

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1568 be amended to read as follows:

- 1 Delete everything after the enacting clause and insert the following:
2 SECTION 1. IC 3-8-1-30 IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JANUARY 1, 2011]: Sec. 30. A candidate for the office
4 of **small claims** judge ~~of a small claims court (as defined in~~
5 **IC 33-33-49-5.2)** must:
6 (1) be a United States citizen upon taking office;
7 (2) either:
8 (A) have resided in the township from which the candidate is
9 elected for at least one (1) year upon taking office; or
10 (B) have been elected as a small claims court judge in the
11 township before 1999;
12 (3) be of high moral character and reputation; and
13 (4) be admitted to the practice of law in Indiana upon filing a
14 declaration of candidacy or petition of nomination or upon the
15 filing of a certificate of candidate selection under IC 3-13-1-15 or
16 IC 3-13-2-8.
17 SECTION 2. IC 3-8-1-31 IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JANUARY 1, 2011]: Sec. 31. A candidate for the office
19 of **small claims** constable ~~of a small claims court~~ must:
20 (1) have resided in the township for more than one (1) year upon
21 taking office; and
22 (2) be at least twenty-one (21) years old upon taking office.
23 SECTION 3. IC 3-8-2-5 IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JANUARY 1, 2011]: Sec. 5. A declaration of candidacy
25 for:
26 (1) a federal office;
27 (2) a state office;
28 (3) a legislative office; or
29 (4) the local office of:
30 (A) judge of a circuit, superior, probate, ~~or county or small~~

1 ~~claims~~ court; or
2 (B) prosecuting attorney of a judicial circuit;
3 shall be filed with the secretary of state.

4 SECTION 4. IC 3-10-1-19, AS AMENDED BY P.L.164-2006,
5 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JANUARY 1, 2011]: Sec. 19. (a) The ballot for a primary election shall
7 be printed in substantially the following form for all the offices for
8 which candidates have qualified under IC 3-8:

9 OFFICIAL PRIMARY BALLOT

10 _____ Party

11 For paper ballots, print: To vote for a person, make a voting mark
12 (X or ✓) on or in the box before the person's name in the proper
13 column. For optical scan ballots, print: To vote for a person, darken or
14 shade in the circle, oval, or square (or draw a line to connect the arrow)
15 that precedes the person's name in the proper column. For optical scan
16 ballots that do not contain a candidate's name, print: To vote for a
17 person, darken or shade in the oval that precedes the number assigned
18 to the person's name in the proper column. For electronic voting
19 systems, print: To vote for a person, touch the screen (or press the
20 button) in the location indicated.

21 Vote for one (1) only

22 Representative in Congress

- 23 (1) AB _____
- 24 (2) CD _____
- 25 (3) EF _____
- 26 (4) GH _____

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

- 29 (1) Federal and state offices:
 - 30 (A) President of the United States.
 - 31 (B) United States Senator.
 - 32 (C) Governor.
 - 33 (D) United States Representative.
- 34 (2) Legislative offices:
 - 35 (A) State senator.
 - 36 (B) State representative.
- 37 (3) Circuit offices and county judicial offices:
 - 38 (A) Judge of the circuit court, and unless otherwise specified
39 under IC 33, with each division separate if there is more than
40 one (1) judge of the circuit court.
 - 41 (B) Judge of the superior court, and unless otherwise specified
42 under IC 33, with each division separate if there is more than
43 one (1) judge of the superior court.
 - 44 (C) Judge of the probate court.
 - 45 (D) Judge of the county court, with each division separate, as
46 required by IC 33-30-3-3.
 - 47 (E) Prosecuting attorney.

