17 **located in a county having a consolidated city, the county dog**
- 18 **fund**, the following:
 - 19 (A) A reasonable fee for the removal of the dog's head.
 - 20 (B) All charges for transporting the head to a laboratory
 - 21 maintained by state, county, or municipal funds. If no money
 - 22 is available in the **appropriate** dog fund, ~~of the township~~; then
 - 23 such necessary fees shall be paid out of the township **general**
 - 24 **fund or, in the case of a township located in a county**
 - 25 **having a consolidated city, the county general fund**, without
 - 26 appropriations having been made.

27 (e) On the first Monday of March of each year, the township shall
28 transfer the following to the county treasurer:

- 29 (1) Any funds in a township dog fund designated for a humane
- 30 society under section 8 of this chapter.
- 31 (2) Any amount in a township dog fund exceeding three hundred
- 32 dollars (\$300) over and above orders drawn on the fund.

33 (f) The funds transferred to the county treasurer under subsection (e)
34 shall be deposited in the county dog fund. On the second Monday in
35 March of each year, the money in the county dog fund shall be
36 distributed as follows:

- 37 (1) **Except for a township located in a county having a**
- 38 **consolidated city**, among the townships of the county in which
- 39 the orders drawn against the dog fund exceed the money on hand.
- 40 (2) To a humane society designated under section 8 of this
- 41 chapter.

42 (g) If the funds in the county dog fund, after any distribution to a

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1 designated humane society, are insufficient to pay for all stock, fowl,
 2 or game listed in section 8(a)(1) of this chapter that are killed, maimed,
 3 or damaged by dogs ~~of all the townships~~ in the county, the distribution
 4 shall be made, **except in a township located in a county having a**
 5 **consolidated city**, in the ratio of the orders drawn against the dog fund
 6 of the townships and unpaid and unprovided for. The ratio shall be
 7 obtained from the report of the trustees of the townships made to the
 8 auditor of the county.

9 (h) The report under subsection (g) shall be made by each township
 10 trustee of the county upon the first Monday of March of each year and
 11 must show the following:

12 (1) All receipts into the dog fund of the township.

13 (2) All orders drawn against the township fund in the order in
 14 which the orders were drawn.

15 (i) If the funds in the dog fund of any township and the share of the
 16 county dog fund distributed to such township during any year **or, in the**
 17 **case of a township located in a county having a consolidated city,**
 18 **the county dog fund**, are insufficient to pay for all stock, fowl, and
 19 game listed in section 8(a)(1) of this chapter that are killed, maimed,
 20 or damaged by dogs in such township **or county, as the case may be,**
 21 during such year, any such losses registered and any orders drawn
 22 which are unpaid and unprovided for shall be paid out of the state dog
 23 account.

24 (j) If upon the first Monday in May of any year there is a surplus left
 25 of the county dog fund after provisions have been made for the
 26 payment of all stock, fowl, and game listed in section 8(a)(1) of this
 27 chapter that are killed, maimed, or damaged by dogs of all the
 28 townships of the county and the distribution to any designated humane
 29 society, the surplus shall be:

30 (1) paid to the auditor of state; and

31 (2) placed in a separate account of the general fund of the state
 32 treasury known as the state dog account.

33 SECTION 58. IC 15-5-9-11 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. On or before
 35 the first day of May of each year, the trustee of each township shall
 36 make a report in writing, to the county auditor, of the amount of all
 37 claims in ~~his~~ **the trustee's** township for livestock, fowls, or game
 38 which have been destroyed or damaged by dogs, and which claims
 39 have been filed before March 9, 1937, or which may be filed thereafter
 40 but have not been paid for lack of funds. On or before the second
 41 Monday in May of each year, the auditor of each county, **or in a**
 42 **county having a consolidated city, the controller of the consolidated**

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1 **city**, shall make a report, in writing, to the auditor of state, in such form
2 as the auditor of state shall prescribe, of the amount of all such claims
3 in ~~his~~ **the** county which have been filed and which have not been paid
4 for lack of funds, and on or before the second Monday in July, the
5 auditor of state shall issue ~~his~~ **the auditor's** warrant, payable to the
6 auditor of each such county **or, in a county having a consolidated**
7 **city, the controller of the consolidated city**, for the amount of the
8 unpaid claims. The warrant shall be drawn on the state dog account.
9 Upon the receipt of the money, the auditor of the county **or, in a**
10 **county having a consolidated city, the controller of the consolidated**
11 **city**, shall distribute the funds to the respective townships of ~~his~~ **the**
12 county entitled thereto **or, in the case of a county having a**
13 **consolidated city, to the appropriate fund of the consolidated city**,
14 and the trustee of the township **or controller of a consolidated city**
15 shall pay all unpaid claims of ~~his~~ **the township or county** in the order
16 in which the claims were filed. If in any year there is not sufficient
17 money in the state dog account to pay all of the claims, the auditor of
18 state shall make such distribution, as near as practicable, in proportion
19 to the aggregate value of livestock, fowls, or game for the destruction
20 of which or the damage to which claims have been filed in the
21 respective counties, and the county auditor, **except in a county having**
22 **a consolidated city**, shall distribute the money so received to the
23 several townships in the same proportion. All money in excess of fifty
24 thousand dollars (\$50,000) remaining in the state dog account, after
25 such annual distribution shall have been made as hereinbefore
26 provided, shall be distributed by the auditor of state in the manner
27 following:

28 ~~(a)~~ **(1)** One-half (1/2) of such excess or one hundred thousand
29 dollars (\$100,000) of such excess, whichever sum is the lesser,
30 shall be distributed to Purdue University for the School of
31 Veterinary Science and Medicine to be used solely for canine
32 disease research.

33 ~~(b)~~ **(2)** The balance remaining of such excess, after the
34 distribution to Purdue University is made as hereinbefore
35 provided, shall be distributed to the general fund of each county
36 in direct proportion to the total amount of money paid into the dog
37 account on the second Monday in May by the county prior to the
38 distribution.

39 Of the funds returned to the respective counties the county may, with
40 the approval of the county commissioners and the county council,
41 construct dog pounds within said counties.

42 SECTION 59. IC 15-5-9-12 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) At the time
2 when the dog kennel license fee is paid to the township assessor, the
3 assessor, at the time when the assessor issues a receipt, shall likewise
4 furnish to the person a metal tag. The metal tag furnished shall be
5 attached securely to the collar of the dog for which the license fee has
6 been paid and the collar, with the tag attached, shall be worn
7 continuously by the dog.

8 (b) All license tags shall be of uniform design or color for any one
9 (1) year, but the same color or shape shall not be used for any two (2)
10 consecutive years. All tags shall be designed by the auditor of state,
11 shall be paid for out of the state dog account, and shall be
12 manufactured at the state prison in the same manner as motor vehicle
13 registration plates. Each tag shall have a distinct number and the
14 number of the tag shall appear on the receipt issued to the owner of the
15 dog.

16 (c) If any dog tag is lost, it shall be replaced without cost by the
17 assessor upon application by the owner of the dog and upon the
18 production of the receipt and a sworn statement of the facts regarding
19 the loss of the tag. No license tag is transferable to another dog.

20 SECTION 60. IC 23-14-33-7.5 IS ADDED TO THE INDIANA
21 CODE AS A NEW SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JANUARY 1, 2008]: Sec. 7.5. "Cemetery fund" means
23 the:

24 (1) township fund for a township in a county not having a
25 consolidated city; or

26 (2) cemetery fund of the consolidated city for a township in a
27 county having a consolidated city.

28 SECTION 61. IC 23-14-33-32.5 IS ADDED TO THE INDIANA
29 CODE AS A NEW SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JANUARY 1, 2008]: Sec. 32.5. "Township" means:

31 (1) a township in a county not having a consolidated city; or

32 (2) the consolidated city for a township in a county having a
33 consolidated city.

34 SECTION 62. IC 23-14-33-32.6 IS ADDED TO THE INDIANA
35 CODE AS A NEW SECTION TO READ AS FOLLOWS
36 [EFFECTIVE JANUARY 1, 2008]: Sec. 32.6. "Township trustee" or
37 "trustee" means:

38 (1) a township trustee for a township in a county not having
39 a consolidated city; or

40 (2) the consolidated city for a township in a county having a
41 consolidated city.

42 SECTION 63. IC 23-14-64-4 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. All expenses
2 incurred by the trustee in administering this chapter shall be paid out
3 of the ~~township cemetery~~ fund of the township.

4 SECTION 64. IC 23-14-68-4 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. (a) The
6 township shall appropriate enough money to provide for the care,
7 repair, and maintenance of each cemetery described in section 1(a) of
8 this chapter that is located within the township. Funds shall be
9 appropriated under this subsection in the same manner as other
10 ~~township~~ appropriations.

11 (b) The township may levy a ~~township~~ cemetery tax to create a fund
12 for maintenance of cemeteries under this chapter. If a fund has not been
13 provided for maintenance of cemeteries under this chapter, part of the
14 township fund **or other funds of the township** may be used.

15 SECTION 65. IC 23-14-69-5 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. (a) If:

- 17 (1) no land suitable for a public cemetery is donated to a
18 township; and
- 19 (2) **if** the township legislative body adopts a resolution approving
20 the purchase;

21 the township ~~executive~~ may purchase land for the purpose of
22 establishing a public cemetery.

23 (b) When land is purchased and conveyed to the township under
24 subsection (a), the land must be set apart, kept in repair, and used as
25 provided in section 6 of this chapter.

26 SECTION 66. IC 23-14-69-9 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 9. All expenses
28 incurred by the township trustee for administering this chapter shall be
29 paid out of the ~~township cemetery~~ fund of the township.

30 SECTION 67. IC 32-21-2-13 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13. (a) If the
32 auditor of the county or the ~~township~~ assessor **for a township** under
33 IC 6-1.1-5-9 and IC 6-1.1-5-9.1 determines it necessary, an instrument
34 transferring fee simple title to less than the whole of a tract that will
35 result in the division of the tract into at least two (2) parcels for
36 property tax purposes may not be recorded unless the auditor or
37 township assessor is furnished a drawing or other reliable evidence of
38 the following:

- 39 (1) The number of acres in each new tax parcel being created.
- 40 (2) The existence or absence of improvements on each new tax
41 parcel being created.
- 42 (3) The location within the original tract of each new tax parcel

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being created.
(b) Any instrument that is accepted for recording and placed of record that bears the endorsement required by IC 36-2-11-14 is presumed to comply with this section.

SECTION 68. IC 32-26-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. (a) The trustee of each township, the county highway superintendent, the Indiana department of transportation, or other officer in control of the maintenance of a highway shall between January 1 and April 1 of each year, examine all hedges, live fences, natural growths along highways, and other obstructions described in section 1 of this chapter in their respective jurisdictions. **However, in a county having a consolidated city, the duties and obligations of a township trustee under this chapter are the responsibility of the consolidated city.** If there are hedges, live fences, other growths, or obstructions along the highways that have not been cut, trimmed down, and maintained in accordance with this chapter, the owner shall be given written notice to cut or trim the hedge or live fence and to burn the brush trimmed from the hedge or live fence and remove any other obstructions or growths.

(b) The notice required under subsection (a) must be served by reading the notice to the owner or by leaving a copy of the notice at the owner's usual place of residence.

(c) If the owner is not a resident of the township, county, or state where the hedge, live fence, or other obstructions or growth is located, the notice shall be served upon the owner's agent or tenant residing in the township, **county, or state.** If an agent or a tenant of the owner does not reside in the township, the notice shall be served by mailing a copy of the notice to the owner, directed to the owner's last known post office address.

(d) If the owner, agents, or tenants do not proceed to cut and trim the fences and burn the brush trimmed from the fences or remove any obstructions or growths within ten (10) days after notice is served, the township trustee, **consolidated city,** county highway superintendent, or Indiana department of transportation shall immediately:

- (1) cause the fences to be cut and trimmed or obstructions or growths removed in accordance with this chapter; and
- (2) burn the brush trimmed from the fences.

All expenses incurred under this subsection shall be assessed against and become a lien upon the land in the same manner as road taxes.

(e) The township trustee, **consolidated city,** county highway superintendent, or Indiana department of transportation having charge of the work performed under subsection (d) shall prepare an itemized

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1 statement of the total cost of the work of removing the obstructions or
 2 growths and shall sign and certify the statement to the county auditor
 3 of the county in which the land is located. The county auditor shall
 4 place the statement on the tax duplicates. The county treasurer shall
 5 collect the costs entered on the duplicates at the same time and in the
 6 same manner as road taxes are collected. The treasurer may not issue
 7 a receipt for road taxes unless the costs entered on the duplicates are
 8 paid in full at the same time the road taxes are paid. If the costs are not
 9 paid when due, the costs shall become delinquent, bear the same
 10 interest, be subject to the same penalties, and be collected at the same
 11 time and in the same manner as other unpaid and delinquent taxes.

12 SECTION 69. IC 32-26-9-0.6 IS ADDED TO THE INDIANA
 13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JANUARY 1, 2008]: **Sec. 0.6. As used in this chapter,**
 15 **"township" means:**

- 16 (1) a township in a county not having a consolidated city; or
- 17 (2) the consolidated city for a township in a county having a
- 18 consolidated city.

19 SECTION 70. IC 32-26-9-0.7 IS ADDED TO THE INDIANA
 20 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JANUARY 1, 2008]: **Sec. 0.7. As used in this chapter,**
 22 **"township trustee" or "trustee" means:**

- 23 (1) a township trustee for a township in a county not having
- 24 a consolidated city; or
- 25 (2) the consolidated city for a township in a county having a
- 26 consolidated city.

27 SECTION 71. IC 32-26-9-3 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) A partition
 29 fence shall be built, rebuilt, and kept in repair at the cost of the property
 30 owners whose properties are enclosed or separated by the fences
 31 proportionately according to the number of rods or proportion of the
 32 fence the property owner owns along the line of the fence, whether the
 33 property owner's title is a fee simple or a life estate.

34 (b) If a property owner fails or refuses to compensate for building,
 35 rebuilding, or repairing the property owner's portion of a partition
 36 fence, another property owner who is interested in the fence, after
 37 having built, rebuilt, or repaired the property owner's portion of the
 38 fence, shall give to the defaulting property owner or the defaulting
 39 property owner's agent or tenant twenty (20) days notice to build,
 40 rebuild, or repair the defaulting property owner's portion of the fence.
 41 If the defaulting property owner or the defaulting property owner's
 42 agent or tenant fails to build, rebuild, or repair the fence within twenty

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1 (20) days, the complaining property owner shall notify the township
2 trustee of the township in which the properties are located of the
3 default.

4 (c) This subsection applies if the fence sought to be established,
5 rebuilt, or repaired is on a township line. Unless disqualified under
6 subsection (h), the complaining property owner shall notify the trustee
7 of the township in which the property of the complaining property
8 owner is located of the default under subsection (b), and the trustee has
9 jurisdiction in the matter.

10 (d) The township trustee who receives a complaint under this
11 section shall:

- 12 (1) estimate the costs for building, rebuilding, or repairing the
- 13 partition fence; and
- 14 (2) within a reasonable time after receiving the complaint, make
- 15 out a statement and notify the defaulting property owner of the
- 16 probable cost of building, rebuilding, or repairing the fence.

17 If twenty (20) days after receiving a notice under this subsection the
18 defaulting property owner has not built, rebuilt, or repaired the fence,
19 the trustee shall build or repair the fence. The trustee may use only the
20 materials for the fences that are most commonly used by the farmers of
21 the community.

22 (e) If the trustee of a township is disqualified to act under subsection
23 (h), the trustee of an adjoining township who resides nearest to where
24 the fence is located shall act on the complaint upon receiving a notice
25 by a property owner who is interested in the fence.

26 (f) A lawful partition fence is any one (1) of the following that is
27 sufficiently tight and strong to hold cattle, hogs, horses, mules, and
28 sheep:

- 29 (1) A straight board and wire fence, a straight wire fence, a
- 30 straight board fence, or a picket fence four (4) feet high.
- 31 (2) A straight rail fence four and one-half (4 1/2) feet high.
- 32 (3) A worm rail fence five (5) feet high.

33 (g) This subsection applies if a ditch or creek crosses the division
34 line between two (2) property owners, causing additional expense in
35 the maintenance of the part over the stream. If the property owners
36 cannot agree upon the proportionate share of each property owner, the
37 township trustee shall appoint three (3) disinterested citizens who shall
38 apportion the partition fence to be built by each property owner.

39 (h) If a township trustee is:
40 (1) related to any of the interested property owners; or
41 (2) an interested property owner;
42 the trustee of any other township who resides nearest to where the

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1 ~~fence is located shall~~ **township shall appoint another official to act**
2 under this chapter.

3 (i) This subsection applies if a ditch or creek forms, covers, or
4 marks the dividing line or a part of the dividing line between the
5 properties of separate and different property owners so that partition
6 fences required under this chapter cannot be built and maintained on
7 the dividing line. The partition fences shall be built and maintained
8 under this chapter as near to the boundary line as is practical, and each
9 property owner shall build a separate partition fence on the property
10 owner's property and maintain the fence at the property owner's cost.

11 (j) This subsection applies where a partition fence required under
12 this chapter crosses a ditch or creek and it is impracticable to construct
13 or maintain that portion of the fence that crosses the ditch or creek as
14 a stationary fence. Instead of the portion of the fence that would cross
15 the ditch or creek, there shall be constructed, as a part of the partition
16 fence, floodgates or other similar structures that are sufficiently high,
17 tight, and strong to turn hogs, sheep, cattle, mules, and horses or other
18 domestic animals. The floodgates or other similar structures shall be
19 constructed to swing up in times of high water and to connect
20 continuously with the partition fences.

21 (k) This subsection applies if the building and maintenance of the
22 floodgates or other similar structure required under subsection (j)
23 causes additional expenses and the property owners cannot agree upon
24 the character of floodgates or other similar structure, or upon the
25 proportionate share of the cost to be borne by each property owner. The
26 township trustee, upon notice in writing from either property owner of
27 a disagreement and the nature of the disagreement, shall appoint three
28 (3) disinterested citizens of the township who shall determine the kind
29 of structure and apportion the cost of the floodgate or other structure
30 between the property owners, taking into consideration the parts of the
31 fence being maintained by each property owner.

32 (l) The determination of a majority of the arbitrators of any matter
33 or matters submitted to them under this section is final and binding on
34 each property owner. The compensation of the arbitrators is two dollars
35 (\$2) each, which shall be paid by the property owners in the proportion
36 each property owner is ordered to bear the expense of a gate or
37 structure.

38 (m) This subsection applies if either or both of the property owners
39 fail to construct or compensate for constructing the structure
40 determined upon by the arbitrators in the proportion determined within
41 thirty (30) days after the determination. The township trustee shall
42 proceed at once to construct the gate or structure and collect the cost

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1 of the gate or structure, including the compensation of the arbitrators,
2 from the defaulting property owner in the same manner as is provided
3 for ordinary partition fences. The floodgate or other structure shall be
4 repaired, rebuilt, or replaced according to the determination of the
5 arbitrators.

6 SECTION 72. IC 32-28-3-1 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) A
8 contractor, a subcontractor, a mechanic, a lessor leasing construction
9 and other equipment and tools, whether or not an operator is also
10 provided by the lessor, a journeyman, a laborer, or any other person
11 performing labor or furnishing materials or machinery, including the
12 leasing of equipment or tools, for:

- 13 (1) the erection, alteration, repair, or removal of:
 - 14 (A) a house, mill, manufactory, or other building; or
 - 15 (B) a bridge, reservoir, system of waterworks, or other
16 structure;
 - 17 (2) the construction, alteration, repair, or removal of a walk or
18 sidewalk located on the land or bordering the land, a stile, a well,
19 a drain, a drainage ditch, a sewer, or a cistern; or
 - 20 (3) any other earth moving operation;
- 21 may have a lien as set forth in this section.

22 (b) A person described in subsection (a) may have a lien separately
23 or jointly upon the:

- 24 (1) house, mill, manufactory, or other building, bridge, reservoir,
25 system of waterworks, or other structure, sidewalk, walk, stile,
26 well, drain, drainage ditch, sewer, cistern, or earth:
 - 27 (A) that the person erected, altered, repaired, moved, or
28 removed; or
 - 29 (B) for which the person furnished materials or machinery of
30 any description; and
- 31 (2) on the interest of the owner of the lot or parcel of land:
 - 32 (A) on which the structure or improvement stands; or
 - 33 (B) with which the structure or improvement is connected;

34 to the extent of the value of any labor done or the material furnished,
35 or both, including any use of the leased equipment and tools.