- 1 (F) Circuit court clerk.
 2 (4) County offices:
 3 (A) County auditor.
 4 (B) County recorder.
 5 (C) County treasurer.
 6 (D) County sheriff.
 7 (E) County coroner.
 8 (F) County surveyor.
 9 (G) County assessor.
 10 (H) County commissioner.
 11 (I) County council member.
 12 (5) Township offices:
 13 (A) Township assessor.
 14 (B) Township trustee.
 15 (C) Township board member.
 16 (D) **Small claims** judge. ~~of the small claims court.~~
 17 (E) **Small claims** constable. ~~of the small claims court.~~
 18 (6) City offices:
 19 (A) Mayor.
 20 (B) Clerk or clerk-treasurer.
 21 (C) Judge of the city court.
 22 (D) City-county council member or common council member.
 23 (7) Town offices:
 24 (A) Clerk-treasurer.
 25 (B) Judge of the town court.
 26 (C) Town council member.
 27 (c) The political party offices with candidates for election shall be
 28 placed on the primary election ballot in the following order after the
 29 offices described in subsection (b):
 30 (1) Precinct committeeman.
 31 (2) State convention delegate.
 32 (d) The following offices and public questions shall be placed on the
 33 primary election ballot in the following order after the offices described
 34 in subsection (c):
 35 (1) School board offices to be elected at the primary election.
 36 (2) Other local offices to be elected at the primary election.
 37 (3) Local public questions.
 38 (e) The offices and public questions described in subsection (d)
 39 shall be placed:
 40 (1) in a separate column on the ballot if voting is by paper ballot;
 41 (2) after the offices described in subsection (c) in the form
 42 specified in IC 3-11-13-11 if voting is by ballot card; or
 43 (3) either:
 44 (A) on a separate screen for each office or public question; or
 45 (B) after the offices described in subsection (c) in the form
 46 specified in IC 3-11-14-3.5;
 47 if voting is by an electronic voting system.

1 (f) A public question shall be placed on the primary election ballot
2 in the following form:

3 (The explanatory text for the public question,
4 if required by law.)

5 "Shall (insert public question)?"

6 YES

7 NO

8 SECTION 5. IC 3-10-2-13 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 13. The following
10 public officials shall be elected at the general election before their
11 terms of office expire and every four (4) years thereafter:

- 12 (1) Clerk of the circuit court.
- 13 (2) County auditor.
- 14 (3) County recorder.
- 15 (4) County treasurer.
- 16 (5) County sheriff.
- 17 (6) County coroner.
- 18 (7) County surveyor.
- 19 (8) County assessor.
- 20 (9) County commissioner.
- 21 (10) County council member.
- 22 (11) Township trustee.
- 23 (12) Township board member.
- 24 (13) Township assessor.
- 25 (14) ~~Small claims~~ judge. ~~of a small claims court.~~
- 26 (15) ~~Small claims~~ constable. ~~of a small claims court.~~

27 SECTION 6. IC 3-11-2-12, AS AMENDED BY P.L.2-2005,
28 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JANUARY 1, 2011]: Sec. 12. The following offices shall be placed on
30 the general election ballot in the following order:

- 31 (1) Federal and state offices:
 - 32 (A) President and Vice President of the United States.
 - 33 (B) United States Senator.
 - 34 (C) Governor and lieutenant governor.
 - 35 (D) Secretary of state.
 - 36 (E) Auditor of state.
 - 37 (F) Treasurer of state.
 - 38 (G) Attorney general.
 - 39 (H) Superintendent of public instruction.
 - 40 (I) United States Representative.
- 41 (2) Legislative offices:
 - 42 (A) State senator.
 - 43 (B) State representative.
- 44 (3) Circuit offices and county judicial offices:
 - 45 (A) Judge of the circuit court, and unless otherwise specified
46 under IC 33, with each division separate if there is more than
47 one (1) judge of the circuit court.

- 1 (B) Judge of the superior court, and unless otherwise specified
 2 under IC 33, with each division separate if there is more than
 3 one (1) judge of the superior court.
 4 (C) Judge of the probate court.
 5 (D) Judge of the county court, with each division separate, as
 6 required by IC 33-30-3-3.
 7 (E) Prosecuting attorney.
 8 (F) Clerk of the circuit court.
 9 (4) County offices:
 10 (A) County auditor.
 11 (B) County recorder.
 12 (C) County treasurer.
 13 (D) County sheriff.
 14 (E) County coroner.
 15 (F) County surveyor.
 16 (G) County assessor.
 17 (H) County commissioner.
 18 (I) County council member.
 19 (5) Township offices:
 20 (A) Township assessor.
 21 (B) Township trustee.
 22 (C) Township board member.
 23 (D) ~~Small claims~~ judge. ~~of the small claims court.~~
 24 (E) ~~Small claims~~ constable. ~~of the small claims court.~~
 25 (6) City offices:
 26 (A) Mayor.
 27 (B) Clerk or clerk-treasurer.
 28 (C) Judge of the city court.
 29 (D) City-county council member or common council member.
 30 (7) Town offices:
 31 (A) Clerk-treasurer.
 32 (B) Judge of the town court.
 33 (C) Town council member.
 34 SECTION 7. IC 3-13-1-15 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 15. (a) A county
 36 chairman filling a candidate vacancy under section 6(a)(2) of this
 37 chapter or the chairman of a meeting filling a candidate vacancy under
 38 this chapter shall file a written certificate of candidate selection on a
 39 form prescribed by the commission stating the following information
 40 for each candidate selected:
 41 (1) The name of each candidate as:
 42 (A) the candidate wants the candidate's name to appear on the
 43 ballot; and
 44 (B) the candidate's name is permitted to appear on the ballot
 45 under IC 3-5-7.
 46 (2) The residence address of each candidate.
 47 (b) The certificate shall be filed with:

- 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 8. 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, 2011]: 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
 43 candidate vacancy for a local office not described in subdivision
 44 (1).
 45 (c) The certificate required by subsection (a) shall be filed not more
 46 than three (3) days (excluding Saturdays and Sundays) after selection
 47 of the candidate.

1 SECTION 9. IC 3-13-10-5, AS AMENDED BY P.L.119-2005,
 2 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JANUARY 1, 2011]: Sec. 5. (a) This section applies to a vacancy in the
 4 office of **small claims** judge ~~of a small claims court~~ or small claims
 5 ~~court~~ constable not covered by section 1 of this chapter.

6 (b) A vacancy **in the office of small claims judge** shall be filled by
 7 the township board at a regular or special meeting. ~~The chairman of the~~
 8 ~~township board shall give notice of the meeting. Except as provided in~~
 9 ~~subsection (c), the meeting shall be held not later than thirty (30) days~~
 10 ~~after the vacancy occurs. The notice must:~~

11 (1) ~~be in writing;~~

12 (2) ~~state the purpose of the meeting;~~

13 (3) ~~state the date, time, and place of the meeting; and~~

14 (4) ~~be sent by first class mail to each board member at least ten~~
 15 ~~(10) days before the meeting.~~

16 (c) ~~If a vacancy exists because of the death of a judicial officer, the~~
 17 ~~meeting required by subsection (b) shall be held not later than thirty~~
 18 ~~(30) days after the chairman of the township board receives notice of~~
 19 ~~the death under IC 5-8-6. The chairman of the township board may not~~
 20 ~~give the notice required by subsection (b) until the chairman of the~~
 21 ~~township board receives notice of the death under IC 5-8-6. **by the**~~
 22 ~~**governor.**~~

23 (c) **A vacancy in the office of small claims constable shall be**
 24 **filled by the governor.**

25 (d) **A person who is appointed holds office for the remainder of**
 26 **the unexpired term.**

27 SECTION 10. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JANUARY 1, 2011]: Sec. 4. (a) As used in this section,
 29 "political subdivision" has the meaning set forth in IC 36-1-2-13.

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

32 (1) Of all officers whose oath is endorsed on or attached to the
 33 commission and whose duties are not limited to a particular
 34 county or of a justice, judge, or prosecuting attorney, in the office
 35 of the secretary of state.

36 (2) Of the circuit court clerk, officers of a political subdivision or
 37 school corporation, and **small claims** constables, ~~of a small~~
 38 ~~claims court~~, in the circuit court clerk's office of the county
 39 containing the greatest percentage of the population of the
 40 political subdivision or school corporation.

41 (3) Of a deputy prosecuting attorney, in the office of the clerk of
 42 the circuit court of the county in which the deputy prosecuting
 43 attorney resides or serves.

44 SECTION 11. IC 5-8-3.5-1 IS AMENDED TO READ AS
 45 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. (a) An officer
 46 who wants to resign shall give written notice of the officer's resignation
 47 as follows:

1 (1) The governor and lieutenant governor shall notify the
 2 principal clerk of the house of representatives and the principal
 3 secretary of the senate to act in accordance with Article 5, Section
 4 10 of the Constitution of the State of Indiana. The clerk and the
 5 secretary shall file a copy of the notice with the office of the
 6 secretary of state.