36 (c) All claims for wages of mechanics and laborers employed in or
37 about a shop, mill, wareroom, storeroom, manufactory or structure,
38 bridge, reservoir, system of waterworks or other structure, sidewalk,
39 walk, stile, well, drain, drainage ditch, cistern, or any other earth
40 moving operation shall be a lien on all the:

- 41 (1) machinery;
- 42 (2) tools;

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- 1 (3) stock;
- 2 (4) material; or
- 3 (5) finished or unfinished work;
- 4 located in or about the shop, mill, wareroom, storeroom, manufactory
- 5 or other building, bridge, reservoir, system of waterworks, or other
- 6 structure, sidewalk, walk, stile, well, drain, drainage ditch, sewer,
- 7 cistern, or earth used in a business.
- 8 (d) If the person, firm, limited liability company, or corporation
- 9 described in subsection (a) is in failing circumstances, the claims
- 10 described in this section shall be preferred debts whether a claim or
- 11 notice of lien has been filed.
- 12 (e) Subject to subsection (f), a contract:
- 13 (1) for the construction, alteration, or repair of a Class 2 structure
- 14 (as defined in IC 22-12-1-5);
- 15 (2) for the construction, alteration, or repair of an improvement on
- 16 the same real estate auxiliary to a Class 2 structure (as defined in
- 17 IC 22-12-1-5);
- 18 (3) for the construction, alteration, or repair of property that is:
- 19 (A) owned, operated, managed, or controlled by a:
- 20 (i) public utility (as defined in IC 8-1-2-1);
- 21 (ii) municipally owned utility (as defined in IC 8-1-2-1);
- 22 (iii) joint agency (as defined in IC 8-1-2.2-2);
- 23 (iv) rural electric membership corporation formed under
- 24 IC 8-1-13-4;
- 25 (v) rural telephone cooperative corporation formed under
- 26 IC 8-1-17; or
- 27 (vi) not-for-profit utility (as defined in IC 8-1-2-125);
- 28 regulated under IC 8; and
- 29 (B) intended to be used and useful for the production,
- 30 transmission, delivery, or furnishing of heat, light, water,
- 31 telecommunications services, or power to the public; or
- 32 (4) to prepare property for Class 2 residential construction;
- 33 may include a provision or stipulation in the contract of the owner and
- 34 principal contractor that a lien may not attach to the real estate,
- 35 building, structure, or any other improvement of the owner.
- 36 (f) A contract containing a provision or stipulation described in
- 37 subsection (e) must meet the requirements of this subsection to be valid
- 38 against subcontractors, mechanics, journeymen, laborers, or persons
- 39 performing labor upon or furnishing materials or machinery for the
- 40 property or improvement of the owner. The contract must:
- 41 (1) be in writing;
- 42 (2) contain specific reference by legal description of the real

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1 estate to be improved;
 2 (3) be acknowledged as provided in the case of deeds; and
 3 (4) be filed and recorded in the recorder's office of the county in
 4 which the real estate, building, structure, or other improvement is
 5 situated not more than five (5) days after the date of execution of
 6 the contract.
 7 A contract containing a provision or stipulation described in subsection
 8 (e) does not affect a lien for labor, material, or machinery supplied
 9 before the filing of the contract with the recorder.
 10 (g) Upon the filing of a contract under subsection (f), the recorder
 11 shall:
 12 (1) record the contract at length in the order of the time it was
 13 received in books provided by the recorder for that purpose;
 14 (2) index the contract in the name of the:
 15 (A) contractor; and
 16 (B) owner;
 17 in books kept for that purpose; and
 18 (3) collect a fee for recording the contract as is provided for the
 19 recording of deeds and mortgages.
 20 (h) A person, firm, partnership, limited liability company, or
 21 corporation that sells or furnishes on credit any material, labor, or
 22 machinery for the alteration or repair of an owner occupied single or
 23 double family dwelling or the appurtenances or additions to the
 24 dwelling to:
 25 (1) a contractor, subcontractor, mechanic; or
 26 (2) anyone other than the occupying owner or the owner's legal
 27 representative;
 28 must furnish to the occupying owner of the parcel of land where the
 29 material, labor, or machinery is delivered a written notice of the
 30 delivery or work and of the existence of lien rights not later than thirty
 31 (30) days after the date of first delivery or labor performed. The
 32 furnishing of the notice is a condition precedent to the right of
 33 acquiring a lien upon the lot or parcel of land or the improvement on
 34 the lot or parcel of land.
 35 (i) A person, firm, partnership, limited liability company, or
 36 corporation that sells or furnishes on credit material, labor, or
 37 machinery for the original construction of a single or double family
 38 dwelling for the intended occupancy of the owner upon whose real
 39 estate the construction takes place to a contractor, subcontractor,
 40 mechanic, or anyone other than the owner or the owner's legal
 41 representatives must:
 42 (1) furnish the owner of the real estate:

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- 1 (A) as named in the latest entry in the transfer books described
- 2 in IC 6-1.1-5-4 of the county auditor; or
- 3 (B) if IC 6-1.1-5-9 applies, as named in the transfer books of
- 4 the ~~township~~ assessor **for the township**;
- 5 with a written notice of the delivery or labor and the existence of
- 6 lien rights not later than sixty (60) days after the date of the first
- 7 delivery or labor performed; and
- 8 (2) file a copy of the written notice in the recorder's office of the
- 9 county not later than sixty (60) days after the date of the first
- 10 delivery or labor performed.

11 The furnishing and filing of the notice is a condition precedent to the
 12 right of acquiring a lien upon the real estate or upon the improvement
 13 constructed on the real estate.

14 (j) A lien for material or labor in original construction does not
 15 attach to real estate purchased by an innocent purchaser for value
 16 without notice of a single or double family dwelling for occupancy by
 17 the purchaser unless notice of intention to hold the lien is recorded
 18 under section 3 of this chapter before recording the deed by which the
 19 purchaser takes title.

20 SECTION 73. IC 32-28-3-3 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) Except as
 22 provided in subsection (b), a person who wishes to acquire a lien upon
 23 property, whether the claim is due or not, must file in duplicate a sworn
 24 statement and notice of the person's intention to hold a lien upon the
 25 property for the amount of the claim:

- 26 (1) in the recorder's office of the county; and
- 27 (2) not later than ninety (90) days after performing labor or
- 28 furnishing materials or machinery described in section 1 of this
- 29 chapter.

30 The statement and notice of intention to hold a lien may be verified and
 31 filed on behalf of a client by an attorney registered with the clerk of the
 32 supreme court as an attorney in good standing under the requirements
 33 of the supreme court.

34 (b) This subsection applies to a person that performs labor or
 35 furnishes materials or machinery described in section 1 of this chapter
 36 related to a Class 2 structure (as defined in IC 22-12-1-5) or an
 37 improvement on the same real estate auxiliary to a Class 2 structure (as
 38 defined in IC 22-12-1-5). A person who wishes to acquire a lien upon
 39 property, whether the claim is due or not, must file in duplicate a sworn
 40 statement and notice of the person's intention to hold a lien upon the
 41 property for the amount of the claim:

- 42 (1) in the recorder's office of the county; and

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1 (2) not later than sixty (60) days after performing labor or
2 furnishing materials or machinery described in section 1 of this
3 chapter.

4 The statement and notice of intention to hold a lien may be verified and
5 filed on behalf of a client by an attorney registered with the clerk of the
6 supreme court as an attorney in good standing under the requirements
7 of the supreme court.

8 (c) A statement and notice of intention to hold a lien filed under this
9 section must specifically set forth:

- 10 (1) the amount claimed;
 - 11 (2) the name and address of the claimant;
 - 12 (3) the owner's:
 - 13 (A) name; and
 - 14 (B) latest address as shown on the property tax records of the
 - 15 county; and
 - 16 (4) the:
 - 17 (A) legal description; and
 - 18 (B) street and number, if any;
- 19 of the lot or land on which the house, mill, manufactory or other
20 buildings, bridge, reservoir, system of waterworks, or other
21 structure may stand or be connected with or to which it may be
22 removed.

23 The name of the owner and legal description of the lot or land will be
24 sufficient if they are substantially as set forth in the latest entry in the
25 transfer books described in IC 6-1.1-5-4 of the county auditor or, if
26 IC 6-1.1-5-9 applies, the transfer books of the ~~township~~ assessor **for**
27 **the township** at the time of filing of the notice of intention to hold a
28 lien.

- 29 (d) The recorder shall:
 - 30 (1) mail, first class, one (1) of the duplicates of the statement and
 - 31 notice of intention to hold a lien to the owner named in the
 - 32 statement and notice not later than three (3) business days after
 - 33 recordation;
 - 34 (2) post records as to the date of the mailing; and
 - 35 (3) collect a fee of two dollars (\$2) from the lien claimant for each
 - 36 statement and notice that is mailed.

37 The statement and notice shall be addressed to the latest address of the
38 owner as specifically set out in the sworn statement and notice of the
39 person intending to hold a lien upon the property.

40 SECTION 74. IC 32-31-3-11 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) The
42 following courts have original and concurrent jurisdiction in cases

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1 arising under this chapter:

- 2 (1) A circuit court.
- 3 (2) A superior court.
- 4 (3) A county court.
- 5 (4) A municipal court.
- 6 ~~(5) A small claims court.~~

7 (b) A case arising under this chapter may be filed on the small
8 claims docket of a court that has jurisdiction.

9 SECTION 75. IC 33-23-11-7 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) As used in
11 this chapter, "judge" means a judge of the court of appeals, the tax
12 court, ~~or~~ a circuit, superior, county, ~~small claims~~; or probate court, **or**
13 **a small claims judge (as defined in IC 33-33-49-5.2).**

14 (b) The term includes a judge pro tempore, commissioner, or
15 hearing officer if the judge pro tempore, commissioner, or hearing
16 officer sits more than twenty (20) days other than Saturdays, Sundays,
17 or holidays in one (1) calendar year as a judge, commissioner, or
18 hearing officer in any court.

19 SECTION 76. IC 33-23-12-2 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) As used in
21 this chapter, "court employee" means a person employed by any of the
22 following:

- 23 (1) The supreme court.
- 24 (2) The court of appeals.
- 25 (3) The tax court.
- 26 (4) A circuit court.
- 27 (5) A superior court.
- 28 (6) A juvenile court.
- 29 (7) A probate court.
- 30 (8) A county court.
- 31 (9) A municipal court.
- 32 (10) A city or town court.
- 33 ~~(11) A small claims court.~~

34 (b) The term does not include a judge **or small claims judge (as**
35 **defined in IC 33-33-49-5.2)** of any of the courts listed in subsection
36 (a)(1) through ~~(a)(11): (a)(10).~~

37 SECTION 77. IC 33-30-2-1, AS AMENDED BY P.L.237-2005,
38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JANUARY 1, 2007]: Sec. 1. (a) A county court is established in the
40 following counties:

- 41 (1) Floyd County.
- 42 (2) Madison County.

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- 1 (b) However, a county court listed in subsection (a) is abolished if:
- 2 (1) IC 33-33 provides a small claims docket of the circuit court;
- 3 or
- 4 (2) IC 33-33 provides a small claims docket of the superior court;
- 5 or
- 6 ~~(3) IC 33-34 provides a small claims court;~~

7 for the county in which the county court was established.

8 SECTION 78. IC 33-33-49-5.1 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JANUARY 1, 2007]: **Sec. 5.1. (a) As used in this**
11 **chapter, "judge" means a person elected under section 13 of this**
12 **chapter.**

13 **(b) The term does not include a small claims judge.**

14 SECTION 79. IC 33-33-49-5.2 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JANUARY 1, 2007]: **Sec. 5.2. As used in this chapter,**
17 **"small claims judge" means a person elected under:**

- 18 (1) section 13.1 of this chapter; or
- 19 (2) IC 33-34-2-1 (before its repeal).

20 SECTION 80. IC 33-33-49-6 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 6. (a) There is**
22 **established a superior court in Marion County. The court consists of**
23 **the following:**

- 24 (1) Thirty-two (32) judges.
- 25 (2) **Nine (9) small claims judges.**

26 (b) To be qualified to serve as a judge of the court, a person must
27 be, at the time a declaration of candidacy or a petition of nomination
28 under IC 3-8-6 is filed:

- 29 (1) a resident of Marion County; and
- 30 (2) an attorney who has been admitted to the bar of Indiana for at
31 least five (5) years.

32 **(c) To be qualified to serve as a small claims judge, a person**
33 **must meet the qualifications described in IC 3-8-1-30.**

34 ~~(c)~~ **(d) During the term of office:**

- 35 (1) a judge of the court must remain a resident of Marion County;
- 36 and
- 37 (2) a small claims judge must remain a resident of:
- 38 (A) Marion County; and
- 39 (B) the township from which the small claims judge was
40 elected.

41 SECTION 81. IC 33-33-49-9 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 9. (a) Except as**

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provided in subsection (b), the court has the following jurisdiction:

- (1) Concurrent and coextensive jurisdiction with the Marion circuit court in all cases and upon all subject matters, including civil, criminal, juvenile, probate, and statutory cases and matters, whether original or appellate.
- (2) Original and exclusive jurisdiction in all matters pertaining to the following:
 - (A) The probate and settlement of decedents' estates, trusts, and guardianships.
 - (B) The probate of wills.
 - (C) Proceedings to resist the probate of wills.
 - (D) Proceedings to contest wills.
 - (E) The appointment of guardians, assignees, executors, administrators, and trustees.
 - (F) The administration and settlement of:
 - (i) estates of protected persons (as defined in IC 29-3-1-13) and deceased persons;
 - (ii) trusts, assignments, adoptions, and surviving partnerships; and
 - (iii) all other probate matters.
- (3) Original jurisdiction of all violations of Indiana law. Whenever jurisdiction is by law conferred on a small claims court, the court has the appellate jurisdiction provided by law.
- (4) Original and exclusive juvenile jurisdiction.

(b) The small claims division of the court established in section 14(c)(5) of this chapter has the following jurisdiction:

- (1) **The small claims division of the court has original and concurrent jurisdiction with the court and the Marion circuit court in all civil cases founded on contract or tort in which the debt or damage claimed does not exceed six thousand dollars (\$6,000), not including interest or attorney's fees.**
- (2) **The small claims division of the court has original and concurrent jurisdiction with the court and the Marion circuit court in possessory actions between landlord and tenant in which the past due rent at the time of filing does not exceed six thousand dollars (\$6,000), not including interest or attorney's fees.**
- (3) **The small claims division of the court has original and concurrent jurisdiction with the court and the Marion circuit court in actions for the possession of property where the value of the property sought to be recovered does not exceed six thousand dollars (\$6,000), not including interest and**

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attorney's fees.
(4) The small claims division of the court has original and concurrent jurisdiction with the court and the Marion circuit court in emergency possessory actions between a landlord and tenant under IC 32-31-6.

(5) The small claims division of the court does not have jurisdiction in the following:

- (A) Actions seeking injunctive relief or involving partition of real estate.**
- (B) Actions to declare or enforce a lien, except as provided in section 20.5 of this chapter.**
- (C) Actions in which the appointment of a receiver is asked.**
- (D) Suits for dissolution or annulment of marriage.**

SECTION 82. IC 33-33-49-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. **(a) Except as provided in subsection (b),** the court is a court of record. The court's judgments, decrees, orders, and proceedings have the same effect and shall be enforced in the same manner as those of the circuit court.

(b) The small claims division of the court is not a court of record.

SECTION 83. IC 33-33-49-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) The court may adopt rules for conducting the business of the court. Except as provided in subsection (b), in all matters action of the court may only be taken by a vote of a majority of the judges sitting at the time the vote is taken.

(b) Action of the court to remove the presiding judge or either associate presiding judge may only be taken by a vote of two-thirds (2/3) of the judges sitting at the time the vote is taken.

(c) The court has all the powers incident to a court of record in relation to the attendance of witnesses, punishment of contempts, and enforcement of the court's orders. The judges **and small claims judges** may administer oaths, solemnize marriages, take and certify acknowledgments of deeds and all legal instruments, and ~~to~~ give all necessary certificates for the authentication of the records and proceedings in the court.

SECTION 84. IC 33-33-49-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. **A judge of the court may do the following:**

- (1) Grant restraining orders and injunctions.
- (2) Issue writs of habeas corpus.

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- 1 (3) Appoint receivers, masters, and commissioners to:
- 2 (A) convey real property;
- 3 (B) grant commissions for the examination of witnesses; and
- 4 (C) appoint other officers necessary to transact the business of
- 5 the court.

6 SECTION 85. IC 33-33-49-13.1 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JANUARY 1, 2007]: **Sec. 13.1. (a) A small claims**
 9 **judge shall be elected for a term of four (4) years that begins**
 10 **January 1 after the year of the small claims judge's election and**
 11 **continues through December 31 in the fourth year. The small**
 12 **claims judge shall hold office for the four (4) year term or until the**
 13 **small claims judge's successor is elected and qualified.**

14 (b) A small claims judge shall be elected at the general election
 15 every four (4) years by the registered voters residing within the
 16 township in which the small claims division of the court is located.

17 SECTION 86. IC 33-33-49-13.2 IS ADDED TO THE INDIANA
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JANUARY 1, 2007]: **Sec. 13.2. (a) A small claims**
 20 **judge serving part time may participate in other gainful**
 21 **employment if the employment does not:**

- 22 (1) interfere with the exercise of the small claims judge's
- 23 judicial office; or
- 24 (2) involve any conflict of interest in the performance of the
- 25 small claims judge's judicial duties.

26 (b) A small claims judge serving full time may practice law if the
 27 practice does not conflict in any way with the small claims judge's
 28 official duties and does not:

- 29 (1) cause the small claims judge to be unduly absent from the
- 30 court; or
- 31 (2) interfere with the ready and prompt disposal of the small
- 32 claims judge's judicial duties.

33 (c) A small claims judge and the employees of the small claims
 34 division of the court may be eligible to participate in the public
 35 employees' retirement fund as provided in IC 5-10.3, but a small
 36 claims judge is not eligible to participate as a member in the
 37 judges' retirement fund under IC 33-38.

38 (d) A vacation of one (1) month per year shall be provided for
 39 a full-time small claims judge. The executive committee may
 40 authorize the appointment of a small claims judge pro tempore to
 41 handle the judicial business of the vacationing small claims judge
 42 if the executive committee considers it necessary.

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1 SECTION 87. IC 33-33-49-13.3 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JANUARY 1, 2007]: **Sec. 13.3. A small claims judge**
4 **shall:**

5 (1) **furnish a bond in a sum required by the circuit court judge**
6 **to provide for the:**

7 (A) **faithful discharge of the duties of the office; and**

8 (B) **payment or delivery to the proper persons of whatever**
9 **money or other property may come into the small claims**
10 **judge's hands when acting as small claims judge; and**

11 (2) **file the bond with the county recorder.**

12 **The bond must also extend to cover a person that is appointed to**
13 **act as a small claims judge under section 13.4 of this chapter.**

14 SECTION 88. IC 33-33-49-13.4 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JANUARY 1, 2007]: **Sec. 13.4. (a) If a small claims**
17 **judge is unable to preside over the small claims judge's division of**
18 **the small claims court during any number of days, the small claims**
19 **judge may appoint in writing a person qualified to be a small**
20 **claims judge under section 6(c) of this chapter to preside in place**
21 **of the small claims judge.**

22 (b) **The written appointment shall be entered on the order book**
23 **or record of the superior court. The appointee shall, after taking**
24 **the oath prescribed for the small claims judges, conduct the**
25 **business of the division subject to the same rules and regulations as**
26 **small claims judges and has the same authority during the**
27 **continuance of the appointee's appointment.**

28 (c) **The appointee is entitled to the same compensation from the**
29 **county auditor as accruable to the small claims judge in whose**
30 **place the appointee is serving.**

31 SECTION 89. IC 33-33-49-13.5 IS ADDED TO THE INDIANA
32 CODE AS A NEW SECTION TO READ AS FOLLOWS
33 [EFFECTIVE JANUARY 1, 2007]: **Sec. 13.5. (a) A small claims**
34 **judge absent from the bench for more than thirty (30) days shall**
35 **deposit the dockets, books, and papers of the office with:**

36 (1) **the small claims judge of another township division; or**

37 (2) **the executive committee of the court;**

38 **as directed by the presiding judge.**

39 (b) **A:**

40 (1) **small claims judge with whom the docket of another small**
41 **claims judge is deposited during a vacancy or an absence; and**

42 (2) **successor of any small claims judge who has the dockets of**

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1 **the successor's predecessor in the successor's possession;**
2 **may perform all duties that the small claims judge might do legally**
3 **in relation to the small claims judge's own dockets.**

4 **(c) Process shall be returned to the small claims judge or judge**
5 **who has the legal custody of the docket at the day of return.**

6 SECTION 90. IC 33-33-49-14 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. (a) Not more
8 than thirty (30) days after taking the oath of office, the judges shall
9 meet and designate three (3) of the judges as the executive committee
10 for administrative purposes. The executive committee shall be selected
11 by a vote of two-thirds (2/3) of the judges sitting at the time the vote is
12 taken. If all vacancies cannot be filled by a two-thirds (2/3) vote,
13 vacancies may be filled by such other method as provided by court rule.
14 The executive committee is responsible for the operation and conduct
15 of the court. A member of the executive committee shall serve in the
16 capacity provided by rules adopted by the court under section 11 of this
17 chapter. A member of the executive committee serves for a term of two
18 (2) years beginning on the date of the member's election. Any or all of
19 the members elected to the executive committee may be reelected. Of
20 the three (3) judges elected to the executive committee, not more than
21 two (2) may be members of the same political party.

22 (b) One (1) of the three (3) judges elected to the executive
23 committee shall be elected as presiding judge and two (2) of the three
24 (3) judges elected to the executive committee shall be elected as
25 associate presiding judges. Each judge who is a member of the
26 executive committee has an equal vote in all matters pertaining to the
27 business of the court when an action requires a majority vote. Any
28 action taken by the executive committee may be overruled by a vote of
29 two-thirds (2/3) of all the judges sitting at the time the vote is taken.
30 The physical reassignment of a judge to a different courtroom requires
31 a unanimous vote of the executive committee. The executive committee
32 shall assign cases, offices, and courtrooms for trial judges or
33 reassignment of newly filed cases in the interests of the speedy,
34 economical, and uniform disposition of cases. All matters of trial dates,
35 continuances, and subpoenas used for trial shall be determined by the
36 trial judge in accordance with rules of the superior court. The executive
37 committee shall perform other duties as determined by rules of the
38 court.

39 (c) The court shall, by rules of the court, divide the work of the court
40 into various divisions, including but not limited to the following:

- 41 (1) Civil.
- 42 (2) Criminal.

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(3) Probate.

(4) Juvenile.

(5) Small claims.

(d) The work of each division shall be allocated by the rules of the court, **except to the extent that the work of the small claims division is otherwise provided by law. The judges shall extend aid and assistance to the small claims judges in the conduct of the small claims division of the court.**

(e) The judges shall be assigned to various divisions or rooms as provided by rules of the court. Whenever possible, an incumbent judge shall be allowed the option of remaining in a particular room or division. Whenever any action of the court is required, the judges of the court shall act in concert, by a vote under section 11 of this chapter. The court shall keep appropriate records of rules, orders, and assignments of the court.

(f) The executive committee of the court, assisted by the small claims judges, shall make and adopt uniform rules for conducting the business of the small claims division of the court:

(1) according to a simplified procedure; and

(2) in the spirit of sections 20.1 and 20.3 of this chapter.

(g) The executive committee of the court, assisted by the small claims judges, may establish a regular hourly schedule for the performance of duties by full-time and part-time small claims judges. A small claims judge shall maintain the schedule. If the executive committee of the court does not establish a regular hourly schedule, the small claims judge shall perform the small claims judge's duties at regular, reasonable hours. Regardless of whether a regular hourly schedule has been established under this subsection, a small claims judge shall hold sessions in addition to the small claims judge's regular schedule when the business of the small claims judge's court requires.

SECTION 91. IC 33-33-49-14.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 14.1. The small claims division of the court is composed of township divisions. The name of each township division shall be the " _____ Township of Marion County Small Claims Division".**

SECTION 92. IC 33-33-49-14.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 14.2. (a) The voters of each township having a small claims division of the court shall elect a small claims constable at the general election every four (4) years**

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1 for a term of office of four (4) years, beginning January 1 after
 2 election and continuing until a successor is elected and qualified.
 3 The ballot must state the:
 4 (1) name of the candidate; and
 5 (2) division of the court for which the candidate is to serve.
 6 (b) Each township small claims division of the court shall have
 7 a constable who:
 8 (1) acts as the bailiff;
 9 (2) serves the division's personal service of process;
 10 (3) has police powers to:
 11 (A) make arrests;
 12 (B) keep the peace; and
 13 (C) carry out the orders of the court;
 14 (4) meets the qualifications prescribed by IC 3-8-1-31;
 15 (5) is compensated for each process that is delivered to effect
 16 personal service when serving as the bailiff;
 17 (6) is responsible for:
 18 (A) the preparation and mailing of all registered or
 19 certified service and is compensated for each process
 20 served by mail; and
 21 (B) all the official acts of the deputies;
 22 (7) is compensated solely from the service of process fees
 23 collected under IC 33-37-4-6.5; and
 24 (8) may require a deputy to give a bond for the proper
 25 discharge of the deputy's duties for an amount fixed by the
 26 constable.
 27 (c) The elected constable may appoint full-time and part-time
 28 deputies for assistance in the performance of official duties who:
 29 (1) perform all the official duties required to be performed by
 30 the constable;
 31 (2) possess the same statutory and common law powers and
 32 authority as the constable;
 33 (3) must take the same oath required of the constable;
 34 (4) are compensated solely from the service of process fees
 35 collected under IC 33-37-4-6.5; and
 36 (5) serve at the pleasure of the constable and may be
 37 dismissed at any time with or without cause.
 38 (d) If there is an:
 39 (1) emergency; or
 40 (2) inability of a constable to carry out the constable's duties;
 41 the small claims judge may appoint a special constable to carry out
 42 the duties of the constable during the emergency or inability.

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1 SECTION 93. IC 33-33-49-15 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 15. (a) The
3 executive committee, with the approval of two-thirds (2/3) of the
4 judges, shall determine the number of hearing judges, commissioners,
5 referees, bail commissioners, court reporters, probation officers, and
6 other personnel required to efficiently serve the court. The salaries of
7 the personnel shall be fixed and paid as provided by law.

8 (b) The administrative officers shall perform the duties prescribed
9 by the executive committee and shall operate under the jurisdiction of
10 the executive committee and serve at the pleasure of the executive
11 committee.

12 (c) The executive committee shall see that the court at all times is
13 amply provided with supplies and sufficient clerical and other help,
14 including extra reporters or bailiffs, when needed. Each judge shall
15 appoint the judge's court reporters, bailiffs, secretary, commissioners,
16 and clerks. **Personnel of the small claims division of the court shall**
17 **be appointed under rules of the court.** In addition to the specified
18 duties of this subsection, the executive committee shall exercise any
19 other powers and duties that may be assigned to the executive
20 committee by an order book entry signed by a two-thirds (2/3) majority
21 of the judges. At least once each month, a general term conference of
22 all superior division judges must be held, at which the presiding judge
23 shall preside. A special order book must be kept for the court in which
24 shall be entered all special rules, proceedings, and similar matters.
25 During an absence or a vacation of a judge who is a member of the
26 executive committee, the senior superior court judge shall act for the
27 absent member, if necessary.

28 SECTION 94. IC 33-33-49-17 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 17. (a) **Except as**
30 **provided in subsection (b),** the court shall hold sessions in:

- 31 (1) the city-county building in Indianapolis; and
 - 32 (2) other places in Marion County as the court determines.
- 33 (b) The city-county council shall:
- 34 (1) provide and maintain in the building and at other places in
35 Marion County as the court may determine suitable and
36 convenient courtrooms for the holding of the court, suitable and
37 convenient jury rooms, and offices for the judges, other court
38 officers and personnel, and other facilities as are necessary; ~~and~~
 - 39 (2) provide all necessary furniture and equipment for rooms and
40 offices of the court;
 - 41 (3) **determine whether each of the township divisions of the**
42 **small claims division of the court shall be a full-time or**

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part-time division;
(4) determine where each of the township divisions of the small claims division of the court shall hold sessions; and
(5) in making the determination required by subdivision (4), consider any recommendations of the transitional advisory board established in IC 36-6-1.1.

SECTION 95. IC 33-33-49-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 19. The court shall maintain a single order book for each division or room of the court that may be signed on behalf of the court by the judge **or small claims judge** of that division or room of the court. The signature of the judge **or small claims judge** authenticates the actions of the court.

SECTION 96. IC 33-33-49-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 20. **Except as otherwise provided in this chapter concerning the small claims division of the court**, all laws of Indiana and rules adopted by the supreme court governing the circuit court in matters of pleadings, practice, the issuing and service of process, the giving of notice, the appointing of judges pro tempore and special judges, changes of venue from the judge and from the county, adjournments by the court and by the clerk in the absence of the judge, and the selection of jurors for the court apply to and govern the court.

SECTION 97. IC 33-33-49-20.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 20.1. A simplified procedure applies to and governs the small claims division of the court. The simplified procedure shall be established by rule to enable any person, including the state, to:**

- (1) file the necessary papers; and**
- (2) present the person's case in court;**

either to seek or to defend against a small claim without consulting or being represented by an attorney.

SECTION 98. IC 33-33-49-20.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 20.2. (a) Upon the filing of a complaint in the small claims division of the court, service of original process shall be attempted by personal service of the summons and complaint on the defendant, which may include leaving a copy of the service at the last known place of residence of the party if the process server properly describes on the return the residence, noting any of its unique features, and mailing by first class a copy of the service without charge to the party at the same**

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last known place of residence.

(b) If service cannot be made in this manner, service of process shall be made in an alternate manner as provided by the Indiana Rules of Civil Procedure.

(c) Subsequent service of process, other than that originally served upon filing of the complaint, may be made by registered or certified mail or another manner authorized by the Indiana Rules of Civil Procedure.

SECTION 99. IC 33-33-49-20.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 20.3. (a) A trial in the small claims division of the court:**

(1) must be informal, with the sole objective of dispensing speedy justice between the parties according to the rules of substantive law; and

(2) may not be bound by the statutory provisions or rules of practice, procedure, pleadings, or evidence, except the provisions relating to privileged communications and offers of compromise.

(b) There may not be a trial by jury in the small claims division of the court.

(c) A filing of a civil claim in the small claims division of the court constitutes a waiver of trial by jury by the plaintiff.

(d) A defendant in a small claims case waives the right to trial by jury unless the defendant requests a jury trial at least three (3) calendar days before the trial date that appears on the complaint. Upon the filing of a jury trial request, the small claims division of the court shall transfer the claim out of the small claims division to the general jurisdiction of the court. The defendant shall pay all costs necessary for filing the claim in the general jurisdiction of the court as if the cause had been filed initially in the general jurisdiction of the court.

(e) A notice of claim filed in the small claims division of the court must include a statement that reflects the provisions of subsection (d).

SECTION 100. IC 33-33-49-20.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 20.4. (a) Except for a claim between landlord and tenant, a case within the jurisdiction of a township small claims division may be:**

- (1) venued;
- (2) commenced; and

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(3) decided;
in any township small claims division within the county. However,
upon a motion for change of venue filed by the defendant within
ten (10) days of service of the summons, the township small claims
division in which the motion was filed shall determine in
accordance with subsection (b) whether required venue lies with it
or with another township small claims division in the county in
which the small claims action was filed.

(b) The venue determination to be made under subsection (a)
must be made in the following order:

(1) In an action upon a debt or an account, venue is in the
township where any defendant has consented to venue in a
writing signed by the defendant.

(2) Venue is in the township where a transaction or
occurrence giving rise to any part of the claim took place.

(3) Venue is in the township (in a county of the small claims
division) where the greater percentage of individual
defendants included in the complaint resides or, if there is not
a greater percentage, the place where any individual named
as a defendant:

(A) resides;

(B) owns real estate; or

(C) rents an apartment or real estate or where the
principal office or place of business of any defendant is
located.

(4) Venue is in the township where the claim was filed if there
is no other township in the county in which the small claims
division sits in which required venue lies.

(c) Venue of any claim between landlord and tenant must be in
the township where the real estate is located.

(d) If a written motion challenging venue is received by the
township small claims division, the township small claims division
shall rule whether required venue lies in the township of filing.

SECTION 101. IC 33-33-49-20.5 IS ADDED TO THE INDIANA
CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JANUARY 1, 2007]: Sec. 20.5. (a) If the small claims
judgment or order is against the defendant, the defendant shall pay
the judgment at any time and upon terms and conditions as the
small claims judge orders.

(b) If the small claims judge orders that the judgment be paid
in specified installments, the small claims judge may stay the
issuance of execution and other supplementary process during the

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period of compliance with the order.

(c) A stay ordered under subsection (b) may be modified or vacated by the small claims division of the court.

(d) All small claims judgments rendered in civil actions may be recorded in the judgment docket book of the proper township small claims division of the court.

(e) A judgment entered by a small claims judge is a lien on real estate when entered in the circuit court judgment docket in the same manner as a judgment in a court of general jurisdiction becomes a lien on real estate under IC 34-55-9.

(f) The judgments of the small claims division of the court shall be entered and properly indexed in the name of the judgment defendant as judgments of the general jurisdiction of the court are entered and indexed.

SECTION 102. IC 33-33-49-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 22. (a) A party may appeal an order or a judgment of the court in any case where an appeal may be had from a similar order or judgment of the circuit court.

(b) All appeals from judgments of the small claims division of the court shall be taken to the general jurisdiction of the court and tried de novo. The rules of procedure for appeals must be in accordance with the rules established by the court. The appellant shall pay all costs necessary for the filing of the case in the general jurisdiction of the court as if the appeal were a case that had been filed initially in the general jurisdiction of the court.

SECTION 103. IC 33-33-49-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 24. (a) The judge of the Marion circuit court may, with the consent of the court acting through the superior court presiding judge under rules adopted by the court, transfer any action, cause, or proceeding filed and docketed in the circuit court to the court by transferring all original papers and instruments filed in that action, cause, or proceeding without further transcript to be redocketed and disposed of as if originally filed with the court.

(b) The superior court presiding judge may not consent to a transfer to the small claims division of the court unless:

- (1) the small claims division of the court has jurisdiction of the cause concurrent with the circuit court; and
- (2) the small claims judge consents to the transfer.

SECTION 104. IC 33-33-49-25.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 25.1. (a) A judge of the court

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1 **may order a cause filed in the general jurisdiction of the court to**
2 **be transferred to the small claims division of the court if:**

3 **(1) the small claims division of the court has jurisdiction of the**
4 **cause concurrent with the general jurisdiction of the court;**
5 **and**

6 **(2) the small claims judge consents to the transfer.**

7 **(b) The presiding judge may transfer cases from one (1)**
8 **township small claims division of the court to another as necessary.**

9 SECTION 105. IC 33-33-49-26 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 26. The judge of
11 the Marion circuit court may sit as a judge **or small claims judge** of
12 the court, with the court's permission, in all matters pending before the
13 court, without limitation and without any further order, in the same
14 manner as a judge of the court with all the rights and powers of an
15 elected judge **or small claims judge** of the court.

16 SECTION 106. IC 33-33-49-26.1 IS ADDED TO THE INDIANA
17 CODE AS A NEW SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JANUARY 1, 2007]: **Sec. 26.1. (a) A judge of the court**
19 **may sit as a special small claims judge in the small claims division**
20 **of the court.**

21 **(b) Except for mileage and travel expenses, a judge serving as a**
22 **special small claims judge under this section may not receive**
23 **compensation in addition to the salary provided under this article.**

24 **(c) A small claims judge may sit in place of another small claims**
25 **judge and perform the other small claims judge's duties:**

26 **(1) at the direction of or with the approval of the presiding**
27 **judge; and**

28 **(2) with the consent of the respective judges.**

29 SECTION 107. IC 33-33-49-27 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 27. Each judge
31 **and small claims judge**, before entering upon the duties of office, shall
32 take and subscribe the following oath or affirmation:

33 "I solemnly swear (or affirm) that I will support the Constitution
34 of the United States and the Constitution of the State of Indiana
35 and that I will faithfully discharge the duties of (judge **or small**
36 **claims judge**) of the superior court of Marion County to the best
37 of my ability."

38 The oath shall be filed with the clerk of the county.

39 SECTION 108. IC 33-33-49-30 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 30. (a) A judge
41 remains qualified to hold office as long as the judge:

42 (1) remains fair and impartial in judicial functions;

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- 1 (2) maintains a high standard of morality in dealings, public and
- 2 private;
- 3 (3) remains physically and mentally capable of performing all the
- 4 functions and duties of the office of judge; and
- 5 (4) continues to reside in Marion County.

6 **(b) A small claims judge remains qualified to hold office as long**
 7 **as the small claims judge meets the requirements of subsection (a)**
 8 **and:**

- 9 **(1) continues to reside in the township from which the small**
- 10 **claims judge was elected; or**
- 11 **(2) was elected as a small claims judge in the township before**
- 12 **January 1, 1999.**

13 ~~(b)~~ **(c)** Complaints against a judge **or small claims judge** must be
 14 forwarded to the commission on judicial qualifications as provided in
 15 IC 33-38-13 by any judge **or small claims judge** of the superior court.

16 ~~(c)~~ **(d)** A judge of the court must retire upon becoming seventy-five
 17 (75) years of age. If the judge wishes to retire before the judge's term
 18 has ended or upon reaching the mandatory retirement age, the judge
 19 shall provide written notice to the presiding judge of the court. The
 20 judge shall continue to hold office until a successor has been appointed
 21 and qualified.

22 ~~(d)~~ **(e)** When a vacancy occurs ~~in the court among the:~~

23 **(1) judges of the court** by death, removal, retirement, or for any
 24 other reason, the governor shall appoint a successor judge who:

25 **(A)** serves the balance of the term of the vacating judge; ~~The~~
 26 ~~successor judge must be and~~

27 **(B)** is a member of the same political party as the judge who
 28 is to be succeeded; **and**

29 **(2) small claims judges of the court by death, removal,**
 30 **retirement, or any other reason, the vacancy shall be filled**
 31 **under IC 3-13-10.**

32 SECTION 109. IC 33-33-49-34 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 34. (a) The clerk
 34 of the superior court shall furnish the following:

35 (1) All blanks, forms, and papers required for use in all criminal
 36 cases and in all civil actions involving actions by a city or town
 37 for violations of municipal penal ordinances.

38 (2) All books, papers, stationery, furniture, and other equipment
 39 and supplies necessary for keeping the records of the proceedings
 40 in all rooms **and divisions** of the superior court and for the
 41 transaction of all business of the court.

42 (3) Necessary computerization of court records.

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1 (b) The materials required under this section shall be furnished at
2 the expense of the county.

3 (c) The presiding judge of the court, by an order entered on the court
4 records signed by the presiding judge, shall determine and prescribe
5 the forms of the following:

6 (1) All summonses, notices, subpoenas, warrants, affidavits,
7 complaints, writs, and all other papers and anything else required
8 to be used in the cases relating to violations of criminal statutes
9 or municipal ordinances.

10 (2) All other books, records, papers, and documents to be used by
11 the court and by the officers of the court and the prosecutors.

12 In the absence of an order under this subsection, those charged with the
13 duty of prosecuting cases involving either criminal offenses or the
14 violation of municipal ordinances may adopt, change, order, and use all
15 necessary forms and instruments as conform substantially to the
16 practice and procedure applicable.

17 SECTION 110. IC 33-37-3-6 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) **Except as**
19 **provided in subsection (b)**, court costs fees under this chapter include
20 service of process by certified mail, unless service by the sheriff is
21 requested by the person who institutes the action.

22 (b) **Court costs fees under this chapter do not include service of**
23 **process fees collected under IC 33-37-4-6.5.**

24 SECTION 111. IC 33-37-4-4, AS AMENDED BY P.L.176-2005,
25 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JANUARY 1, 2007]: Sec. 4. (a) The clerk shall collect a civil costs fee
27 of one hundred dollars (\$100) from a party filing a civil action. This
28 subsection does not apply to the following civil actions:

29 (1) Proceedings to enforce a statute defining an infraction under
30 IC 34-28-5 (or IC 34-4-32 before its repeal).

31 (2) Proceedings to enforce an ordinance under IC 34-28-5 (or
32 IC 34-4-32 before its repeal).

33 (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.

34 (4) Proceedings in paternity under IC 31-14.

35 ~~(5) Proceedings in small claims court under IC 33-34.~~

36 ~~(6) (5) Proceedings in actions described in section 7 of this~~
37 ~~chapter.~~

38 (b) In addition to the civil costs fee collected under this section, the
39 clerk shall collect the following fees, if they are required under
40 IC 33-37-5:

41 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
42 IC 33-37-5-4).

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- 1 (2) A support and maintenance fee (IC 33-37-5-6).
- 2 (3) A document storage fee (IC 33-37-5-20).
- 3 (4) An automated record keeping fee (IC 33-37-5-21).
- 4 (5) A public defense administration fee (IC 33-37-5-21.2).
- 5 (6) A judicial insurance adjustment fee (IC 33-37-5-25).
- 6 (7) A judicial salaries fee (IC 33-37-5-26).
- 7 (8) A court administration fee (IC 33-37-5-27).
- 8 (9) A service fee (IC 33-37-5-28).

9 SECTION 112. IC 33-37-4-6, AS AMENDED BY P.L.176-2005,
 10 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JANUARY 1, 2007]: Sec. 6. (a) **Except as provided in section 6.5 of**
 12 **this chapter**, for each small claims action, the clerk shall collect the
 13 following fees:

- 14 (1) From the party filing the action:
 - 15 (A) a small claims costs fee of thirty-five dollars (\$35); and
 - 16 (B) a small claims service fee of ten dollars (\$10) for each
 - 17 named defendant.
- 18 (2) From any party adding a defendant, a small claims service fee
- 19 of ten dollars (\$10) for each defendant added in the action.

20 However, a clerk may not collect a small claims costs fee or small
 21 claims service fee for a small claims action filed by or on behalf of the
 22 attorney general.

23 (b) In addition to a small claims costs fee and small claims service
 24 fee collected under this section, the clerk shall collect the following
 25 fees, if they are required under IC 33-37-5:

- 26 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
- 27 IC 33-37-5-4).
- 28 (2) A document storage fee (IC 33-37-5-20).
- 29 (3) An automated record keeping fee (IC 33-37-5-21).
- 30 (4) A public defense administration fee (IC 33-37-5-21.2).
- 31 (5) A judicial insurance adjustment fee (IC 33-37-5-25).
- 32 (6) A judicial salaries fee (IC 33-37-5-26).
- 33 (7) A court administration fee (IC 33-37-5-27).

34 SECTION 113. IC 33-37-4-6.5 IS ADDED TO THE INDIANA
 35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JANUARY 1, 2007]: **Sec. 6.5. (a) For each small**
 37 **claims action filed under the jurisdiction of IC 33-33-49-9(b), the**
 38 **clerk shall collect from the party filing the action the following**
 39 **fees:**

- 40 (1) **A township docket fee of five dollars (\$5) plus forty-five**
- 41 **percent (45%) of the infraction or ordinance violation costs**
- 42 **fee under IC 33-37-4-2.**

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- 1 **(2) The bailiff's service of process by registered or certified**
- 2 **mail fee of thirteen dollars (\$13) for each service.**
- 3 **(3) The cost for the personal service of process by the bailiff**
- 4 **or other process server of thirteen dollars (\$13) for each**
- 5 **service.**
- 6 **(4) Witness fees, if any, in the amount provided by**
- 7 **IC 33-37-10-3 to be taxed and charged in the circuit court.**
- 8 **(5) A redocketing fee, if any, of five dollars (\$5).**
- 9 **(6) A document storage fee under IC 33-37-5-20.**
- 10 **(7) An automated record keeping fee under IC 33-37-5-21.**
- 11 **(8) A late fee, if any, under IC 33-37-5-22.**
- 12 **(9) A public defense administration fee under IC 33-37-5-21.2.**

13 **The docket fee and the cost for the initial service of process shall be**
 14 **paid at the institution of a case. The cost of service after the initial**
 15 **service shall be assessed and paid after service has been made. The**
 16 **cost of witness fees shall be paid before the witnesses are called.**

17 **(b) If the amount of the township docket fee computed under**
 18 **subsection (a)(1) is not equal to a whole number, the amount shall**
 19 **be rounded to the next highest whole number.**

20 SECTION 114. IC 33-37-5-22 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 22. (a) Except as
 22 provided in subsection (e), this section applies to an action if all the
 23 following apply:

- 24 (1) The defendant is found, in a court that has a local court rule
- 25 imposing a late payment fee under this section, to have:
 - 26 (A) committed a crime;
 - 27 (B) violated a statute defining an infraction;
 - 28 (C) violated an ordinance of a municipal corporation; or
 - 29 (D) committed a delinquent act.
- 30 (2) The defendant is required to pay:
 - 31 (A) court costs, including fees;
 - 32 (B) a fine; or
 - 33 (C) a civil penalty.
- 34 (3) The defendant is not determined by the court imposing the
- 35 court costs, fine, or civil penalty to be indigent.
- 36 (4) The defendant fails to pay to the clerk the costs, fine, or civil
- 37 penalty in full before the later of the following:
 - 38 (A) The end of the business day on which the court enters the
 - 39 conviction or judgment.
 - 40 (B) The end of the period specified in a payment schedule set
 - 41 for the payment of court costs, fines, and civil penalties under
 - 42 rules adopted for the operation of the court.

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1 (b) A court may adopt a local rule to impose a late payment fee
2 under this section on defendants described in subsection (a).

3 (c) Subject to subsection (d), the clerk of a court that adopts a local
4 rule imposing a late payment fee under this section shall collect a late
5 payment fee of twenty-five dollars (\$25) from a defendant described in
6 subsection (a).

7 (d) Notwithstanding IC 33-37-2-2, a court may suspend a late
8 payment fee if the court finds that the defendant has demonstrated good
9 cause for failure to make a timely payment of court costs, a fine, or a
10 civil penalty.

11 (e) A plaintiff or defendant in ~~an~~ a **small claims** action under
12 ~~IC 33-34~~ **IC 33-33-49** shall pay a late fee of twenty-five dollars (\$25)
13 if the plaintiff or defendant:

- 14 (1) is required to pay court fees or costs under ~~IC 33-34-8-1,~~
15 **IC 33-37-4-6.5;**
- 16 (2) is not determined by the court imposing the court costs to be
17 indigent; and
- 18 (3) fails to pay the costs in full before the later of the following:
19 (A) The end of the business day on which the court enters the
20 judgment.
21 (B) The end of the period specified in a payment schedule set
22 for the payment of court costs under rules adopted for the
23 operation of the court.

24 A court may suspend a late payment fee if the court finds that the
25 plaintiff or defendant has demonstrated good cause for failure to make
26 timely payment of the fee.

27 SECTION 115. IC 33-37-7-4.5 IS ADDED TO THE INDIANA
28 CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2007]: **Sec. 4.5. The clerk of a circuit**
29 **court in a county having a consolidated city shall forward to the**
30 **controller of the consolidated city one hundred percent (100%) of**
31 **the fees collected under the following:**

- 32 (1) **IC 33-37-4-6.5(a)(1) (township docket fees).**
- 33 (2) **IC 33-37-4-6.5(a)(2) (bailiff's service of process fees).**
- 34 (3) **IC 33-37-4-6.5(a)(3) (service of process costs).**
- 35 (4) **IC 33-37-4-6.5(a)(4) (witness fees).**
- 36 (5) **IC 33-37-4-6.5(a)(5) (redocketing fees).**

37 **The clerk shall forward the fees in accordance with section 12 of**
38 **this chapter.**

39 SECTION 116. IC 33-37-5-21.2, AS AMENDED BY P.L.176-2005,
40 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JANUARY 1, 2007]: Sec. 21.2. (a) This subsection does not apply to
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- 1 the following:
- 2 (1) A criminal proceeding.
- 3 (2) A proceeding ~~for to enforce a statute defining~~ an infraction.
- 4 ~~violation.~~
- 5 (3) A proceeding for an ordinance violation.