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

9 (A) A member of the senate shall notify the president pro
 10 tempore of the senate.

11 (B) A member of the house of representatives shall notify the
 12 speaker of the house of representatives.

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

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

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

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

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

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

25 (F) A prosecuting attorney.

26 (G) A circuit court clerk.

27 (H) A county auditor, county recorder, county treasurer,
 28 county sheriff, county coroner, or county surveyor.

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

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

36 (b) A person or an entity that receives notice of a resignation and
 37 does not have the power to fill the vacancy created by the resignation
 38 shall, not later than seventy-two (72) hours after receipt of the notice
 39 of resignation, give notice of the vacancy to the person or entity that
 40 has the power to:

41 (1) fill the vacancy; or

42 (2) call a caucus for the purpose of filling the vacancy.

43 SECTION 12. IC 6-1.1-17-3, AS AMENDED BY P.L.162-2006,
 44 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 45 JULY 1, 2007]: Sec. 3. (a) The proper officers of a political subdivision
 46 shall formulate its estimated budget and its proposed tax rate and tax
 47 levy on the form prescribed by the department of local government

1 finance and approved by the state board of accounts. The political
2 subdivision shall give notice by publication to taxpayers of:

- 3 (1) the estimated budget;
- 4 (2) the estimated maximum permissible levy;
- 5 (3) the current and proposed tax levies of each fund; and
- 6 (4) the amounts of excessive levy appeals to be requested.

7 In the notice, the political subdivision shall also state the time and
8 place at which a public hearing will be held on these items. The notice
9 shall be published twice in accordance with IC 5-3-1 with the first
10 publication at least ten (10) days before the date fixed for the public
11 hearing. Beginning in 2009, the duties required by this subsection must
12 be completed before August 10 of the calendar year. A political
13 subdivision shall provide the estimated budget and levy information
14 required for the notice under subsection (b) to the county auditor on the
15 schedule determined by the department of local government finance.

16 (b) Beginning in 2009, before August 10 of a calendar year, the
17 county auditor shall mail to the last known address of each person
18 liable for any property taxes, as shown on the tax duplicate, or to the
19 last known address of the most recent owner shown in the transfer
20 book, a statement that includes:

- 21 (1) the assessed valuation as of the assessment date in the current
22 calendar year of tangible property on which the person will be
23 liable for property taxes first due and payable in the immediately
24 succeeding calendar year and notice to the person of the
25 opportunity to appeal the assessed valuation under
26 IC 6-1.1-15-1(b);
- 27 (2) the amount of property taxes for which the person will be
28 liable to each political subdivision on the tangible property for
29 taxes first due and payable in the immediately succeeding
30 calendar year, taking into account all factors that affect that
31 liability, including:
 - 32 (A) the estimated budget and proposed tax rate and tax levy
33 formulated by the political subdivision under subsection (a);
 - 34 (B) any deductions or exemptions that apply to the assessed
35 valuation of the tangible property;
 - 36 (C) any credits that apply in the determination of the tax
37 liability; and
 - 38 (D) the county auditor's best estimate of the effects on the tax
39 liability that might result from actions of the county board of
40 tax adjustment or the department of local government finance;
- 41 (3) a prominently displayed notation that:
 - 42 (A) the estimate under subdivision (2) is based on the best
43 information available at the time the statement is mailed; and
 - 44 (B) based on various factors, including potential actions by the
45 county board of tax adjustment or the department of local
46 government finance, it is possible that the tax liability as
47 finally determined will differ substantially from the estimate;