6 In each action filed in a court described in IC 33-37-1-1 and in each
 7 small claims action in a ~~court described in IC 33-34;~~ **division**
 8 **established under IC 33-33-49-14(c)(5)**, the clerk shall collect a
 9 public defense administration fee of three dollars (\$3).

- 10 (b) In each action in which a person is:
- 11 (1) convicted of an offense;
- 12 (2) required to pay a pretrial diversion fee;
- 13 (3) found to have ~~violated~~ **committed** an infraction; or
- 14 (4) found to have violated an ordinance;

15 the clerk shall collect a public defense administration fee of three
 16 dollars (\$3).

17 SECTION 117. IC 33-37-5-26, AS ADDED BY P.L.176-2005,
 18 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JANUARY 1, 2007]: Sec. 26. (a) This subsection does not apply to the
 20 following:

- 21 (1) A criminal proceeding.
- 22 (2) A proceeding for an infraction violation.
- 23 (3) A proceeding for an ordinance violation.
- 24 (4) A small claims action.

25 In each action filed in a court described in IC 33-37-1-1, the clerk shall
 26 collect a judicial salaries fee equal to the amount specified in the
 27 schedule in subsection (d).

28 (b) In each small claims action filed in a court described in
 29 IC 33-37-1-1 or ~~IC 33-34;~~ **in a division established under**
 30 **IC 33-33-49-14(c)(5)** the clerk shall collect a judicial salaries fee
 31 specified in the schedule in subsection (e).

- 32 (c) In each action in which a person is:
- 33 (1) convicted of an offense;
- 34 (2) required to pay a pretrial diversion fee;
- 35 (3) found to have violated an infraction; or
- 36 (4) found to have violated an ordinance;

37 the clerk shall collect a judicial salaries fee specified in the schedule in
 38 subsection (d).

- 39 (d) Beginning:
- 40 (1) after June 30, 2005, and ending before July 1 of the first state
- 41 fiscal year after June 30, 2006, in which salaries are increased
- 42 under IC 33-38-5-8.1, the judicial salaries fee to which this

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- 1 subsection applies is fifteen dollars (\$15);
- 2 (2) after June 30 immediately preceding the first state fiscal year
- 3 in which salaries are increased under IC 33-38-5-8.1 and ending
- 4 before July 1 of the second state fiscal year after June 30, 2006,
- 5 in which salaries are increased under IC 33-38-5-8.1, the judicial
- 6 salaries fee to which this subsection applies is sixteen dollars
- 7 (\$16);
- 8 (3) after June 30 immediately preceding the second state fiscal
- 9 year in which salaries are increased under IC 33-38-5-8.1 and
- 10 ending before July 1 of the third state fiscal year after June 30,
- 11 2006, in which salaries are increased under IC 33-38-5-8.1, the
- 12 judicial salaries fee to which this subsection applies is seventeen
- 13 dollars (\$17);
- 14 (4) after June 30 immediately preceding the third state fiscal year
- 15 in which salaries are increased under IC 33-38-5-8.1 and ending
- 16 before July 1 of the fourth state fiscal year after June 30, 2006, in
- 17 which salaries are increased under IC 33-38-5-8.1, the judicial
- 18 salaries fee to which this subsection applies is eighteen dollars
- 19 (\$18);
- 20 (5) after June 30 immediately preceding the fourth state fiscal
- 21 year in which salaries are increased under IC 33-38-5-8.1 and
- 22 ending before July 1 of the fifth state fiscal year after June 30,
- 23 2006, in which salaries are increased under IC 33-38-5-8.1, the
- 24 judicial salaries fee to which this subsection applies is nineteen
- 25 dollars (\$19); and
- 26 (6) after June 30 immediately preceding the fifth state fiscal year
- 27 in which salaries are increased under IC 33-38-5-8.1, the judicial
- 28 salaries fee to which this subsection applies is twenty dollars
- 29 (\$20).
- 30 (e) Beginning:
- 31 (1) after June 30, 2005, and ending before July 1 of the first state
- 32 fiscal year after June 30, 2006, in which salaries are increased
- 33 under IC 33-38-5-8.1, the judicial salaries fee to which this
- 34 subsection applies is ten dollars (\$10);
- 35 (2) after June 30 immediately preceding the first state fiscal year
- 36 in which salaries are increased under IC 33-38-5-8.1 and ending
- 37 before July 1 of the second state fiscal year after June 30, 2006,
- 38 in which salaries are increased under IC 33-38-5-8.1, the judicial
- 39 salaries fee to which this subsection applies is eleven dollars
- 40 (\$11);
- 41 (3) after June 30 immediately preceding the second state fiscal
- 42 year in which salaries are increased under IC 33-38-5-8.1 and

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- 1 ending before July 1 of the third state fiscal year after June 30,
- 2 2006, in which salaries are increased under IC 33-38-5-8.1, the
- 3 judicial salaries fee to which this subsection applies is twelve
- 4 dollars (\$12);
- 5 (4) after June 30 immediately preceding the third state fiscal year
- 6 in which salaries are increased under IC 33-38-5-8.1 and ending
- 7 before July 1 of the fourth state fiscal year after June 30, 2006, in
- 8 which salaries are increased under IC 33-38-5-8.1, the judicial
- 9 salaries fee to which this subsection applies is thirteen dollars
- 10 (\$13);
- 11 (5) after June 30 immediately preceding the fourth state fiscal
- 12 year in which salaries are increased under IC 33-38-5-8.1 and
- 13 ending before July 1 of the fifth state fiscal year after June 30,
- 14 2006, in which salaries are increased under IC 33-38-5-8.1, the
- 15 judicial salaries fee to which this subsection applies is fourteen
- 16 dollars (\$14); and
- 17 (6) after June 30 immediately preceding the fifth state fiscal year
- 18 in which salaries are increased under IC 33-38-5-8.1, the judicial
- 19 salaries fee to which this subsection applies is fifteen dollars
- 20 (\$15).

21 SECTION 118. IC 33-37-5-27, AS ADDED BY P.L.176-2005,
 22 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JANUARY 1, 2007]: Sec. 27. (a) This subsection does not apply to the
 24 following:

- 25 (1) A criminal proceeding.
- 26 (2) A proceeding to enforce a statute defining an infraction.
- 27 (3) A proceeding for an ordinance violation.

28 In each action filed in a court described in IC 33-37-1-1 and in each
 29 small claims action in a ~~court described in IC 33-34~~, **division**
 30 **established under IC 33-33-49-14(c)(5)**, the clerk shall collect a court
 31 administration fee of two dollars (\$2).

- 32 (b) In each action in which a person is:
- 33 (1) convicted of an offense;
- 34 (2) required to pay a pretrial diversion fee;
- 35 (3) found to have committed an infraction; or
- 36 (4) found to have violated an ordinance;

37 the clerk shall collect a court administration fee of two dollars (\$2).

38 SECTION 119. IC 33-38-5-6, AS AMENDED BY P.L.159-2005,
 39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JANUARY 1, 2007]: Sec. 6. (a) The annual salary of each full-time
 41 judge of a circuit, superior, municipal, county, or probate court is one
 42 hundred ten thousand five hundred dollars (\$110,500), as adjusted after

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1 June 30, 2006, under section 8.1 of this chapter, paid by the state. In
2 addition, a judge under this section may receive any additional salary
3 provided by the county under IC 36-2-5-14 or IC 36-3-6-3(c). The state
4 shall deposit quarterly the money received from the counties under
5 subsection (c) for additional salary in the state general fund.

6 (b) Before November 2 of each year, the county auditor of each
7 county shall certify to the division of state court administration the
8 amounts, if any, to be provided by the county during the ensuing
9 calendar year for judges' salaries under IC 36-2-5-14 or IC 36-3-6-3(c).

10 (c) When making each payment under subsection (a), the county
11 shall determine for each judge whether the total of:

- 12 (1) the payment made on behalf of that judge;
- 13 (2) previous payments made on behalf of that judge in the same
14 calendar year; and

15 (3) the state share of the judge's salary under subsection (a);
 16 exceeds the Social Security wage base established by the federal
 17 government for that year. If the total does not exceed the Social
 18 Security wage base, the payment on behalf of that judge must also be
 19 accompanied by an amount equal to the employer's share of Social
 20 Security taxes and Medicare taxes. If the total exceeds the Social
 21 Security wage base, the part of the payment on behalf of the judge that
 22 is below the Social Security wage base must be accompanied by an
 23 amount equal to the employer's share of Social Security taxes and
 24 Medicare taxes, and the part of the payment on behalf of the judge that
 25 exceeds the Social Security wage base must be accompanied by an
 26 amount equal to the employer's share of Medicare taxes. Payments
 27 made under this subsection shall be deposited in the state general fund
 28 under subsection (a).

29 (d) For purposes of determining the amount of life insurance
30 premiums to be paid by a judge who participates in a life insurance
31 program that:

- 32 (1) is established by the state;
- 33 (2) applies to a judge who is covered by this section; and
- 34 (3) bases the amount of premiums to be paid by the judge on the
35 amount of the judge's salary;

36 the judge's salary does not include any amounts paid to the state by a
37 county under subsection (a).

38 **(e) This section does not apply to a small claims judge (as**
39 **defined in IC 33-33-49-5.2).**

40 SECTION 120. IC 33-38-5-6.1 IS ADDED TO THE INDIANA
41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
42 [EFFECTIVE JANUARY 1, 2007]: **Sec. 6.1. (a) This section applies**

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1 to a small claims judge (as defined in IC 33-33-49-5.2).
 2 (b) The salary of a small claims judge who serves full time must
 3 be in an amount determined by the auditor of the county and
 4 approved by the city-county council.
 5 (c) The salary of each small claims judge who serves part time
 6 must be in an amount determined by the auditor of the county and
 7 approved by the city-county council.
 8 (d) The salary of a small claims judge may not be reduced
 9 during the small claims judge's term of office. At any other time,
 10 the salary of any full-time or part-time small claims judge may be
 11 increased or decreased by the auditor with the approval of the
 12 city-county council.
 13 (e) The annual salary of a small claims judge shall be paid in
 14 twelve (12) equal monthly installments by the county.
 15 (f) A small claims judge may not receive remuneration other
 16 than a salary set under this section for the performance of the
 17 small claims judge's official duties except payments for performing
 18 marriage ceremonies.
 19 SECTION 121. IC 33-38-6-7 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) As used in
 21 this chapter, "judge" means a person who serves or has served as a
 22 regular judge or justice of one (1) or more of the following courts:
 23 (1) Supreme court.
 24 (2) Court of appeals.
 25 (3) Indiana tax court.
 26 (4) Circuit court of a judicial circuit.
 27 (5) Superior court of a county.
 28 (6) Criminal court of a county having a separate criminal court.
 29 (7) Probate court of a county having a separate probate court.
 30 (8) Juvenile court of a county having a separate juvenile court.
 31 (9) Municipal court of a county.
 32 (10) County court of a county.
 33 (b) The term does not include a small claims judge (as defined
 34 in IC 33-33-49-5.2).
 35 SECTION 122. IC 33-38-12-3 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. As used in this
 37 chapter, "judge" means an individual who holds or formerly held one
 38 (1) of the following offices or appointments:
 39 (1) Justice of the supreme court.
 40 (2) Judge of the court of appeals.
 41 (3) Judge of the tax court.
 42 (4) Judge of a circuit court.

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- 1 (5) Judge of a superior court.
- 2 (6) Judge of a probate court.
- 3 (7) Judge of a municipal court.
- 4 (8) Judge of a county court.
- 5 (9) Judge of a city court.
- 6 (10) Judge of a town court.
- 7 (11) **Small claims** judge. ~~of a small claims court.~~
- 8 (12) A judge pro tempore, senior judge, temporary judge, or any
- 9 other individual serving as judge in an action or a proceeding in
- 10 an Indiana court.
- 11 (13) Bail commissioner.
- 12 (14) Magistrate.
- 13 (15) Master commissioner.
- 14 (16) Probate commissioner.
- 15 (17) Referee.

16 SECTION 123. IC 33-38-14-4 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. As used in this
 18 chapter, "judge" means a:

- 19 (1) judge of a superior or probate court; **and**
- 20 (2) **small claims judge (as defined in IC 33-33-49-5.2).**

21 SECTION 124. IC 33-41-1-7 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) This section
 23 applies to the small claims ~~court division~~ established under ~~IC 33-34-~~
 24 **IC 33-33-49-14(c)(5).**

25 (b) The person who is designated by a **small claims** judge of the
 26 court to prepare transcripts may collect a fee of not more than five
 27 dollars (\$5) for each transcript from a person who requests the
 28 preparation of a transcript.

29 SECTION 125. IC 34-30-2-58 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 58. IC 15-3-4-2
 31 (Concerning township trustees, **a consolidated city**, or persons hired
 32 by them for the removal of detrimental plants upon another person's
 33 real property).

34 SECTION 126. IC 36-1-2-22 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 22. (a)
 36 "Township", ~~refers to~~ **except as provided in subsection (b), means:**

- 37 (1) a civil township, unless the reference is to a congressional
- 38 township or school township; **or**
- 39 (2) **except as provided in IC 36-6-1.1, IC 36-6-4.1, and**
- 40 **IC 36-6-6.1, a township district for a county having a**
- 41 **consolidated city, unless the reference is to a congressional**
- 42 **township or school township or the context requires**

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otherwise.
(b) "Township" means only a civil township for purposes of the following:

- (1) IC 36-7-4.**
- (2) IC 36-9-27.**

SECTION 127. IC 36-2-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) The county assessor shall perform the functions assigned by statute to the county assessor, including the following:

- (1) Countywide equalization.
- (2) Selection and maintenance of a countywide computer system.
- (3) Certification of gross assessments to the county auditor.
- (4) Discovery of omitted property.

(b) The county assessor shall perform the functions of an assessing official under IC 36-6-5-2 in a township with a township assessor-trustee if the township assessor-trustee:

- (1) fails to make a report that is required by law;
- (2) fails to deliver a property tax record to the appropriate officer or board;
- (3) fails to deliver an assessment to the county assessor; or
- (4) fails to perform any other assessing duty as required by statute or rule of the department of local government finance;

within the time period prescribed by statute or rule of the department or within a later time that is necessitated by reason of another official failing to perform the official's functions in a timely manner.

(c) A township with a township trustee-assessor may, with the consent of the township board, enter into an agreement with:

- (1) the county assessor; or
- (2) another township assessor in the county;

to perform any of the functions of an assessing official. A township trustee-assessor may not contract for the performance of any function for a period of time that extends beyond the completion of the township trustee-assessor's term of office.

(d) In a county having a consolidated city:

- (1) the county assessor shall perform the functions of an assessing official and other duties of an assessing official prescribed by statute in each township in the county, including assessment duties prescribed by IC 6-1.1; and**
- (2) the controller of the consolidated city or the controller's designee shall administer the dog tax and township dog fund as prescribed by IC 15-5-9.**

SECTION 128. IC 36-3-1-6.1, AS ADDED BY P.L.227-2005,

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1 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JANUARY 1, 2007]: Sec. 6.1. (a) ~~This section applies only in a county
3 containing a consolidated city. If the requirements of subsection (g) are
4 satisfied;~~ **Except as provided in section 6.3 of this chapter, after
5 December 31, 2006,** the fire departments of the following are
6 consolidated into the fire department of a consolidated city (referred to
7 as "the consolidated fire department"):

8 (1) A township for which the consolidation is approved by the
9 township legislative body and trustee and the legislative body and
10 mayor of the ~~located in a county having a consolidated city.~~

11 (2) Any fire protection territory established under IC 36-8-19 that
12 is located in a township described in subdivision (1): **county
13 having a consolidated city.**

14 (3) **The territory in which an airport authority established for
15 a consolidated city under IC 8-22-3 may provide fire
16 protection services.**

17 (b) ~~If the requirements of subsection (g) are satisfied;~~ **Except as
18 provided in section 6.3 of this chapter, after December 31, 2006,** the
19 consolidated fire department shall provide fire protection services
20 within an entity described in subsection (a)(1) or (a)(2) in which the
21 requirements of subsection (g) are satisfied on the date agreed to in the
22 resolution of the township legislative body and the ordinance of the
23 legislative body of the consolidated city: **for the entire county.**

24 (c) If the requirements of subsection (g) are satisfied and the fire
25 department of an entity listed in subsection (a) is consolidated into the
26 fire department of the consolidated city, All of the property, equipment,
27 records, rights, and contracts of the department consolidated into the
28 fire department of the consolidated city **departments and territories
29 listed in subsection (a)** are:

- 30 (1) transferred to; or
- 31 (2) assumed by;

32 the consolidated city. ~~on the effective date of the consolidation.~~
33 However, real property other than real property used as a fire station
34 may be transferred only on terms mutually agreed to by the legislative
35 body and mayor of the consolidated city and the trustee and legislative
36 body of the township in which that real property is located.

37 (d) If the requirements of subsection (g) are satisfied and the fire
38 department of an entity listed in subsection (a) is consolidated into the
39 fire department of the consolidated city; The employees of the fire
40 department consolidated into the fire department of the consolidated
41 city **departments and territories listed in subsection (a)** cease
42 employment with the department of the entity **departments and**

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1 **territories** listed in subsection (a) and become employees of the
2 consolidated fire department ~~on the effective date of the consolidation:~~
3 **after December 31, 2006.** The consolidated city shall assume all
4 agreements with labor organizations that:

5 (1) are in effect ~~on the effective date of the consolidation;~~ **on**
6 **December 31, 2006, and that expire on or after January 1,**
7 **2007;** and

8 (2) apply to employees of the department consolidated into the
9 fire department of the consolidated city **departments and**
10 **territories listed in subsection (a)** who become employees of the
11 consolidated fire department.

12 (e) ~~If the requirements of~~ **Except as provided in** subsection (g) are
13 satisfied and the fire department of an entity listed in subsection (a) is
14 consolidated into the fire department of a consolidated city; **(h), the**
15 **consolidated city shall assume, defuse, pay, or refund all** the
16 indebtedness related to fire protection services incurred before ~~the~~
17 **effective date of the consolidation January 1, 2007,** by:

18 (1) **the entity departments and territories listed in subsection**
19 **(a);** or

20 (2) a building, holding, or leasing corporation on behalf of the
21 entity whose fire department is consolidated into the consolidated
22 fire department under subsection (a) shall remain the debt of the
23 entity and does not become and may not be assumed by the
24 consolidated city. Indebtedness related to fire protection services
25 that is incurred by the consolidated city before the effective date
26 of the consolidation shall remain the debt of the consolidated city
27 and property taxes levied to pay the debt may only be levied by
28 the fire special service district: **a department or territory listed**
29 **in subsection (a).**

30 (f) If the requirements of subsection (g) are satisfied and the fire
31 department of an entity listed in subsection (a) is consolidated into the
32 fire department of a consolidated **After December 31, 2006,** the merit
33 board and the merit system of ~~the each~~ fire department that is
34 consolidated **are listed in subsection (a) are** dissolved, ~~on the effective~~
35 **date of the consolidation;** and the duties of the merit boards are
36 transferred to and assumed by the merit board for the consolidated fire
37 department. ~~on the effective date of the consolidation:~~

38 (g) A township legislative body, after approval by the township
39 trustee, may adopt a resolution approving the consolidation of the
40 township's fire department with the fire department of the consolidated
41 city. A township legislative body may adopt a resolution under this
42 subsection only after the township legislative body has held a public

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1 hearing concerning the proposed consolidation. The township
 2 legislative body shall hold the hearing not earlier than thirty (30) days
 3 after the date the resolution is introduced. The hearing shall be
 4 conducted in accordance with IC 5-14-1.5 and notice of the hearing
 5 shall be published in accordance with IC 5-3-1. If the township
 6 legislative body has adopted a resolution under this subsection; the
 7 township legislative body shall, after approval from the township
 8 trustee, forward the resolution to the legislative body of the
 9 consolidated city. If such a resolution is forwarded to the legislative
 10 body of the consolidated city; the legislative body of the consolidated
 11 city may adopt an ordinance; approved by the mayor of the
 12 consolidated city; approving the consolidation of the fire department of
 13 the township into the fire department of the consolidated city and the
 14 requirements of this subsection are satisfied. The consolidation shall
 15 take effect on the date agreed to by the township legislative body in its
 16 resolution and by the legislative body of the consolidated city in its
 17 ordinance approving the consolidation.

18 (h) The following apply if the requirements of subsection (g) are
 19 satisfied:

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

24 (2) Notwithstanding any other provision; a firefighter:
 25 (A) who is a member of the 1977 fund before the effective
 26 date of a consolidation under this section; and
 27 (B) who; after the consolidation; becomes an employee of the
 28 fire department of a consolidated city under this section;
 29 remains a member of the 1977 fund without being required to
 30 meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The
 31 firefighter shall receive credit for any service as a member of the
 32 1977 fund before the consolidation to determine the firefighter's
 33 eligibility for benefits under IC 36-8-8.

34 (g) Notwithstanding any other law, to assume, defease, pay, or
 35 refund all or a part of the indebtedness described in subsection (e)
 36 the consolidated city is not required to comply with any other
 37 statutory procedures or approvals that apply when a unit incurs
 38 indebtedness.

39 (h) Notwithstanding subsections (e) and (g), the consolidated
 40 city may not assume all or a part of the indebtedness described in
 41 subsection (e) that will exceed the limitations on the amount of
 42 indebtedness that the consolidated city may incur.

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1 **(i) The rights of the trustee and the bondholders with respect to**
2 **any:**
3 **(1) bonds or other indebtedness described in subsection (e); or**
4 **(2) bond resolution, trust agreement or indenture, security**
5 **agreement, purchase agreement, or other undertaking with**
6 **respect to indebtedness described in subsection (e);**
7 **remain the same, although the powers, duties, agreements, and**
8 **liabilities of the departments listed in subsection (a) have been**
9 **transferred to the consolidated city, and the consolidated city shall**
10 **be considered to have assumed all those powers, duties,**
11 **agreements, and liabilities.**
12 **(j) To provide for the payment of the expenses for the operation**
13 **of the consolidated fire department, the consolidated city may levy**
14 **property taxes on taxable property located within the area served**
15 **by the consolidated fire department.**
16 **(k) The fire special service district established under IC 36-3-1-6**
17 **may levy property taxes to provide for the payment of expenses for**
18 **the operation of the consolidated fire department:**
19 **(1) within; or**
20 **(2) that directly benefit;**
21 **the territory of the fire special service district. These amounts are**
22 **in addition to the amounts levied by the fire special service district**
23 **to fund pension obligations under IC 36-8-7-14.**
24 ~~(3)~~ **(l) Notwithstanding any other provision, a firefighter:**
25 ~~(A)~~ **(1) who is a member of the 1937 fund before the effective**
26 ~~date of a consolidation under this section; January 1, 2007; and~~
27 ~~(B)~~ **(2) who, after the consolidation of fire departments under**
28 ~~subsection (a), becomes an employee of the consolidated fire~~
29 ~~department of a consolidated city under this section;~~
30 **remains a member of the 1937 fund. The firefighter shall receive credit**
31 **for any service as a member of the 1937 fund before the consolidation**
32 **to determine the firefighter's eligibility for benefits under IC 36-8-7.**
33 ~~(4) For property taxes first due and payable in the year in which~~
34 ~~the consolidation is effective, the maximum permissible ad~~
35 ~~valorem property tax levy under IC 6-1.1-18.5:~~
36 ~~(A) is increased for the consolidated city by an amount equal~~
37 ~~to the maximum permissible ad valorem property tax levy in~~
38 ~~the year preceding the year in which the consolidation is~~
39 ~~effective for fire protection and related services by the~~
40 ~~township whose fire department is consolidated into the fire~~
41 ~~department of the consolidated city under this section; and~~
42 ~~(B) is reduced for the township whose fire department is~~

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1 consolidated into the fire department of the consolidated city
 2 under this section by the amount equal to the maximum
 3 permissible ad valorem property tax levy in the year preceding
 4 the year in which the consolidation is effective for fire
 5 protection and related services for the township.
 6 (5) The amount levied in the year preceding the year in which the
 7 consolidation is effective by the township whose fire department
 8 is consolidated into the fire department of the consolidated city
 9 for the township's cumulative building and equipment fund for
 10 fire protection and related services is transferred on the effective
 11 date of the consolidation to the consolidated city's cumulative
 12 building and equipment fund for fire protection and related
 13 services; which is hereby established: The consolidated city is
 14 exempted from the requirements of IC 36-8-14 and IC 6-1.1-41
 15 regarding establishment of the cumulative building and
 16 equipment fund for fire protection and related services.
 17 ~~(6)~~ **(m)** The local boards for the 1937 firefighters' pension fund and
 18 the 1977 police officers' and firefighters' pension and disability fund of
 19 **the for a township located in a county having a consolidated city** are
 20 dissolved, and their services are terminated not later than the effective
 21 date of the consolidation. The duties performed by the local boards
 22 under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the
 23 consolidated city's local board for the 1937 firefighters' pension fund
 24 and local board for the 1977 police officers' and firefighters' pension
 25 and disability fund, respectively. Notwithstanding any other provision,
 26 the legislative body of the consolidated city may adopt an ordinance to
 27 adjust the membership of the consolidated city's local board to reflect
 28 the consolidation.
 29 (7) The consolidated city may levy property taxes within the
 30 consolidated city's maximum permissible ad valorem property tax
 31 levy limit to provide for the payment of the expenses for the
 32 operation of the consolidated fire department. However, property
 33 taxes to fund the pension obligation under IC 36-8-7 for members
 34 of the 1937 firefighters fund who were employees of the
 35 consolidated city at the time of the consolidation may be levied
 36 only by the fire special service district within the fire special
 37 service district. The fire special service district established under
 38 IC 36-3-1-6 may levy property taxes to provide for the payment
 39 of expenses for the operation of the consolidated fire department
 40 within the territory of the police special service district. Property
 41 taxes to fund the pension obligation under IC 36-8-8 for members
 42 of the 1977 police officers' and firefighters pension and disability

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1 fund who were members of the fire department of the
 2 consolidated city on the effective date of the consolidation may be
 3 levied only by the fire special service district within the fire
 4 special service district. Property taxes to fund the pension
 5 obligation for members of the 1937 firefighters fund who were
 6 not members of the fire department of the consolidated city on the
 7 effective date of the consolidation and members of the 1977
 8 police officers' and firefighters pension and disability fund who
 9 were not members of the fire department of the consolidated city
 10 on the effective date of the consolidation may be levied by the
 11 consolidated city within the city's maximum permissible ad
 12 valorem property tax levy. However, these taxes may be levied
 13 only within the fire special service district and any townships that
 14 have consolidated fire departments under this section.

15 (8) The executive of the consolidated city shall provide for an
 16 independent evaluation and performance audit, due before March
 17 1 of the year in which the consolidation is effective and for the
 18 following two (2) years; to determine:

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

21 (B) any tax shifts among taxpayers;

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

26 **(n) For any township that consolidated its fire department with**
 27 **the fire department of the consolidated city before January 1,**
 28 **2007:**

29 **(1) IC 6-3.5-6-18.5 applies to that consolidation; and**

30 **(2) this section applies to that consolidation to the extent that**
 31 **it does not conflict with any consolidation agreement between**
 32 **the township and the consolidated city.**

33 SECTION 129. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005,
 34 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2006]: Sec. 6.2. (a) If a consolidated fire department is
 36 established under section 6.1 of this chapter, **After December 31,**
 37 **2006**, the consolidated city, through the consolidated fire department,
 38 shall ~~after the consolidation~~ establish, operate, and maintain emergency
 39 ambulance services (as defined in IC 16-18-2-107) in the fire special
 40 service district and in those townships in the county. that are
 41 consolidated under section 6.1 of this chapter.

42 (b) This section does not prohibit the providing of emergency

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1 ambulance services under an interlocal agreement under IC 36-1-7.

2 SECTION 130. IC 36-3-1-6.3 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2006]: **Sec. 6.3. (a) The consolidated fire
5 department may not provide fire protection services for:**

6 (1) an excluded city; or

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

9 unless the fire protection services are provided under an interlocal
10 agreement under IC 36-1-7 or the conditions in subsection (b) are
11 met.

12 (b) For the consolidated fire department to provide fire
13 protection services to an excluded city other than under an
14 interlocal agreement under IC 36-1-7, all the following must occur:

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

20 (2) The ordinances described in subdivision (1) must:

21 (A) specify the effective date of the consolidation; and

22 (B) set forth the conditions of the consolidation.

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

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

30 (e) After the effective date of the consolidation described in
31 subsection (b), the employees of the fire department of the excluded
32 city cease employment with the excluded city and become
33 employees of the consolidated fire department. These employees
34 are not hired or rehired for purposes of IC 36-8-3.2 or IC 36-8-10.5
35 upon becoming employees of the consolidated fire department. The
36 consolidated city shall assume all agreements with labor
37 organizations that:

38 (1) are in effect after the effective date of the consolidation
39 described in subsection (b); and

40 (2) apply to employees of the fire department of the excluded
41 city who become employees of the consolidated fire
42 department.

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1 (f) Except as provided in subsection (h), the consolidated city
2 shall assume, defease, pay, or refund all indebtedness related to fire
3 protection services incurred before the effective date of the
4 consolidation described in subsection (b) by:

- 5 (1) an excluded city; or
- 6 (2) a building, holding, or leasing corporation on behalf of an
7 excluded city;

8 whose fire department is consolidated into the consolidated fire
9 department under subsection (b).

10 (g) Notwithstanding any other law, to assume, defease, pay, or
11 refund all or a part of the indebtedness described in subsection (f)
12 the consolidated city is not required to comply with any other
13 statutory procedures or approvals that apply when a unit incurs
14 indebtedness.

15 (h) Notwithstanding subsections (f) and (g), the consolidated city
16 may not assume all or a part of the indebtedness described in
17 subsection (f) that will exceed the limitations on the amount of
18 indebtedness that the consolidated city may incur.

19 (i) The rights of the trustee and the bondholders with respect to
20 any:

- 21 (1) indebtedness or bonds; or
- 22 (2) bond resolution, trust agreement or indenture, security
23 agreement, purchase agreement, or other undertaking
24 described in subsection (f);

25 remain the same, although the powers, duties, agreements, and
26 liabilities of the departments listed in subsection (a) have been
27 transferred to the consolidated city, and the consolidated city shall
28 be considered to have assumed all those powers, duties,
29 agreements, and liabilities.

30 (j) Whenever an excluded city consolidates its fire department
31 into the consolidated fire department under subsection (b), the
32 local boards for the 1937 firefighters' pension fund and the 1977
33 police officers' and firefighters' pension and disability fund of the
34 excluded city are dissolved, and their services are terminated not
35 later than the effective date of the consolidation. The duties
36 performed by the local boards under IC 36-8-7 and IC 36-8-8,
37 respectively, are assumed by the consolidated city's local board for
38 the 1937 firefighters' pension fund and local board for the 1977
39 police officers' and firefighters' pension and disability fund,
40 respectively.

41 (k) Whenever an excluded city consolidates its fire department
42 into the consolidated fire department under subsection (b), the

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1 merit board and merit system of the excluded city's fire
2 department are dissolved, and the duties of the excluded city's
3 merit board are transferred to and assumed by the merit board for
4 the consolidated fire department.

5 (l) Whenever an excluded city consolidates its fire department
6 into the consolidated fire department under subsection (b), for
7 property taxes first due and payable in the calendar year following
8 the effective date of the consolidation, the maximum permissible ad
9 valorem property tax levy under IC 6-1.1-18.5:

10 (1) is increased for a consolidated city by the amount levied in
11 the prior calendar year for fire protection and related services
12 by the excluded city; and

13 (2) is reduced for the excluded city by the amount levied in the
14 prior calendar year for fire protection and related services by
15 the excluded city.

16 (m) Whenever an excluded city consolidates its fire department
17 into the consolidated fire department under subsection (b), for
18 property taxes first due and payable in the calendar year following
19 the effective date of the consolidation, the amount levied under
20 IC 6-1.1-41 and IC 36-8-14 in the prior calendar year by the
21 excluded city for its cumulative building and equipment fund for
22 firefighting and related services is transferred to the consolidated
23 city's cumulative building and equipment fund for firefighting and
24 related services, and the consolidated city is exempted from the
25 requirements of IC 6-1.1-41 and IC 36-8-14 regarding an increase
26 to the levy for its cumulative building and equipment fund for
27 firefighting and related services.

28 (n) Whenever an excluded city consolidates its fire department
29 into the consolidated fire department under subsection (b),
30 commencing with the calendar year following consolidation and for
31 each year thereafter, the excluded city's monthly distributive share
32 of county option income tax revenues distributed under
33 IC 6-3.5-6-18.5 shall be reduced by a percentage set forth in the
34 ordinances adopted under subsection (b), and those revenues shall
35 instead be distributed as additional distributive shares to
36 Indianapolis/Marion County.

37 SECTION 131. IC 36-3-2-10 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The
39 general assembly finds the following:

40 (1) That the tax base of the consolidated city and the county have
41 been significantly eroded through the ownership of tangible
42 property by separate municipal corporations and other public

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- 1 entities that operate as private enterprises yet are exempt or whose
 2 property is exempt from property taxation.
- 3 (2) That to restore this tax base and provide a proper allocation of
 4 the cost of providing governmental services the legislative body
 5 of the consolidated city and county should be authorized to collect
 6 payments in lieu of taxes from these public entities.
- 7 (3) That the appropriate maximum payments in lieu of taxes
 8 would be the amount of the property taxes that would be paid if
 9 the tangible property were not subject to an exemption.
- 10 (b) As used in this section, the following terms have the meanings
 11 set forth in IC 6-1.1-1:
- 12 (1) Assessed value.
 13 (2) Exemption.
 14 (3) Owner.
 15 (4) Person.
 16 (5) Personal property.
 17 (6) Property taxation.
 18 (7) Tangible property.
 19 ~~(8) Township assessor.~~
- 20 (c) As used in this section, "PILOTS" means payments in lieu of
 21 taxes.
- 22 (d) As used in this section, "public entity" means any of the
 23 following government entities in the county:
- 24 (1) An airport authority operating under IC 8-22-3.
 25 (2) A capital improvement board of managers under IC 36-10-9.
 26 (3) A building authority operating under IC 36-9-13.
 27 (4) A wastewater treatment facility.
- 28 (e) The legislative body of the consolidated city may adopt an
 29 ordinance to require a public entity to pay PILOTS at times set forth in
 30 the ordinance with respect to:
- 31 (1) tangible property of which the public entity is the owner or the
 32 lessee and that is subject to an exemption;
 33 (2) tangible property of which the owner is a person other than a
 34 public entity and that is subject to an exemption under IC 8-22-3;
 35 or
 36 (3) both.
- 37 The ordinance remains in full force and effect until repealed or
 38 modified by the legislative body.
- 39 (f) The PILOTS must be calculated so that the PILOTS may be in
 40 any amount that does not exceed the amount of property taxes that
 41 would have been levied by the legislative body for the consolidated city
 42 and county upon the tangible property described in subsection (e) if the

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1 property were not subject to an exemption from property taxation.

2 (g) PILOTS shall be imposed as are property taxes and shall be
3 based on the assessed value of the tangible property described in
4 subsection (e). The ~~township assessors~~ **county assessor** shall assess the
5 tangible property described in subsection (e) as though the property
6 were not subject to an exemption. The public entity shall report the
7 value of personal property in a manner consistent with IC 6-1.1-3.

8 (h) Notwithstanding any law to the contrary, a public entity is
9 authorized to pay PILOTS imposed under this section from any legally
10 available source of revenues. The public entity may consider these
11 payments to be operating expenses for all purposes.

12 (i) PILOTS shall be deposited in the consolidated county fund and
13 used for any purpose for which the consolidated county fund may be
14 used.

15 (j) PILOTS shall be due as set forth in the ordinance and bear
16 interest, if unpaid, as in the case of other taxes on property. PILOTS
17 shall be treated in the same manner as taxes for purposes of all
18 procedural and substantive provisions of law.

19 (k) PILOTS imposed on a wastewater treatment facility may be paid
20 only from the cash earnings of the facility remaining after provisions
21 have been made to pay for current obligations, including:

- 22 (1) operating and maintenance expenses;
- 23 (2) payment of principal and interest on any bonded indebtedness;
- 24 (3) depreciation or replacement fund expenses;
- 25 (4) bond and interest sinking fund expenses; and
- 26 (5) any other priority fund requirements required by law or by any
27 bond ordinance, resolution, indenture, contract, or similar
28 instrument binding on the facility.

29 SECTION 132. IC 36-3-2-11 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) As used
31 in this section, the following terms have the meanings set forth in
32 IC 6-1.1-1:

- 33 (1) Assessed value.
- 34 (2) Exemption.
- 35 (3) Owner.
- 36 (4) Person.
- 37 (5) Property taxation.
- 38 (6) Real property.
- 39 (7) ~~Township assessor~~.

40 (b) As used in this section, "PILOTS" means payments in lieu of
41 taxes.

42 (c) As used in this section, "property owner" means the owner of

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1 real property described in IC 6-1.1-10-16.7 that is located in a county
 2 with a consolidated city.

3 (d) Subject to the approval of a property owner, the legislative body
 4 of the consolidated city may adopt an ordinance to require the property
 5 owner to pay PILOTS at times set forth in the ordinance with respect
 6 to real property that is subject to an exemption under IC 6-1.1-10-16.7.
 7 The ordinance remains in full force and effect until repealed or
 8 modified by the legislative body, subject to the approval of the property
 9 owner.

10 (e) The PILOTS must be calculated so that the PILOTS are in an
 11 amount that is:

12 (1) agreed upon by the property owner and the legislative body of
 13 the consolidated city;

14 (2) a percentage of the property taxes that would have been levied
 15 by the legislative body for the consolidated city and the county
 16 upon the real property described in subsection (d) if the property
 17 were not subject to an exemption from property taxation; and
 18 (3) not more than the amount of property taxes that would have
 19 been levied by the legislative body for the consolidated city and
 20 county upon the real property described in subsection (d) if the
 21 property were not subject to an exemption from property taxation.

22 (f) PILOTS shall be imposed as are property taxes and shall be
 23 based on the assessed value of the real property described in subsection
 24 (d). The ~~township assessors~~ **county assessor** shall assess the real
 25 property described in subsection (d) as though the property were not
 26 subject to an exemption.

27 (g) PILOTS collected under this section shall be deposited in the
 28 housing trust fund established under IC 36-7-15.1-35.5 and used for
 29 any purpose for which the housing trust fund may be used.

30 (h) PILOTS shall be due as set forth in the ordinance and bear
 31 interest, if unpaid, as in the case of other taxes on property. PILOTS
 32 shall be treated in the same manner as taxes for purposes of all
 33 procedural and substantive provisions of law.

34 SECTION 133. IC 36-3-4-14 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. (a) An
 36 ordinance or resolution passed by a legislative body is considered
 37 adopted when it is:

38 (1) signed by the presiding officer; and
 39 (2) if subject to veto, either approved by the executive or passed
 40 over ~~his~~ **the executive's** veto by the legislative body, under
 41 section 16 of this chapter.

42 (b) All ordinances and resolutions of a legislative body are subject

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1 to veto, except the following:

2 ~~(1)~~ An ordinance or resolution, or part of either, providing for the
3 budget or appropriating money for an office or officer of the
4 county provided for by the Constitution of Indiana or for a judicial
5 office or officer.

6 ~~(2)~~ (1) An ordinance or resolution approving or modifying the
7 budget of a political subdivision that the legislative body is
8 permitted by statute to review.

9 ~~(3)~~ (2) A resolution making an appointment that the legislative
10 body is authorized to make.

11 ~~(4)~~ (3) A resolution selecting officers or employees of the
12 legislative body.

13 ~~(5)~~ (4) A resolution prescribing rules for the internal management
14 of the legislative body.

15 ~~(6)~~ (5) A zoning ordinance or amendment to a zoning ordinance,
16 or a resolution approving a comprehensive plan, that is adopted
17 under IC 36-7.

18 (c) An ordinance prescribing a penalty or forfeiture for a violation
19 must, before it takes effect, be published in the manner prescribed by
20 IC 5-3-1, unless:

21 (1) it is published under subsection (d); or

22 (2) there is an urgent necessity requiring its immediate
23 effectiveness, the executive proclaims the urgent necessity, and
24 copies of the ordinance are posted in three (3) public places in the
25 county.

26 (d) If a legislative body publishes any of its ordinances in book or
27 pamphlet form, no other publication is required. If an ordinance
28 prescribing a penalty or forfeiture for a violation is published under this
29 subsection, it takes effect two (2) weeks after the publication of the
30 book or pamphlet. Publication under this subsection, if authorized by
31 the legislative body, constitutes presumptive evidence:

32 (1) of the ordinances in the book or pamphlet;

33 (2) of the date of adoption of the ordinances; and

34 (3) that the ordinances have been properly signed, attested,
35 recorded, and approved.

36 (e) Unless a legislative body provides in an ordinance or resolution
37 for a later effective date, the ordinance or resolution takes effect when
38 it is adopted, subject to subsections (c) and (d).

39 (f) Subsections (a), (c), (d), and (e) do not apply to zoning
40 ordinances or amendments to zoning ordinances, or resolutions
41 approving comprehensive plans, that are adopted under IC 36-7.

42 SECTION 134. IC 36-3-6-4, AS AMENDED BY P.L.227-2005,

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1 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JANUARY 1, 2007]: Sec. 4. (a) Before the Wednesday after the first
3 Monday in July each year, the consolidated city and county shall
4 prepare budget estimates for the ensuing budget year under this section.

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

- 9 (1) The director of each department of the consolidated city.
- 10 (2) Each ~~township assessor~~, elected county officer or head of a
11 county agency.
- 12 (3) The county clerk, for each court ~~of which he is the clerk~~
13 **serves.**

14 (c) In addition to the estimates required by subsection (b), the
15 county clerk shall prepare an estimate of the amount of money that is,
16 under law, taxable against the county for the expenses of cases tried in
17 other counties on changes of venue.

18 (d) Each officer listed in subsection (b)(2) or (b)(3) shall append a
19 certificate to each estimate the officer prepares stating that in the
20 officer's opinion the amount fixed in each item will be required for the
21 purpose indicated. The certificate must be verified by the oath of the
22 officer.

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

25 (f) All of the estimates prepared by city officers and county officers
26 shall be submitted to the controller.

27 (g) The controller shall also prepare an itemized estimate of city and
28 county expenditures for other purposes above the money proposed to
29 be used by the city departments and county officers and agencies.

30 SECTION 135. IC 36-3-6-4.1 IS ADDED TO INDIANA CODE AS
31 A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
32 **JANUARY 1, 2007]: Sec. 4.1. Notwithstanding IC 36-8-7, the**
33 **city-county legislative body shall adopt an ordinance under section**
34 **7 of this chapter to levy a tax only within the fire special service**
35 **district in the amount and at the rate necessary to produce**
36 **sufficient revenue to pay the amounts required to satisfy the**
37 **consolidated city's 1937 firefighters' pension fund obligations**
38 **under IC 36-8-7-14.**

39 SECTION 136. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE
40 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
41 **JANUARY 1, 2007]: Sec. 6. (a) Notwithstanding any other law, the**
42 **consolidated city may issue obligations to refund obligations issued**

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1 before January 1, 2007, in the name of:
 2 (1) a township;
 3 (2) an airport authority;
 4 (3) a fire protection territory; or
 5 (4) a building, holding, or leasing corporation on behalf of a
 6 township, an airport authority, or a fire protection territory;
 7 to satisfy the requirements of IC 36-3-1-6.1(e), IC 36-3-1-6.1(f), and
 8 IC 36-3-1-6.1(g).

9 (b) Notwithstanding any other law, the consolidated city may
 10 issue obligations to refund obligations issued before the effective
 11 date of a consolidation described in IC 36-3-1-6.3(b) by:

- 12 (1) an excluded city; or
- 13 (2) a building, holding, or leasing corporation on behalf of an
 14 excluded city;

15 to satisfy the requirements of IC 36-3-1-6.3(f), IC 36-3-1-6.3(g), and
 16 IC 36-3-1-6.3(h).

17 SECTION 137. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE
 18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]:

20 **Chapter 1.1. Marion County Township Transitional Provisions**

21 **Sec. 1. This chapter applies only to townships in a county having**
 22 **a consolidated city.**

23 **Sec. 2. (a) After December 31, 2007, all powers and duties of a**
 24 **township trustee elected at the 2006 general election shall be**
 25 **terminated, except for the trustee's powers and duties regarding**
 26 **township assistance. The trustee shall comply with IC 36-6-4 for**
 27 **the limited purpose of performing the trustee's duties with regard**
 28 **to township assistance.**

29 **(b) After December 31, 2007, all powers and duties of a**
 30 **township legislative body elected at the 2004 general election shall**
 31 **be terminated, except for the township legislative body's powers**
 32 **and duties regarding township assistance. The township legislative**
 33 **body shall comply with IC 36-6-6 for the limited purpose of**
 34 **performing the township legislative body's duties with regard to**
 35 **township assistance.**

36 **(c) After December 31, 2008:**

- 37 (1) township trustees are governed by IC 36-6-4.1; and
- 38 (2) township boards are governed by IC 36-6-6.1.]

39 **(d) Beginning with the general election held in 2008:**

- 40 (1) new township trustees for the township districts shall be
- 41 elected under IC 36-6-4.1; and
- 42 (2) new township boards for the township districts shall be

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elected under IC 36-6-6.1.