- 1 (4) comparative information showing the amount of property
 2 taxes for which the person is liable to each political subdivision
 3 on the tangible property for taxes first due and payable in the
 4 current year; and
 5 (5) the date, time, and place at which the political subdivision will
 6 hold a public hearing on the political subdivision's estimated
 7 budget and proposed tax rate and tax levy as required under
 8 subsection (a).
- 9 (c) The department of local government finance shall:
 10 (1) prescribe a form for; and
 11 (2) provide assistance to county auditors in preparing;
 12 statements under subsection (b). Mailing the statement described in
 13 subsection (b) to a mortgagee maintaining an escrow account for a
 14 person who is liable for any property taxes shall not be construed as
 15 compliance with subsection (b).
- 16 (d) The board of directors of a solid waste management district
 17 established under IC 13-21 or IC 13-9.5-2 (before its repeal) may
 18 conduct the public hearing required under subsection (a):
 19 (1) in any county of the solid waste management district; and
 20 (2) in accordance with the annual notice of meetings published
 21 under IC 13-21-5-2.
- 22 (e) **Except as provided in subsection (f),** the trustee of each
 23 township in the county shall estimate the amount necessary to meet the
 24 cost of township assistance in the township for the ensuing calendar
 25 year. The township board shall adopt with the township budget a tax
 26 rate sufficient to meet the estimated cost of township assistance. The
 27 taxes collected as a result of the tax rate adopted under this subsection
 28 are credited to the township assistance fund.
- 29 (f) **This subsection applies only to a consolidated township
 30 established under IC 36-6-1.1 for taxes first due and payable after
 31 2010. The health and hospital corporation established under
 32 IC 16-22-8 shall estimate the amount necessary to meet the cost of
 33 township assistance in the consolidated township for the ensuing
 34 calendar year. The city-county legislative body shall:**
 35 (1) **review the tax levy for the health and hospital corporation
 36 as provided in IC 36-3-6-9(e); and**
 37 (2) **adopt a tax levy for the health and hospital corporation
 38 sufficient to meet the estimated cost of township assistance.**
 39 **The taxes collected as a result of the tax levy adopted under this
 40 subsection are credited to the health and hospital corporation.**
- 41 (†) (g) A county shall adopt with the county budget and the
 42 department of local government finance shall certify under section 16
 43 of this chapter a tax rate sufficient to raise the levy necessary to pay the
 44 following:
 45 (1) The cost of child services (as defined in IC 12-19-7-1) of the
 46 county payable from the family and children's fund.
 47 (2) The cost of children's psychiatric residential treatment

1 services (as defined in IC 12-19-7.5-1) of the county payable from
 2 the children's psychiatric residential treatment services fund.
 3 A budget, tax rate, or tax levy adopted by a county fiscal body or
 4 approved or modified by a county board of tax adjustment that is less
 5 than the levy necessary to pay the costs described in subdivision (1) or
 6 (2) shall not be treated as a final budget, tax rate, or tax levy under
 7 section 11 of this chapter.

8 SECTION 13. IC 8-22-3-11.6, AS ADDED BY P.L.227-2005,
 9 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2007]: Sec. 11.6. (a) This section applies only to an airport
 11 authority established for a county having a consolidated city.

12 (b) If the:

13 (1) legislative body of the consolidated city and the governing
 14 body of the airport authority ~~may~~ adopt substantially similar
 15 ordinances providing that the fire department of the airport
 16 authority is consolidated into the fire department of the
 17 consolidated city **under IC 36-3-1-6.1** and that the fire
 18 department of the consolidated city shall provide fire protection
 19 services for the airport authority; ~~if ordinances are adopted under~~
 20 ~~this section; and~~

21 (2) **executive of the consolidated city approves the ordinance**
 22 **adopted by the legislative body of the consolidated city;**
 23 the consolidation shall take effect on the date ~~agreed to by the~~
 24 ~~legislative body of the consolidated city and the governing body of the~~
 25 ~~airport authority in the ordinances.~~ **set forth in the ordinance.**

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

37 SECTION 14. IC 10-18-5-1 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. (a) **This**
 39 **section does not apply to a township that consolidated under**
 40 **IC 36-6-1.1.**

41 (b) A township trustee may receive as public property a monument
 42 or memorial built:

43 (1) in the township;

44 (2) in honor of the township's soldiers or marines; and

45 (3) by the people with public donations;

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

1 SECTION 15. IC 12-7-2-43.5 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JANUARY 1, 2011]: **Sec. 43.5. "Corporation", for**
 4 **purposes of IC 12-20 and IC 12-30-4, means the health and hospital**
 5 **corporation established under IC 16-22-8.**

6 SECTION 16. IC 12-7-2-192.6 ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 8 JANUARY 1, 2011]: **Sec. 192.6. "Township", for purposes of**
 9 **IC 12-20 and IC 12-30-4, means the following:**

10 (1) **A township in a county not having a consolidated city.**

11 (2) **A township in a county having a consolidated city that**
 12 **does not consolidate under IC 36-6-1.1.**