(e) On January 1, 2009:

- (1) the township boards existing at the time the new township boards are elected under IC 36-6-6.1 are dissolved; and
- (2) the township boards elected under IC 36-6-6.1 replace the township boards that are dissolved under subdivision (1).

Sec. 3. (a) A transitional advisory board shall be formed not later than July 1, 2006, to prepare a report and recommendations to the township trustees and township boards regarding the reorganization of townships, including the following:

- (1) The transfer of residual township functions to appropriate departments or officers of the consolidated city or county.
- (2) The provision of township assistance under IC 12-20 and IC 12-30-4.
- (3) The transfer of township assessment functions from the township assessors to the county assessor.
- (4) The location of township divisions of the small claims division of the superior court of the county.

(b) The transitional advisory board consists of the following twenty-one (21) members:

- (1) The nine (9) township trustees in the county holding office on the date the transitional advisory board is formed.
- (2) Four (4) individuals appointed by the city executive. One (1) individual appointed under this subdivision must be an assessing professional.
- (3) Four (4) individuals appointed by the city-county legislative body.
- (4) Four (4) individuals appointed by the board of commissioners of the county.

(c) Members of the transitional advisory board appointed under subsection (b)(2), (b)(3), and (b)(4) are not entitled to receive any salary for their service. Members of the board designated under subsection (b)(1) are not entitled to any additional salary for their service on the board but are entitled to their regular salaries as township trustees under IC 36-6-8 until the end of their current terms. The board may use the staff and budget of the existing trustees to carry out the board's work. Two (2) cochairpersons, each of a different political party, shall be elected by the members of the board.

(d) The transitional advisory board expires not later than February 28, 2008.

Sec. 4. All assets, property rights, equipment, records,

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1 personnel, and contracts and all else connected with the provision
 2 of township assistance under IC 12-20 and IC 12-30-4 by a
 3 township shall be transferred to the applicable township district on
 4 January 1, 2009. All other assets, property rights, equipment,
 5 records, personnel (except as otherwise provided by statute), and
 6 contracts and all else connected with the township shall be
 7 transferred to the consolidated city on January 1, 2009. Any
 8 indebtedness not connected with the provision of township
 9 assistance that was incurred by a township before the effective date
 10 of consolidation under this section shall be assumed or defeased by
 11 the consolidated city, notwithstanding any other provision of law
 12 requiring completion of certain procedures and approvals for the
 13 incurrence of indebtedness. However, the indebtedness (or any part
 14 of the indebtedness) may not be assumed by the consolidated city
 15 if the assumption would cause the consolidated city to exceed any
 16 limitation on the amount of indebtedness that may be incurred by
 17 the consolidated city.

18 **Sec. 5. Beginning January 1, 2009, notwithstanding any other**
 19 **law to the contrary, for a township located in a county having a**
 20 **consolidated city, the township's distributive share of any state or**
 21 **local taxes or revenues (other than county option income taxes**
 22 **distributed under IC 6-3.5-6-18.5 and property taxes) shall be**
 23 **reduced to zero (0) and shall be transferred to the consolidated**
 24 **city.**

25 SECTION 138. IC 36-6-4-1 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. This chapter
 27 applies to all townships **except a township in a county having a**
 28 **consolidated city.**

29 SECTION 139. IC 36-6-4-2, AS AMENDED BY P.L.88-2005,
 30 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]: Sec. 2. (a) **Except as provided in subsection (d),**
 32 a township trustee shall be elected under IC 3-10-2-13 by the voters of
 33 each township. The trustee is the township executive.

34 (b) The township trustee must reside within the township as
 35 provided in Article 6, Section 6 of the Constitution of the State of
 36 Indiana. The trustee forfeits office if the trustee ceases to be a resident
 37 of the township.

38 (c) **Except as provided in subsection (d),** the term of office of a
 39 township trustee is four (4) years, beginning January 1 after election
 40 and continuing until a successor is elected and qualified.

41 (d) **This subsection applies to a township in a county having a**
 42 **consolidated city. At the 2006 general election, a township trustee**

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1 **shall be elected under IC 3-10-2-13 by the voters of each township.**
2 **The term of office of a township trustee elected at the 2006 general**
3 **election is two (2) years, beginning January 1 after election.**

4 SECTION 140. IC 36-6-4-3, AS AMENDED BY P.L.73-2005,
5 SECTION 173, AND AS AMENDED BY P.L.227-2005, SECTION
6 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JANUARY 1, 2007]: Sec. 3. The executive shall do the
8 following:

- 9 (1) Keep a written record of official proceedings.
- 10 (2) Manage all township property interests.
- 11 (3) Keep township records open for public inspection.
- 12 (4) Attend all meetings of the township legislative body.
- 13 (5) Receive and pay out township funds.
- 14 (6) Examine and settle all accounts and demands chargeable
15 against the township.
- 16 (7) Administer *poor relief township assistance* under IC 12-20
17 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 141. IC 36-6-4.1 IS ADDED TO THE INDIANA CODE
34 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
35 JANUARY 1, 2008]:

36 **Chapter 4.1. Township Executives in Marion County**
37 **Sec. 1. Subject to IC 36-6-1.1, this chapter applies only to a**
38 **county having a consolidated city.**

39 **Sec. 2. As used in this chapter, "central township district"**
40 **means the geographic area that is coterminous with the territory**
41 **of the board of school commissioners under IC 20-25-3-1 and**
42 **IC 20-25-3-2.**

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1 **Sec. 3. As used in this chapter, "consolidated township district"**
2 **means the territory of a county having a consolidated city,**
3 **excluding the central township district.**

4 **Sec. 4. As used in this chapter, "executive" refers to the**
5 **township trustee of a township district elected under section 7 of**
6 **this chapter.**

7 **Sec. 5. As used in this chapter, "township district" means the:**
8 **(1) central township district; and**
9 **(2) consolidated township district.**

10 **Sec. 6. As used in this chapter, "township district legislative**
11 **body" refers to a township board created under IC 36-6-6.1.**

12 **Sec. 7. (a) Beginning with the general election held in 2008, a**
13 **township trustee shall be elected under IC 3-10-2-13 by the voters**
14 **of each township district. The township trustee elected for each**
15 **township district is the executive for each township in the township**
16 **district.**

17 **(b) The executive must reside within the township district as**
18 **provided in Article 6, Section 6 of the Constitution of the State of**
19 **Indiana. The executive forfeits office if the executive ceases to be**
20 **a resident of the township district.**

21 **(c) The term of office of the executive is four (4) years,**
22 **beginning January 1 after the executive's election and continuing**
23 **until a successor is elected and qualified.**

24 **Sec. 8. The executive shall do the following:**
25 **(1) Keep a written record of official proceedings.**
26 **(2) Manage all property interests in the township district.**
27 **(3) Keep records of the township district open for public**
28 **inspection.**
29 **(4) Attend all meetings of the township district legislative**
30 **body.**
31 **(5) Receive and pay out funds of the township district.**
32 **(6) Examine and settle all accounts and demands chargeable**
33 **against the township district.**
34 **(7) Provide the assistance required under IC 12-20 and**
35 **IC 12-30-4.**
36 **(8) File an annual personnel report under IC 5-11-13.**

37 **Sec. 9. The executive may do the following:**
38 **(1) Administer oaths when necessary in the discharge of**
39 **official duties.**
40 **(2) Appoint an attorney to represent the township district in**
41 **any proceeding in which the township district is interested.**
42 **(3) Enter into certain oil and gas leases of township district**

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property under IC 36-9.

(4) Personally use a township district vehicle for the performance of official duties, but only if the use is authorized by the township district legislative body.

(5) Exercise other powers granted by statute.

Sec. 10. The executive shall maintain:

(1) a general account showing the total of all township district receipts and expenditures; and

(2) the financial and appropriation record of the township district, which must include an itemized and accurate account of the township district's financial affairs.

Sec. 11. (a) For each sum of money received by the executive, the financial and appropriation record must show:

(1) the date the sum of money was received;

(2) from whom the sum of money was received; and

(3) to what account the sum of money was credited.

(b) For each sum of money paid by the executive, the financial and appropriation record must show:

(1) the date the sum of money was paid;

(2) to whom the sum of money was paid;

(3) from what account the sum of money was paid; and

(4) why the sum of money was paid.

(c) The state board of accounts shall prescribe the form of the financial and appropriation record.

Sec. 12. (a) Each purchase for a township district by the executive must be made on written order of the executive, certifying that sufficient funds have been appropriated to pay the full price of the purchase. The executive shall issue a warrant and pay for the purchase not later than time of receipt of the county treasurer's first semiannual distribution following the purchase.

(b) An executive who violates this section commits a Class C infraction and is liable on the executive's official bond for the value of the purchase.

Sec. 13. (a) The executive may use the township district's share of state, county, and township district tax revenues and federal revenue sharing funds for all categories of community service, if these funds are appropriated for these services by the township district legislative body. The executive may use these funds for both operating and capital expenditures.

(b) With the consent of the township district legislative body, the executive may contract with corporations for health and community services not specifically provided by another

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1 governmental entity.

2 **Sec. 14. On the first Monday of each August the executive shall**
3 **post, in a conspicuous place near the executive's office, a verified**
4 **statement showing the indebtedness of the township district in**
5 **detail and giving the number and total amount of outstanding**
6 **orders, warrants, and accounts.**

7 **Sec. 15. (a) At the township district legislative body's annual**
8 **meeting under IC 36-6-6.1-12, the executive shall:**

9 **(1) present an itemized written statement of the estimated**
10 **expenditures for which appropriations are requested,**
11 **specifying the:**

- 12 **(A) number of teachers employed;**
- 13 **(B) salary of each teacher employed;**
- 14 **(C) property of the township district (and supplies on**
15 **hand);**
- 16 **(D) estimated value of the property of the township district**
17 **(and supplies on hand);**
- 18 **(E) supplies necessary for each school; and**
- 19 **(F) need for township assistance in the township district;**
20 **and**

21 **(2) submit to questions from the township district legislative**
22 **body or taxpayers concerning expenditures of the township**
23 **district.**

24 **(b) The written statement required under subsection (a)(1) must**
25 **comply with forms prescribed by the state board of accounts and**
26 **show the amount of each item to be charged against funds of the**
27 **township district.**

28 **Sec. 16. (a) At the annual meeting of the township district**
29 **legislative body under IC 36-6-6.1-10, the executive shall present**
30 **a complete report of all receipts and expenditures of the preceding**
31 **calendar year, including the balance to the credit of each fund**
32 **controlled by the executive. If the executive controls any money**
33 **that is not included in a particular fund, the executive shall state all**
34 **the facts concerning that money in the report.**

35 **(b) Each item of expenditure in the report presented under**
36 **subsection (a) must be accompanied by the verified voucher of the**
37 **person to whom the sum was paid, stating:**

- 38 **(1) why the payment was made;**
- 39 **(2) that the receipt is for the exact sum received;**
- 40 **(3) that no part of the sum has been retained by the executive;**
41 **and**
- 42 **(4) that no part of the sum has been or is to be returned to the**

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executive or any other person.
The executive may administer oaths to persons giving these receipts.

(c) The executive shall swear or affirm that:

- (1) the report presented under subsection (a) shows all sums received by the executive;
- (2) the expenditures credited have been fully paid in the sums stated, without express or implied agreement that any part of the sums is to be retained by or returned to the executive or any other person; and
- (3) the executive has received no money or other property in consideration of any contract entered into or expenditure made on behalf of the township district.

(d) Within ten (10) days after the township district legislative body's action under IC 36-6-6.1-10, the executive shall file a copy of the report presented under subsection (a) and the report's accompanying vouchers, as adopted by the township district legislative body, in the office of the controller of the consolidated city. The township district legislative body may, for the benefit of the township, bring a civil action against the executive if the executive fails to file the report within ten (10) days after the township district legislative body's action. The township district legislative body may recover five dollars (\$5) for each day after the time limit for filing the report, until the report is filed.

Sec. 17. (a) When the executive prepares the annual report required by section 16 of this chapter, the executive shall also prepare, on forms prescribed by the state board of accounts, an abstract of receipts and expenditures:

- (1) showing the sum of money in each fund of the township district at the beginning of the year;
- (2) showing the sum of money received in each fund of the township district during the year;
- (3) showing the sum of money paid from each fund of the township district during the year;
- (4) showing the sum of money remaining in each fund of the township district at the end of the year;
- (5) containing a statement of receipts, showing their source; and
- (6) containing a statement of expenditures showing the combined gross payment, according to classification of expense, to each person.

(b) Not later than four (4) weeks after the annual meeting of the

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1 township district legislative body under IC 36-6-6.1-10, the
2 executive shall publish the abstract required by subsection (a) in
3 accordance with IC 5-3-1. The abstract must state that a complete
4 and detailed annual report and the accompanying vouchers
5 showing the names of persons paid money by the township district
6 have been filed with the controller of the consolidated city, and that
7 the chairperson of the township district legislative body has a copy
8 of the report that is available for inspection by any taxpayer of the
9 township district.

10 (c) An executive who fails to comply with this section commits
11 a Class C infraction.

12 Sec. 18. When an executive's term of office expires, the executive
13 shall:

14 (1) immediately deliver to the new executive custody of all
15 funds and property of the township district, except records
16 necessary in the preparation of the former executive's annual
17 report under section 16 of this chapter;

18 (2) deliver to the new executive, not later than the second
19 Monday in the next January, the former executive's annual
20 report and any records the former executive has retained; and

21 (3) attend the annual meeting of the township district
22 legislative body held under IC 36-6-6.1-10 and submit to
23 inquiries from the township district legislative body
24 concerning the operation of the executive's office during the
25 preceding calendar year.

26 Sec. 19. (a) If an executive resigns or dies, the executive's
27 personal representative shall immediately deliver to the new
28 executive custody of all funds and property of the township district.
29 The new executive shall then issue a call for a special meeting of the
30 township district legislative body, to be held not more than fifteen
31 (15) days later. At the special meeting the township district
32 legislative body shall:

33 (1) examine the records of the township district;
34 (2) inquire into the conduct of the executive's office; and
35 (3) approve in whole or in part the records, receipts, and
36 expenditures of the township district to the date of the death
37 or resignation of the former executive.

38 (b) In the new executive's annual report to the township district
39 legislative body required under section 16 of this chapter, the new
40 executive shall distinguish between the new executive's
41 transactions and those of the former executive. The township
42 district legislative body may, at its annual meeting under

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1 **IC 36-6-6.1-10, review items in the report that were considered at**
2 **the special meeting.**

3 **Sec. 20. An executive is entitled to receive the following:**

- 4 (1) **The executive's salary.**
- 5 (2) **Reimbursement for expenses that are reasonably incurred**
- 6 **by the executive for the following:**
 - 7 (A) **The operation of the executive's office.**
 - 8 (B) **Travel and meals while attending seminars or**
 - 9 **conferences on township district matters.**
 - 10 (C) **A sum for mileage as permitted under IC 36-6-8-3(b).**

11 **The executive may not make any other personal use of funds of the**
12 **township district without prior approval by the township district**
13 **legislative body.**

14 **Sec. 21. (a) Not later than thirty (30) days after taking office, the**
15 **executive shall designate a person who shall perform the**
16 **executive's duties whenever the executive is incapable of**
17 **performing the executive's functions because the executive:**

- 18 (1) **is absent from the township district; or**
- 19 (2) **becomes incapacitated.**

20 **The executive shall give notice of the designation to the chairperson**
21 **of the township district legislative body, the county sheriff, the city**
22 **controller, and any other persons that the executive chooses. The**
23 **designee has all the powers of the executive. The executive is**
24 **responsible for all acts of the designee. The executive may change**
25 **the designee under this section at any time.**

26 **(b) The designee shall perform the executive's duties until the**
27 **executive is no longer absent from the township district or**
28 **incapacitated.**

29 **Sec. 22. The executive may pay township district funds for the**
30 **purpose of supporting a drug awareness program that is**
31 **implemented in schools.**

32 **SECTION 142. IC 36-6-5-1, AS AMENDED BY P.L.240-2005,**
33 **SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
34 **JANUARY 1, 2007]: Sec. 1. (a) Except as provided in subsection (e)**
35 **and section 3 of this chapter, a township assessor shall be elected**
36 **under IC 3-10-2-13 by the voters of each township having:**

- 37 (1) **a population of more than eight thousand (8,000); or**
- 38 (2) **an elected township assessor or the authority to elect a**
- 39 **township assessor before January 1, 1979.**

40 **(b) A township assessor shall be elected under IC 3-10-2-14 in each**
41 **township having a population of more than five thousand (5,000) but**
42 **not more than eight thousand (8,000), if the legislative body of the**

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1 township:

2 (1) by resolution, declares that the office of township assessor is

3 necessary; and

4 (2) the resolution is filed with the county election board not later

5 than the first date that a declaration of candidacy may be filed

6 under IC 3-8-2.

7 (c) A township government that is created by merger under

8 IC 36-6-1.5 shall elect only one (1) township assessor under this

9 section.

10 (d) The township assessor must reside within the township as

11 provided in Article 6, Section 6 of the Constitution of the State of

12 Indiana. The assessor forfeits office if the assessor ceases to be a

13 resident of the township.

14 (e) The term of office of a township assessor is **the following:**

15 **(1) This subdivision applies to a township assessor of a**

16 **township having a consolidated city. The term of a township**

17 **assessor who is elected in the 2006 general election is two (2)**

18 **years beginning January 1 after election.**

19 **(2) This subdivision applies to a township assessor of a**

20 **township not having a consolidated city. The term of a**

21 **township assessor is four (4) years, beginning January 1 after**

22 **election and continuing until a successor is elected and qualified.**

23 However, the term of office of a township assessor elected at a

24 general election in which no other township officer is elected ends

25 on December 31 after the next election in which any other

26 township officer is elected.

27 SECTION 143. IC 36-6-5-2 IS AMENDED TO READ AS

28 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) This section

29 applies to ~~townships~~ **a township, other than a township located in a**

30 **county having a consolidated city, that ~~do~~ does not have an elected or**

31 **appointed and qualified township assessor.**

32 (b) The township executive shall perform all the duties and has all

33 the rights and powers of assessor. If a township qualifies under

34 IC 36-6-5-1 to elect a township assessor, the executive shall continue

35 to serve as assessor until an assessor is appointed or elected and

36 qualified.

37 (c) The bond filed by the executive in ~~his~~ **the executive's** capacity

38 as executive also covers ~~his~~ **the executive's** duties as assessor.

39 SECTION 144. IC 36-6-5-3 IS AMENDED TO READ AS

40 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. **(a) Except as**

41 **provided in subsection (b),** the assessor shall perform the duties

42 prescribed by statute, including:

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- 1 (1) assessment duties prescribed by IC 6-1.1; and
- 2 (2) administration of the dog tax and dog fund, as prescribed by
- 3 IC 15-5-9.
- 4 **(b) In a township located in a county having a consolidated city:**
- 5 **(1) there is no township assessor beginning January 1, 2008;**
- 6 **(2) beginning January 1, 2007, the duties of the township**
- 7 **assessor prescribed by IC 6-1.1 are performed by the county**
- 8 **assessor under IC 36-2-15-5;**
- 9 **(3) beginning January 1, 2007, the duties of the township**
- 10 **assessor prescribed by IC 15-5-9 are performed by the**
- 11 **controller of the consolidated city or the controller's designee;**
- 12 **and**
- 13 **(4) beginning January 1, 2007, township assessors shall**
- 14 **perform the duties prescribed by ordinance of the legislative**
- 15 **body of the consolidated city.**

16 SECTION 145. IC 36-6-6-1 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. This chapter
 18 applies to all townships **except a township in a county having a**
 19 **consolidated city.**

20 SECTION 146. IC 36-6-6-2, AS AMENDED BY P.L.240-2005,
 21 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JANUARY 1, 2009]: Sec. 2. (a) Except as provided in subsection (b)
 23 ~~and~~ section 2.1 of this chapter, a three (3) member township board
 24 shall be elected under IC 3-10-2-13 by the voters of each township.

25 ~~(b)~~ The township board in a county containing a consolidated city
 26 shall consist of seven (7) members elected under IC 3-10-2-13 by the
 27 voters of each township:

- 28 ~~(e)~~ **(b)** The township board is the township legislative body.
- 29 ~~(d)~~ **(c)** The term of office of a township board member is four (4)
- 30 years, beginning January 1 after election and continuing until a
- 31 successor is elected and qualified.

32 SECTION 147. IC 36-6-6-2.2 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2.2. ~~(a)~~ This
 34 subsection applies to townships in a county containing a consolidated
 35 city. The voters of each legislative body district established under
 36 section 2.5 of this chapter shall elect one ~~(1)~~ member of the township
 37 board:

38 ~~(b)~~ This subsection applies to townships not included in subsection
 39 ~~(a)~~: The voters of each township shall elect all the members of the
 40 township board.

41 SECTION 148. IC 36-6-6-3, AS AMENDED BY P.L.240-2005,
 42 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JANUARY 1, 2009]: Sec. 3. (a) This subsection applies to townships
2 in a county containing a consolidated city. One (1) member of the
3 legislative body must reside within each legislative body district. If a
4 member of the legislative body ceases to be a resident of the district
5 from which the member was elected, the office becomes vacant.

6 (b) (a) This subsection applies to townships not included in
7 subsection (a) or (c). (b). A member of the legislative body must reside
8 within the township as provided in Article 6, Section 6 of the
9 Constitution of the State of Indiana. If a member of the legislative body
10 ceases to be a resident of the township, the office becomes vacant.

11 (c) (b) This subsection applies to a township government that:
12 (1) is created by a merger of township governments under
13 IC 36-6-1.5; and

14 (2) elects a township board under section 2.1 of this chapter.
15 One (1) member of the legislative body must reside within the
16 boundaries of each of the former townships that merged. If a member
17 of the legislative body ceases to be a resident of that former township,
18 the office becomes vacant.

19 SECTION 149. IC 36-6-6-4, AS AMENDED BY P.L.240-2005,
20 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JANUARY 1, 2009]: Sec. 4. (a) Except as provided in subsections
22 subsection (b), and (c); two (2) members of the legislative body
23 constitute a quorum.

24 (b) Four (4) members of the legislative body in a county containing
25 a consolidated city constitute a quorum:

26 (c) (b) This subsection applies to a township government that:
27 (1) is created by a merger of township governments under
28 IC 36-6-1.5; and

29 (2) elects a township board under section 2.1 of this chapter.
30 A majority of the members of the legislative body constitute a quorum.
31 If a township board has an even number of members, the township
32 executive shall serve as an ex officio member of the township board for
33 the purpose of casting the deciding vote to break a tie.

34 SECTION 150. IC 36-6-6.1 IS ADDED TO THE INDIANA CODE
35 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
36 JANUARY 1, 2008]:

- 37 **Chapter 6.1. Township Legislative Bodies in Marion County**
- 38 **Sec. 1. Subject to IC 36-6-1.1, this chapter applies only in a**
- 39 **county having a consolidated city.**
- 40 **Sec. 2. The definitions in IC 36-6-4.1 apply to this chapter.**
- 41 **Sec. 3. (a) The township board shall serve as the township**
- 42 **district legislative body.**

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1 **(b) The township board for the:**
2 **(1) central township district consists of seven (7) at-large**
3 **members; and**
4 **(2) consolidated township district consists of nine (9) at-large**
5 **members.**
6 **(c) Beginning with the general election held in 2008, all**
7 **members of the township boards shall be elected under**
8 **IC 3-10-2-13 by the voters of each township district.**
9 **(d) The term of office of a township board member is four (4)**
10 **years, beginning January 1 after election and continuing until a**
11 **successor is elected and qualified.**
12 **Sec. 4. A member of the legislative body must reside within the**
13 **township district. If a member of the legislative body ceases to be**
14 **a resident of the township district from which the member was**
15 **elected, the office becomes vacant.**
16 **Sec. 5. (a) Four (4) members of the legislative body for the**
17 **central township district constitute a quorum.**
18 **(b) Five (5) members of the legislative body for the consolidated**
19 **township district constitute a quorum.**
20 **Sec. 6. The legislative body may adjourn a meeting from day to**
21 **day until the business of the legislative body is completed.**
22 **Sec. 7. A taxpayer of the township district may appear at any**
23 **meeting of the legislative body and be heard as to:**
24 **(1) an estimate of expenditures;**
25 **(2) a proposed levy of taxes;**
26 **(3) the approval of the executive's annual report; or**
27 **(4) any other matter being considered by the legislative body.**
28 **Sec. 8. (a) The legislative body shall meet at the office of the**
29 **executive on the first Tuesday after the first Monday in January of**
30 **each year. At this meeting the legislative body shall elect one (1)**
31 **member as chairperson and one (1) member as secretary for that**
32 **year.**
33 **(b) If a newly elected legislative body holds a special meeting**
34 **before the first Tuesday after the first Monday in the January**
35 **following its election, the legislative body shall elect a chairperson**
36 **and a secretary before conducting any other business. The**
37 **chairperson and secretary elected at the special meeting retain**
38 **those positions until the first Tuesday after the first Monday in**
39 **January of the year following the special meeting.**
40 **Sec. 9. The legislative body shall keep a permanent record of its**
41 **proceedings in a book furnished by the executive. The secretary of**
42 **the legislative body shall, under the direction of the legislative**

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1 body, record the minutes of the proceedings of each meeting in full
2 and shall provide copies of the minutes to each member of the
3 legislative body before the next meeting is convened. After the
4 minutes are approved by the legislative body, the secretary of the
5 legislative body shall place the minutes in the permanent record
6 book. The chairperson of the legislative body shall retain the
7 record in the chairperson's custody.

8 Sec. 10. (a) The legislative body shall meet on or before the third
9 Tuesday after the first Monday in January of each year. At this
10 meeting the legislative body shall consider and approve, in whole
11 or in part, the annual report of the executive presented under
12 IC 36-6-4.1-15.

13 (b) The legislative body may send for persons, books, and papers
14 necessary in the examination of the annual report. A member may
15 administer oaths necessary in the examination of the annual
16 report.

17 (c) Any sum in the control of the executive that remains
18 unexpended and is subject to no liability shall be credited in favor
19 of the fund for which it was appropriated.

20 (d) Any fund expended, in whole or in part, for a purpose for
21 which it was not appropriated shall be considered unexpended and
22 in the control of the executive, who is liable on the executive's bond
23 for such an expenditure.

24 (e) When the legislative body completes its examination of the
25 annual report, the legislative body shall take action on the annual
26 report, specifying the parts of the annual report that are altered or
27 disallowed. The annual report remains under the control of the
28 legislative body and in custody of the chairperson of the legislative
29 body, who shall keep it open to inspection by taxpayers of the
30 township district.

31 Sec. 11. (a) The legislative body shall fix the:

- 32 (1) salaries;
 - 33 (2) wages;
 - 34 (3) rates of hourly pay; and
 - 35 (4) remuneration other than statutory allowances;
- 36 of all officers and employees of the township district.

37 (b) Subject to subsection (c), the legislative body may reduce the
38 salary of an elected or appointed official. However, the official is
39 entitled to a salary that is not less than the salary fixed for the first
40 year of the term of office that immediately preceded the current
41 term of office.

42 (c) The legislative body may not alter the salaries of elected or

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1 appointed officers during the fiscal year for which they are fixed,
2 but the legislative body may add or eliminate any other position
3 and change the salary of any other employee, if the necessary funds
4 and appropriations are available.

5 (d) If a change in the mileage allowance paid to state officers
6 and employees is established by July 1 of any year, that change
7 shall be included in the compensation fixed for the executive under
8 this section and take effect January 1 of the next year. However,
9 the legislative body may by ordinance provide for the change in the
10 sum per mile to take effect before January 1 of the next year.

11 (e) The legislative body may not reduce the salary of the
12 executive without the consent of the executive during the term of
13 office of the executive as set forth in IC 36-6-4.1-7.

14 (f) This subsection applies when an executive dies or resigns
15 from office. The person filling the vacancy of the executive shall
16 receive at least the same salary the previous executive received for
17 the remainder of the unexpired term of office of the executive (as
18 set forth in IC 36-6-4.1-7), unless the person consents to a reduction
19 in salary.

20 Sec. 12. (a) The legislative body shall meet annually in
21 accordance with IC 6-1.1-17 to adopt the annual budget of the
22 district.

23 (b) The legislative body shall consider the estimates of
24 expenditures made by the executive under IC 36-6-4.1-15 and may
25 approve or reject all or part of any estimate or any item within an
26 estimate. The legislative body may require the executive to further
27 itemize an estimate not sufficiently itemized.

28 (c) The legislative body may not appropriate for any purpose an
29 amount more than the executive's estimate of the amount required
30 for that purpose.

31 (d) The legislative body shall include in the budget:
32 (1) provisions for the payment of existing debt of the township
33 district as it becomes due; and
34 (2) the salaries fixed under section 11 of this chapter.

35 (e) In making levies for the general fund of the township district,
36 the legislative body may include an amount not more than the
37 amount necessary to compensate its members for their services
38 during the year for which the levies are made.

39 (f) After the legislative body has taken action on the executive's
40 estimates, it shall levy taxes for the township district funds on
41 property in the township district and fix rates of taxation sufficient
42 to provide that revenue during the next year.

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1 (g) On the assessment date (as defined by IC 6-1.1-1-2), the rates
2 of taxation adopted under this section become a levy and a lien on
3 all taxable property in the township district, including property in
4 municipalities in the township district. The levy constitutes an
5 appropriation for the specific items in the executive's estimates.

6 Sec. 13. (a) The legislative body may appropriate money for
7 membership of the township district in county, state, or national
8 associations that:

- 9 (1) are of a civic, an educational, or a governmental nature;
10 and
- 11 (2) have as a purpose the improvement of township or
12 township district governmental operations.

13 The township district representatives may participate in the
14 activities of these associations, and the legislative body may
15 appropriate money to defray the expenses of township district
16 representatives in connection with these activities.

17 (b) Each representative of the township district attending any
18 meeting, conference, seminar, or convention approved by the
19 executive shall be reimbursed for all necessary and legitimate
20 expenses incurred while representing the township district.
21 Expenses shall be paid to each representative in accordance with
22 the reimbursement policy of the township district, which may
23 include an established per diem rate, as recommended by the
24 executive and adopted by the legislative body.

25 Sec. 14. (a) A special meeting may be held by the legislative body
26 if the executive, the chairperson of the legislative body, or a
27 majority of the members of the legislative body issue a written
28 notice of the meeting to each member of the legislative body. The
29 notice must state the date, time, place, and purpose of the meeting.

30 (b) At the special meeting, if a majority of the members give
31 their consent, the legislative body may determine whether there is
32 an emergency requiring the expenditure of money not included in
33 the budget estimates and levy of the township district. Subject to
34 section 15 of this chapter, if the legislative body finds that such an
35 emergency exists, it may issue a special order, entered and signed
36 on the record, authorizing the executive to borrow a specified
37 amount of money sufficient to meet the emergency. At the
38 legislative body's next annual session, the legislative body shall
39 cover the debt created by making a levy to the credit of the fund
40 for which the amount was borrowed under this subsection.

41 Sec. 15. (a) If the legislative body issues a special order under
42 section 14 of this chapter authorizing the executive to borrow

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1 money, not less than ten (10) taxpayers in the township district who
2 disagree with the special order may file a petition in the office of
3 the controller of the consolidated city not more than thirty (30)
4 days after notice of the special order is given. The petition must
5 state the taxpayers' objections and the reasons why the taxpayers
6 believe the special order is unnecessary or unwise.

7 (b) The controller of the consolidated city shall immediately
8 certify a copy of the petition, together with other data necessary to
9 present the questions involved, to the department of local
10 government finance. Upon receipt of the certified petition and
11 other data, the department of local government finance shall fix a
12 date, time, and place for the hearing of the matter. The hearing
13 must be held not less than five (5) and not more than thirty (30)
14 days after the receipt of the certified documents.

15 (c) The hearing must be held in the township district where the
16 petition arose.

17 (d) Notice of the hearing shall be given by the department of
18 local government finance to the township district and to the first
19 ten (10) taxpayer petitioners listed on the petition by letter. The
20 letter shall be sent to the first ten (10) taxpayer petitioners at each
21 taxpayer's usual place of residence at least five (5) days before the
22 date of the hearing.

23 (e) A:
24 (1) taxpayer who signed a petition filed under subsection (a);
25 or
26 (2) township district against which a petition under subsection
27 (a) is filed;
28 may petition for judicial review of the final determination of the
29 department of local government finance under subsection (a). The
30 petition must be filed in the tax court not more than forty-five (45)
31 days after the date of the department's final determination.

32 Sec. 16. (a) If the legislative body finds that an emergency
33 requires the borrowing of money to meet the current expenses of
34 the township district, the legislative body may take out temporary
35 loans in an amount not more than fifty percent (50%) of the total
36 anticipated revenue for the remainder of the year in which the
37 loans are taken out.

38 (b) The legislative body must authorize the temporary loans by
39 a resolution:
40 (1) stating the nature of the consideration for the loans;
41 (2) stating the date the loans are payable;
42 (3) stating the place the loans are payable;

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- 1 **(4) stating a rate of interest;**
- 2 **(5) stating the anticipated revenues on which the loans are**
- 3 **based and out of which they are payable; and**
- 4 **(6) appropriating a sufficient amount of the anticipated**
- 5 **revenues on which the loans are based and out of which they**
- 6 **are payable for the payment of the loans.**

7 **(c) The loans must be evidenced by time warrants of the**
 8 **township district stating:**

- 9 **(1) the nature of the consideration;**
- 10 **(2) the date payable;**
- 11 **(3) the place payable; and**
- 12 **(4) the anticipated revenues on which they are based and out**
- 13 **of which they are payable.**

14 SECTION 151. IC 36-6-8-1 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. **(a) Except as**
 16 **provided in subsection (b), this chapter applies to all townships.**

17 **(b) Sections 5, 6, 9, 10, and 11 of this chapter do not apply to a**
 18 **township located in a county having a consolidated city.**

19 SECTION 152. IC 36-6-8-10 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The county
 21 fiscal body shall, in the manner prescribed by IC 36-2-5 or IC 36-2-6,
 22 fix and appropriate money to pay the per diem established under
 23 section 5 of this chapter and the salaries and per diems of the county's
 24 township assessors and any deputies or other employees that assist the
 25 elected township assessor.

26 (b) Each township assessor shall file the budget estimate required
 27 by IC 36-2-5-5. ~~or IC 36-3-6-4.~~ The budget estimate filed under this
 28 subsection must include all estimated expenses of the office, including
 29 costs incurred through litigation for the office.

30 (c) If the township executive is performing the duties of assessor,
 31 the county fiscal body shall appropriate money for the purposes of
 32 subsection (a) and other expenses of acting as assessor, including all
 33 costs incurred through litigation for the office. However, it may not
 34 provide a salary that is below the amount fixed for that salary for the
 35 year 1984.

36 SECTION 153. IC 36-7-11.2-11 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. As used in
 38 this chapter, "notice" means written notice:

- 39 (1) served personally upon the person, official, or office entitled
- 40 to the notice; or
- 41 (2) served upon the person, official, or office by placing the notice
- 42 in the United States mail, first class postage prepaid, properly

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1 addressed to the person, official, or office. Notice is considered
2 served if mailed in the manner prescribed by this subdivision
3 properly addressed to the following:

4 (A) The governor, both to the address of the governor's official
5 residence and to the governor's executive office in
6 Indianapolis.

7 (B) The Indiana department of transportation, to the
8 commissioner.

9 (C) The department of natural resources, both to the director
10 of the department and to the director of the department's
11 division of historic preservation and archeology.

12 (D) The department of metropolitan development.

13 (E) An occupant, to:
14 (i) the person by name; or
15 (ii) if the name is unknown, to the "Occupant" at the address
16 of the Meridian Street or bordering property occupied by the
17 person.

18 (F) An owner, to the person by the name shown to be the name
19 of the owner, and at the person's address, as the address
20 appears in the records in the bound volumes of the most recent
21 real estate tax assessment records as the records appear in the
22 offices of the ~~township assessors~~ **county assessor** in Marion
23 County.

24 (G) A neighborhood association or the society, to the
25 organization at the latest address as shown in the records of the
26 commission.

27 SECTION 154. IC 36-7-11.2-58 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 58. (a) A person
29 who has filed a petition under section 56 or 57 of this chapter shall, not
30 later than ten (10) days after the filing, serve notice upon all interested
31 parties. The notice must state the following:

- 32 (1) The full name and address of the following:
 - 33 (A) The petitioner.
 - 34 (B) Each attorney acting for and on behalf of the petitioner.
- 35 (2) The street address of the Meridian Street and bordering
36 property for which the petition was filed.
- 37 (3) The name of the owner of the property.
- 38 (4) The full name and address of, and the type of business, if any,
39 conducted by:
 - 40 (A) each person who at the time of the filing is a party to; and
 - 41 (B) each person who is a disclosed or an undisclosed principal
42 for whom the party was acting as agent in entering into;

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1 a contract of sale, lease, option to purchase or lease, agreement to
2 build or develop, or other written agreement of any kind or nature
3 concerning the subject property or the present or future
4 ownership, use, occupancy, possession, or development of the
5 subject property.

6 (5) A description of the contract of sale, lease, option to purchase
7 or lease, agreement to build or develop, or other written
8 agreement sufficient to disclose the full nature of the interest of
9 the party or of the party's principal in the subject property or in
10 the present or future ownership, use, occupancy, possession, or
11 development of the subject property.

12 (6) A description of the proposed use for which the rezoning or
13 zoning variance is sought, sufficiently detailed to appraise the
14 notice recipient of the true character, nature, extent, and physical
15 properties of the proposed use.

16 (7) The date of the filing of the petition.

17 (8) The date, time, and place of the next regular meeting of the
18 commission if a petition is for approval of a zoning variance. If a
19 petition is filed with the development commission, the notice does
20 not have to specify the date of a hearing before the commission or
21 the development commission. However, the person filing the
22 petition shall give ten (10) days notice of the date, time, and place
23 of a hearing before the commission on the petition after the
24 referral of the petition to the commission by the development
25 commission.

26 (b) For purposes of giving notice to the interested parties who are
27 owners, the records in the bound volumes of the recent real estate tax
28 assessment records as the records appear in the offices of the ~~township~~
29 **assessors county assessor** as of the date of filing are considered
30 determinative of the persons who are owners.

31 SECTION 155. IC 36-7-15.1-32 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 32. (a) The
33 commission must establish a program for housing. The program, which
34 may include such elements as the commission considers appropriate,
35 must be adopted as part of a redevelopment plan or amendment to a
36 redevelopment plan, and must establish an allocation area for purposes
37 of sections 26 and 35 of this chapter for the accomplishment of the
38 program.

39 (b) The notice and hearing provisions of sections 10 and 10.5 of this
40 chapter apply to the resolution adopted under subsection (a). Judicial
41 review of the resolution may be made under section 11 of this chapter.

42 (c) Before formal submission of any housing program to the

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1 commission, the department shall consult with persons interested in or
2 affected by the proposed program and provide the affected
3 neighborhood associations, residents, and **township assessors the**
4 **county assessor** with an adequate opportunity to participate in an
5 advisory role in planning, implementing, and evaluating the proposed
6 program. The department may hold public meetings in the affected
7 neighborhood to obtain the views of neighborhood associations and
8 residents.

9 SECTION 156. IC 36-8-7-1, AS AMENDED BY P.L.227-2005,
10 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JANUARY 1, 2007]: Sec. 1. (a) This chapter applies to pension
12 benefits for members of fire departments hired before May 1, 1977, in
13 units for which a 1937 fund was established before May 1, 1977.

14 (b) A firefighter with twenty (20) years of service is covered by this
15 chapter and not by IC 36-8-8 if the firefighter:

- 16 (1) was hired before May 1, 1977;
- 17 (2) did not convert under IC 19-1-36.5-7 (repealed September 1,
18 1981); and
- 19 (3) is rehired after April 30, 1977, by the same employer.

20 (c) A firefighter is covered by this chapter and not by IC 36-8-8 if
21 the firefighter:

- 22 (1) was hired before May 1, 1977;
- 23 (2) did not convert under IC 19-1-36.5-7 (repealed September 1,
24 1981);
- 25 (3) was rehired after April 30, 1977, but before February 1, 1979;
- 26 and
- 27 (4) was made, before February 1, 1979, a member of a 1937 fund.

28 (d) A firefighter who:

- 29 (1) is covered by this chapter before ~~a consolidation under~~
30 ~~IC 36-3-1-6.1; January 1, 2007;~~ and
- 31 (2) **after December 31, 2006**, becomes a member of a fire
32 department of a consolidated city under IC 36-3-1-6.1;

33 is covered by this chapter after ~~the effective date of the consolidation;~~
34 **December 31, 2006**, and the firefighter's service as a member of a fire
35 department of a consolidated city is considered active service under
36 this chapter.

37 SECTION 157. IC 36-8-7-4, AS AMENDED BY P.L.227-2005,
38 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JANUARY 1, 2007]: Sec. 4. (a) If a unit has less than five (5) members
40 in its fire department, the unit may provide for the organization of a
41 local board consisting of the fire chief, the executive of the unit, and
42 one (1) member of the fire department.

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1 (b) The trustee from the fire department shall be elected under this
2 section.

3 (c) The local board may amend the bylaws of the fund to elect the
4 trustee from the fire department in an election held on any three (3)
5 consecutive days in February specified in the bylaws. The election shall
6 be called by the fire chief and held at the house or quarters of the fire
7 department. Subject to this section, the election shall be conducted in
8 the manner specified in the bylaws.

9 (d) This subsection applies only if the local board does not elect to
10 be governed by subsection (c). The trustee from the fire department
11 shall be elected at a meeting held on the second Monday in February
12 each year. The meeting shall be called by the fire chief and held at the
13 house or quarters of the fire department.

14 (e) The term of the elected trustee is one (1) year beginning
15 immediately after the trustee's election.

16 (f) Each member of the department is entitled to one (1) ballot and
17 the person receiving the highest number of votes is elected. The
18 executive of the unit, the fire chief, and the city or county clerk shall
19 canvass and count the ballots, and the clerk shall issue a certificate of
20 election to the person having received the highest number of votes. If
21 two (2) persons have received the same number of votes, the executive
22 and the chief shall immediately determine by lot who will be the trustee
23 from the persons receiving an equal number of votes.

24 (g) ~~This section does not apply to a township if the fire department
25 of the township is consolidated under IC 36-3-1-6.1.~~

26 SECTION 158. IC 36-8-7-5, AS AMENDED BY P.L.227-2005,
27 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JANUARY 1, 2007]: Sec. 5. (a) An election shall be held each year
29 under this section to elect one (1) trustee from the active members of
30 the fire department for a term of four (4) years, commencing on the day
31 of his election. The fire chief shall fix a time for holding a convention
32 to nominate candidates for trustees to be elected at each election. Each
33 convention must be held at least five (5) days before the day on which
34 the annual election is held. A convention consists of one (1) delegate
35 from each fire company and one (1) delegate to be selected by the chief
36 and the chief's assistants. The delegate from each fire company shall be
37 elected by ballot by the members of the company at a time to be fixed
38 by the chief in the call for a convention. The election of delegates shall
39 be certified by the captain or other officer of the company, or, if there
40 is not an officer present, then by the oldest member of the company
41 present. The convention, when assembled, shall nominate six (6)
42 members of the fire department to be voted upon as trustees, and the

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1 delegates shall report the names of the persons nominated as candidates
2 to their respective companies in writing.

3 (b) The local board may amend the bylaws of the fund to elect the
4 trustee from the active members of the fire department in an election
5 held on any three (3) consecutive days in February specified in the
6 bylaws. The election shall be called by the fire chief and held at the
7 house or quarters of the respective companies of the fire department.
8 Subject to this section, the election shall be conducted in the manner
9 specified in the bylaws.

10 (c) This subsection applies only if the local board does not elect to
11 be governed by subsection (b). The election shall be held at the houses
12 or quarters of the respective companies on the second Monday in
13 February between 9 a.m. and 6 p.m.

14 (d) Each member of a fire company is entitled to one (1) ballot, and
15 the ballot may not contain the names of more than one (1) person,
16 chosen from the six (6) persons nominated by the convention. The
17 candidate receiving the highest number of votes is elected.

18 (e) The captain or other officer in command of each of the fire
19 companies, immediately after the casting of all ballots, shall canvass
20 and count the ballots. The captain or other officer shall certify in
21 writing the total number of ballots cast and the number of votes
22 received by each candidate for the office of trustee. After signing the
23 certificate, the officer shall enclose it, together with all the ballots cast
24 by the fire company, in an envelope, securely sealed and addressed,
25 and deliver them to the fire chief. The fire chief shall deliver them to
26 the executive of the unit as soon as the chief receives all the certificates
27 and ballots. Upon receipt the executive shall, in the presence of the
28 chief and the clerk of the unit, open the envelopes, examine the
29 certificates, and determine the total number of votes cast for each of the
30 candidates. The executive shall then issue a certificate of election to the
31 candidate having received the highest number of votes. If two (2) or
32 more candidates have received the same number of votes, the executive
33 and the chief shall immediately determine by lot who will be trustee
34 from the persons receiving an equal number of votes. An election may
35 not be set aside for lack of formality in balloting by the members or in
36 certifying or transmitting the returns of an election by the officers in
37 charge.

38 (f) ~~This section does not apply to a township if the fire department~~
39 ~~of the township is consolidated under IC 36-3-1-6.1.~~

40 SECTION 159. IC 36-8-7-6, AS AMENDED BY P.L.227-2005,
41 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JANUARY 1, 2007]: Sec. 6. (a) An election shall be held under this

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1 section every two (2) years to elect one (1) trustee from the retired
 2 members of the fire department for a term of two (2) years,
 3 commencing on the day of the trustee's election, if the retired list
 4 contains at least three (3) retired members at the time of election. The
 5 fire chief shall fix a time for holding a convention to nominate
 6 candidates for trustee to be elected at each election. Each convention
 7 must be held at least fifteen (15) days before the day on which the
 8 biennial election is held. All retired members of the fire department
 9 may participate in the convention. The convention, when assembled,
 10 shall nominate not more than four (4) members of the retired list to be
 11 voted upon as trustee. The secretary of the board shall mail the names
 12 of the persons nominated along with an official ballot to the retired
 13 members within forty-eight (48) hours of the end of the convention.

14 (b) The election shall be conducted by mail. Each retired member
 15 is entitled to cast one (1) ballot by mail and the ballot may not contain
 16 more than one (1) name, chosen from the list of retired persons
 17 nominated by the convention. The candidate receiving the highest
 18 number of votes by 6 p.m. on the second Monday in February or an
 19 alternative date in February specified in the bylaws of the fund is
 20 elected.

21 (c) The ballots must remain closed and inviolate until the close of
 22 the election, at which time, in the presence of the executive of the unit,
 23 the fire chief, and the clerk of the unit, the ballots shall be opened and
 24 counted. A certificate of election shall be issued to the candidate
 25 receiving the highest number of votes. If two (2) or more candidates
 26 receive the same number of votes, the executive and the chief shall
 27 immediately determine by lot who will be trustee from the persons
 28 receiving an equal number of votes.

29 ~~(d) This section does not apply to a township if the fire department~~
 30 ~~of the township is consolidated under IC 36-3-1-6.1.~~

31 SECTION 160. IC 36-8-7-6.5, AS AMENDED BY P.L.227-2005,
 32 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JANUARY 1, 2007]: Sec. 6.5. (a) All ballots voted under this chapter
 34 shall be secured until the balloting is closed.

35 (b) Tampering with a ballot for an election under this chapter is a
 36 Class A infraction.

37 ~~(c) This section does not apply to a township if the fire department~~
 38 ~~of the township is consolidated under IC 36-3-1-6.1.~~

39 SECTION 161. IC 36-8-7-7, AS AMENDED BY P.L.227-2005,
 40 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JANUARY 1, 2007]: Sec. 7. (a) The fire chief is the president of the
 42 local board.

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1 (b) At the first meeting after each election, the local board shall
2 elect a secretary, who may be chosen from among the trustees.
3 However, the local board may consider it proper to have a secretary
4 who is a member of the fire department, to be elected by the companies
5 for a term of four (4) years in the same manner as the election for
6 trustees. The secretary shall keep a full record of all the proceedings of
7 the local board in a book provided for that purpose.

8 (c) The local board shall make all rules necessary for the discharge
9 of its duties and shall hear and determine all applications for relief or
10 pensions under this chapter.

11 (d) ~~This section does not apply to a township if the fire department
12 of the township is consolidated under IC 36-3-1-6.1.~~

13 SECTION 162. IC 36-8-8-1, AS AMENDED BY P.L.227-2005,
14 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JANUARY 1, 2007]: Sec. 1. This chapter applies to:

16 (1) full-time police officers hired or rehired after April 30, 1977,
17 in all municipalities, or who converted their benefits under
18 IC 19-1-17.8-7 (repealed September 1, 1981);

19 (2) full-time fully paid firefighters hired or rehired after April 30,
20 1977, or who converted their benefits under IC 19-1-36.5-7
21 (repealed September 1, 1981);

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

25 (4) a park ranger who:

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

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

33 (C) is employed by the parks department of a city having a
34 population of more than one hundred twenty thousand
35 (120,000) but less than one hundred fifty thousand (150,000);

36 (5) a full-time fully paid firefighter who is covered by this chapter
37 before ~~the effective date of consolidation~~ **January 1, 2007**, and,
38 **after December 31, 2006**, becomes a member of the fire
39 department of a consolidated city under IC 36-3-1-6.1 **or**
40 **IC 36-3-1-6.3**; **provided that however**, the firefighter's service as
41 a member of the fire department of a consolidated city is
42 considered active service under this chapter;

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- 1 (6) except as otherwise provided, a full-time fully paid firefighter
- 2 who is hired or rehired after ~~the effective date of the consolidation~~
- 3 **December 31, 2006**, by a consolidated fire department
- 4 established under IC 36-3-1-6.1;
- 5 (7) a full-time police officer who is covered by this chapter before
- 6 the effective date of consolidation and becomes a member of the
- 7 consolidated law enforcement department as part of the
- 8 consolidation under IC 36-3-1-5.1, provided that the officer's
- 9 service as a member of the consolidated law enforcement
- 10 department is considered active service under this chapter; and
- 11 (8) except as otherwise provided, a full-time police officer who is
- 12 hired or rehired after the effective date of the consolidation by a
- 13 consolidated law enforcement department established under
- 14 IC 36-3-1-5.1;

15 except as provided by section 7 of this chapter.

16 SECTION 163. IC 36-8-8-2.1 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2.1. (a) As used
18 in this chapter, "local board" means the following:

- 19 (1) For a unit that established a 1925 fund for its police officers,
- 20 the local board described in IC 36-8-6-2.
- 21 (2) **Except as provided in subdivision (3)**, for a unit that
- 22 established a 1937 fund for its firefighters, the local board
- 23 described in IC 36-8-7-3.
- 24 (3) **For a unit that established a 1937 fund for its firefighters**
- 25 **and consolidates its fire department into the fire department**
- 26 **of a consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3:**
- 27 (A) **before the date the consolidation is effective, the local**
- 28 **board described in IC 36-8-7-3; and**
- 29 (B) **on and after the date the consolidation is effective, the**
- 30 **local board of the consolidated city established under**
- 31 **IC 36-8-7-3.**

32 ~~(4)~~ (4) For a consolidated city that established a 1953 fund for its
33 police officers, the local board described in IC 36-8-7.5-2.

34 ~~(5)~~ (5) For a unit, other than a consolidated city, that did not
35 establish a 1925 fund for its police officers or a 1937 fund for its
36 firefighters, the local board described in subsection (b) or (c).

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

42 (c) **Except as provided in subsection (d)**, if a unit did not establish

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1 a 1937 fund for its firefighters, a local board shall be composed in the
2 same manner described in IC 36-8-7-3(b). However, if there is not a
3 retired member of the department, no one shall be appointed to that
4 position until such time as there is a retired member.

5 **(d) If a unit located in a county containing a consolidated city**
6 **did not establish a 1937 fund for its firefighters and consolidates its**
7 **fire department into the fire department of the consolidated city**
8 **under IC 36-3-1-6.1 or IC 36-3-1-6.3, the local board is:**

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

11 **(2) on and after the effective date of the consolidation, the**
12 **local board of the consolidated city established under**
13 **IC 36-8-7-3.**

14 SECTION 164. IC 36-8-8-7, AS AMENDED BY P.L.227-2005,
15 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JANUARY 1, 2007]: Sec. 7. (a) Except as provided in subsections (d),
17 (e), (f), (g), (h), (k), (l), **and (m):** ~~and (n):~~

- 18 (1) a police officer; or
- 19 (2) a firefighter;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 10 (1) a fire chief under a waiver under IC 36-8-4-6(c); or
- 11 (2) a police chief under a waiver under IC 36-8-4-6.5(c);

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

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

18 (j) A park ranger who:

- 19 (1) completed at least the number of weeks of training at the
20 Indiana law enforcement academy or a comparable law
21 enforcement academy in another state that were required at the
22 time the park ranger attended the Indiana law enforcement
23 academy or the law enforcement academy in another state;
- 24 (2) graduated from the Indiana law enforcement academy or a
25 comparable law enforcement academy in another state; and
- 26 (3) is employed by the parks department of a city having a
27 population of more than one hundred twenty thousand (120,000)
28 but less than one hundred fifty thousand (150,000);

29 is a member of the fund.

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

- 32 (1) who is a member of the 1977 fund before a consolidation
33 under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;**
- 34 (2) whose employer is consolidated into the **consolidated law**
35 **enforcement department or the** fire department of a
36 consolidated city under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or**
37 **IC 36-3-1-6.3;** and
- 38 (3) who, after the consolidation, becomes an employee of the
39 consolidated law enforcement department or the consolidated fire
40 department under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or**
41 **IC 36-3-1-6.3;**

42 is a member of the 1977 fund without meeting the requirements under

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1 sections 19 and 21 of this chapter.
 2 (l) Notwithstanding any other provision of this chapter, a police
 3 officer or firefighter who:
 4 (1) before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1,
 5 provides law enforcement services or fire protection services for
 6 an entity in a consolidated city;
 7 (2) has the provision of those services consolidated into the
 8 **consolidated law enforcement department or the fire**
 9 **department of a consolidated city under IC 36-3-1-5.1 or**
 10 **IC 36-3-1-6.1;** and
 11 (3) after the consolidation, becomes an employee of the
 12 consolidated law enforcement department or the consolidated fire
 13 department under IC 36-3-1-5.1 or IC 36-3-1-6.1;
 14 is a member of the 1977 fund without meeting the requirements under
 15 sections 19 and 21 of this chapter.
 16 (m) A police officer or firefighter who is a member of the 1977 fund
 17 under subsection (k) or (l):
 18 (1) may not be:
 19 (1) (A) retired for purposes of section 10 of this chapter; or
 20 (2) (B) disabled for purposes of section 12 of this chapter;
 21 solely because of a change in employer under the consolidation;
 22 **and**
 23 **(2) shall receive credit for all years of service as a member of**
 24 **the 1977 fund before the consolidation described in subsection**
 25 **(k) or (l).**
 26 SECTION 165. IC 36-8-13-1, AS AMENDED BY P.L.227-2005,
 27 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JANUARY 1, 2007]: Sec. 1. This chapter applies to all townships,
 29 **However, this chapter does not apply to a township in which the fire**
 30 **department of the township has been consolidated under IC 36-3-1-6.1:**
 31 **except townships located in a consolidated city.**
 32 SECTION 166. IC 36-8-19-1.5, AS ADDED BY P.L.227-2005,
 33 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JANUARY 1, 2007]: Sec. 1.5. **If the fire departments of a township is**
 35 **consolidated under IC 36-3-1-6.1, after the effective date of the**
 36 **consolidation the township may not establish fire protection territory**
 37 **under this chapter. (a) In a county having a consolidated city, only:**
 38 **(1) a consolidated city; or**
 39 **(2) an excluded city;**
 40 **may establish a fire protection territory under this chapter.**
 41 (b) A fire protection territory that is established before the effective
 42 date of the consolidation in a township in which the township's fire

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1 ~~department~~ **January 1, 2007, by a unit that** is consolidated under
2 IC 36-3-1-6.1 becomes part of the geographic area in which the fire
3 department of a consolidated city provides fire protection services.

4 SECTION 167. IC 36-9-11.1-11 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) All
6 property of every kind, including air rights, acquired for off-street
7 parking purposes, and all its funds and receipts, are exempt from
8 taxation for all purposes. When any real property is acquired by the
9 consolidated city, the county auditor shall, upon certification of that
10 fact by the board, cancel all taxes then a lien. The certificate of the
11 board must specifically describe the real property, including air rights,
12 and the purpose for which acquired.

13 (b) A lessee of the city may not be assessed any tax upon any land,
14 air rights, or improvements leased from the city, but the separate
15 leasehold interest has the same status as leases on taxable real property,
16 notwithstanding any other law. Whenever the city sells any such
17 property to anyone for private use, the property becomes liable for all
18 taxes after that, as other property is so liable and is assessed, and the
19 board shall report all such sales to the ~~township~~ **county** assessor, who
20 shall cause the property to be upon the proper tax records.

21 SECTION 168. IC 36-9-17.5-1 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. **(a) Except as**
23 **provided in subsection (b),** this chapter applies to ~~all townships:~~ **a**
24 **township.**

25 **(b) This chapter does not apply to a township or township**
26 **district in a county having a consolidated city.**

27 SECTION 169. IC 36-10-7-1 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. **(a) Except as**
29 **provided in subsection (b),** this chapter applies to the townships
30 indicated in each section.

31 **(b) This chapter does not apply to a township in a county having**
32 **a consolidated city. All powers and duties related to parks and**
33 **recreation of the townships in a county having a consolidated city**
34 **are transferred to the consolidated city.**

35 SECTION 170. IC 36-10-7.5-1 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. **(a) Except as**
37 **provided in subsection (b),** this chapter applies to ~~all townships:~~ **a**
38 **township.**

39 **(b) This chapter does not apply to a township in a county having**
40 **a consolidated city, and all powers and duties related to parks and**
41 **recreation of the townships in a county having a consolidated city**
42 **are transferred to the consolidated city.**

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1 SECTION 171. THE FOLLOWING ARE REPEALED
2 [EFFECTIVE JULY 1, 2006]: IC 3-11-1.5-32.5; IC 33-34;
3 IC 36-6-6-2.5; IC 36-8-4.3.

4 SECTION 172. [EFFECTIVE JULY 1, 2006] **The general
5 assembly finds the following:**

6 **(1) A consolidated city faces unique budget challenges due to
7 a high demand for services combined with the large number
8 of tax exempt properties located in a consolidated city as the
9 seat of state government, home to several institutions of
10 higher education, and home to numerous national, state, and
11 regional nonprofit corporations.**

12 **(2) By virtue of its size and population density, a consolidated
13 city has unique overlapping territories of county, city, and
14 township government and an absence of unincorporated areas
15 within its county.**

16 **(3) By virtue of its size, population, and absence of
17 unincorporated areas, development extends to and across the
18 boundaries of the contiguous governmental territories located
19 within a county having a consolidated city, thus giving less
20 meaning to boundaries of the governmental territories located
21 within the county.**

22 **(4) By virtue of its size, population, absence of unincorporated
23 areas, overlapping territories, and development to and across
24 the boundaries of contiguous governmental territories, there
25 is less need for differentiation of local governmental services
26 within the separate governmental territories located within a
27 county having a consolidated city, but rather the local
28 governmental service needs are similar and more uniform
29 within and across a county having a consolidated city.**

30 **(5) The provision of local governmental services by multiple
31 governmental entities with overlapping territories, and by
32 governmental entities with contiguous territories with less
33 meaningful boundaries, results in disparate levels of local
34 government services within a county having a consolidated
35 city and results in the inefficient and poor use of taxpayer
36 dollars.**

37 **(6) As the state capital and a center for professional sporting
38 events, tourism, and culture in central Indiana, the
39 consolidated city faces unique demands for protecting
40 governmental property and securing the safety of large
41 numbers of residents and visitors, which require innovative
42 approaches to public safety resources.**

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(7) If public safety resources are consolidated, residual services provided by townships are limited and can more effectively and uniformly be performed through consolidation at the city or county level.

(8) By virtue of its size and population patterns, township assistance needs in a consolidated city are greatest in its urban center and differ from the township assistance needs outside the urban center, and the lesser township assistance services outside the urban center can be more effectively and uniformly delivered through a consolidated district.

(9) Substantial operational efficiencies, reduction of administrative costs, and economies of scale may be obtained in a consolidated city through further consolidation of county, city, and township services and operations.

(10) Consolidation of county, city, and township services and operations in the consolidated city will serve the public purpose by allowing the consolidated city to:

- (A) eliminate duplicative services;**
- (B) provide better coordinated and more uniform delivery of local governmental services;**
- (C) provide uniform oversight and accountability for the budgets for local governmental services;**
- (D) simplify the system of property taxation;**
- (E) provide more unified tax rates; and**
- (F) allow local government services to be provided more efficiently and at a lower cost than without consolidation.**

(11) Efficient and fiscally responsible operation of local government benefits the health and welfare of the citizens of a consolidated city and is of public utility and benefit.

(12) The public purpose of this act is to provide a consolidated city with the means to perform essential governmental services for its citizens in an effective, efficient, and fiscally responsible manner.

SECTION 173. [EFFECTIVE JULY 1, 2006] For property taxes first due and payable in 2007, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for a county having a consolidated city is increased by the amount levied in 2006 for assessor and related services by each township in the county.

SECTION 174. [EFFECTIVE JULY 1, 2006] Each township district shall refer the township district's proposed budget, ad valorem property tax levy, and property tax rate for 2009 to the local government tax control board, which shall review and set the

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1 budget, levy, and rate as though the township district is covered by
2 IC 6-1.1-18.5-7. For property taxes first due and payable in 2009,
3 the maximum permissible ad valorem property tax limits and any
4 other limits on ad valorem property taxes set forth in IC 6-1.1-18.5
5 for:

- 6 (1) a central township district shall be based upon the sum of:
 - 7 (A) the amount levied in 2008 for the general fund; plus
 - 8 (B) the amount levied in 2008 for township assistance,
9 including reasonable administrative costs, in the central
10 township district in a county having a consolidated city;
11 plus
 - 12 (C) thirty-five percent (35%) of the amount levied in 2008
13 for township assistance, including reasonable
14 administrative costs, by each other township located in the
15 county containing a consolidated city; and
- 16 (2) a consolidated township district shall be based upon
17 sixty-five percent (65%) of the amount levied in 2008 for
18 township assistance, including reasonable administrative
19 costs, by each township located in a county having a
20 consolidated city, other than the central township district in
21 a county having a consolidated city.

22 SECTION 175. [EFFECTIVE JULY 1, 2006] (a) Any case pending
23 in a township small claims court established by IC 33-34, as
24 repealed by this act, after the close of business on December 31,
25 2006, is transferred on January 1, 2007, to the corresponding
26 township division of the small claims division of the Marion
27 superior court established under IC 33-33-49-14(c)(5) and
28 IC 33-33-49-14.1, both as added by this act. A case transferred
29 under this SECTION shall be treated as if the case were filed in the
30 corresponding township division of the small claims division of the
31 Marion superior court.

32 (b) On January 1, 2007, all property and obligations of a
33 township small claims court established by IC 33-34, as repealed
34 by this act, become the property and obligations of the
35 corresponding township division of the small claims division of the
36 Marion superior court established under IC 33-33-49-14(c)(5) and
37 IC 33-33-49-14.1, both as added by this act.

38 (c) This SECTION expires January 2, 2008.

39 SECTION 176. [EFFECTIVE JULY 1, 2006] (a) Notwithstanding
40 the amendment and repeal by this act of provisions in IC 33-33-49
41 and IC 33-34, the term of a judge in office in a township small
42 claims court established by IC 33-34, as repealed by this act, does

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1 not terminate until the date that the term would have terminated
 2 under the law in effect on December 31, 2006. The election for the
 3 initial small claims judges to be elected to the township divisions of
 4 the small claims division of the Marion superior court under
 5 IC 33-33-49-13.1, as added by this act, is the election to be held in
 6 the November immediately preceding the date that the
 7 corresponding term of the judge in office in a township small
 8 claims court established by IC 33-34, as repealed by this act, on
 9 December 31, 2006, would have terminated under the law in effect
 10 on December 31, 2006.

11 (b) Notwithstanding the amendment and repeal by this act of
 12 provisions in IC 33-33-49 and IC 33-34, the term of a constable for
 13 a township small claims court established by IC 33-34, as repealed
 14 by this act, does not terminate until the date that the term would
 15 have terminated under the law in effect on December 31, 2006. The
 16 election for the initial small claims constables to be elected under
 17 IC 33-33-49-14.2, as added by this act, is the election to be held in
 18 the November immediately preceding the date that the
 19 corresponding term of the constable for a township small claims
 20 court established by IC 33-34, as repealed by this act, on December
 21 31, 2006, would have terminated under the law in effect on
 22 December 31, 2006.

23 (c) This SECTION expires January 2, 2011.

24 SECTION 177. [EFFECTIVE JULY 1, 2006] (a) For property
 25 taxes first due and payable in 2007, the maximum permissible ad
 26 valorem property tax levy under IC 6-1.1-18.5:

27 (1) is increased for a consolidated city by the amount levied in
 28 2006 for fire protection and related services by each:

- 29 (A) township;
- 30 (B) airport authority;
- 31 (C) fire protection territory; or
- 32 (D) excluded city;

33 whose fire department is consolidated into the fire
 34 department of a consolidated city under IC 36-3-1-6.1, as
 35 amended by this act, or IC 36-3-1-6.3, as added by this act;
 36 and

- 37 (2) is reduced for:
- 38 (A) a township;
 - 39 (B) an airport authority;
 - 40 (C) a fire protection territory; or
 - 41 (D) an excluded city;

42 whose fire department is consolidated into the fire

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1 department of a consolidated city under IC 36-3-1-6.1, as
2 amended by this act, or IC 36-3-1-6.3, as added by this act, by
3 the amount levied in 2006 for fire protection and related
4 services by each township, airport authority, fire protection
5 territory, or excluded city whose fire department is
6 consolidated into the fire department of a consolidated city
7 under IC 36-3-1-6.1, as amended by this act, or IC 36-3-1-6.3,
8 as added by this act.

9 (b) This SECTION expires January 1, 2008.

10 SECTION 178. [EFFECTIVE JULY 1, 2006] For property taxes
11 first due and payable in 2007, the amount levied in 2006 by each:

- 12 (1) township;
- 13 (2) airport authority;
- 14 (3) fire protection territory; or
- 15 (4) excluded city;

16 whose fire department is consolidated into the fire department of
17 a consolidated city under IC 36-3-1-6.1, as amended by this act, or
18 IC 36-3-1-6.3, as added by this act, for its cumulative building and
19 equipment fund for fire protection and related services is
20 transferred to the consolidated city's cumulative building and
21 equipment fund for fire protection and related services, which is
22 hereby established. The consolidated city is exempted from the
23 requirements of IC 36-8-14 and IC 6-1.1-41 regarding
24 establishment of the cumulative building and equipment fund for
25 fire protection and related services.

26 SECTION 179. [EFFECTIVE UPON PASSAGE] (a) This
27 SECTION applies only to a township in a county having a
28 consolidated city.

29 (b) Notwithstanding IC 3-10-2-13, as amended by this act, a
30 township assessor for each township in the county shall be elected
31 at the 2006 general election for a term of two (2) years beginning
32 on January 1 following the election as set forth in IC 36-6-5-1, as
33 amended by this act.

34 (c) This SECTION expires on January 1, 2009.

35 SECTION 180. [EFFECTIVE UPON PASSAGE] (a) This
36 SECTION applies only to a township in a county having a
37 consolidated city.

38 (b) Notwithstanding IC 3-10-2-13, as amended by this act, a
39 township trustee for each township in the county shall be elected at
40 the 2006 general election for a term of two (2) years beginning on
41 January 1 following the election as set forth in IC 36-6-4-2, as
42 amended by this act.

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1 **(c) This SECTION expires January 1, 2009.**
2 SECTION 181. [EFFECTIVE JULY 1, 2006] **The legislative**
3 **services agency shall prepare legislation for introduction in the**
4 **2007 regular session of the general assembly to organize and**
5 **correct statutes affected by this act, if necessary.**
6 SECTION 182. **An emergency is declared for this act.**

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