13 (3) **A consolidated township established under IC 36-6-1.1.**

14 SECTION 17. IC 12-7-2-192.7 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JANUARY 1, 2011]: **Sec. 192.7 "Township trustee"**
 17 **or "trustee", for purposes of IC 12-20 and IC 12-30-4, means the**
 18 **following:**

19 (1) **A trustee for a township in a county not having a**
 20 **consolidated city.**

21 (2) **A trustee for township in a county having a consolidated**
 22 **city that does not consolidate under IC 36-6-1.1.**

23 (3) **The health and hospital corporation established under**
 24 **IC 16-22-8 for a consolidated township established under**
 25 **IC 36-6-1.1.**

26 SECTION 18. IC 12-15-18-5.1 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 5.1. (a) Except as**
 28 **provided in subsection (b), for state fiscal years ending on or after**
 29 **June 30, 1998, the trustees and each municipal health and hospital**
 30 **corporation established under IC 16-22-8-6 are authorized to make**
 31 **intergovernmental transfers to the Medicaid indigent care trust fund in**
 32 **amounts to be determined jointly by the office and the trustees, and the**
 33 **office and each municipal health and hospital corporation.**

34 **(b) This subsection applies only to a consolidated township**
 35 **established under IC 36-6-1.1. A municipal health and hospital**
 36 **corporation established under IC 16-22-8-6 is authorized to make**
 37 **intergovernmental transfers to the Medicaid indigent care trust**
 38 **fund in amounts to be determined jointly by the office and the**
 39 **municipal health and hospital corporation.**

40 ~~(b)~~ (c) **The treasurer of state shall annually transfer from**
 41 **appropriations made for the division of mental health and addiction**
 42 **sufficient money to provide the state's share of payments under**
 43 **IC 12-15-16-6(c)(2).**

44 ~~(c)~~ (d) **Except as provided in subsection (e), the office shall**
 45 **coordinate the transfers from the trustees and each municipal health**
 46 **and hospital corporation established under IC 16-22-8-6 so that the**
 47 **aggregate intergovernmental transfers, when combined with federal**

1 matching funds:

2 (1) produce payments to each hospital licensed under IC 16-21
3 that qualifies as a disproportionate share provider under
4 IC 12-15-16-1(a); and

5 (2) both individually and in the aggregate do not exceed limits
6 prescribed by the federal Centers for Medicare and Medicaid
7 Services.

8 The trustees and a municipal health and hospital corporation are not
9 required to make intergovernmental transfers under this section. The
10 trustees and a municipal health and hospital corporation may make
11 additional transfers to the Medicaid indigent care trust fund to the
12 extent necessary to make additional payments from the Medicaid
13 indigent care trust fund apply to a prior federal fiscal year as provided
14 in IC 12-15-19-1(b).

15 **(e) This subsection applies only to a consolidated township
16 established under IC 36-6-1.1. The office shall coordinate the
17 transfers from the municipal health and hospital corporation
18 established under IC 16-22-8-6 so that the aggregate
19 intergovernmental transfers, when combined with federal
20 matching funds:**

21 **(1) produce payments to each hospital licensed under IC 16-21
22 that qualifies as a disproportionate share provider under
23 IC 12-15-16-1(a); and**

24 **(2) both individually and in the aggregate do not exceed limits
25 prescribed by the federal Centers for Medicare and Medicaid
26 Services.**

27 **The municipal health and hospital corporation is not required to
28 make intergovernmental transfers under this section. The
29 municipal health and hospital corporation may make additional
30 transfers to the Medicaid indigent care trust fund to the extent
31 necessary to make additional payments from the Medicaid indigent
32 care trust fund apply to a prior federal fiscal year as provided in
33 IC 12-15-19-1(b).**

34 ~~(d)~~ **(f)** A municipal disproportionate share provider (as defined in
35 IC 12-15-16-1) shall transfer to the Medicaid indigent care trust fund
36 an amount determined jointly by the office and the municipal
37 disproportionate share provider. A municipal disproportionate share
38 provider is not required to make intergovernmental transfers under this
39 section. A municipal disproportionate share provider may make
40 additional transfers to the Medicaid indigent care trust fund to the
41 extent necessary to make additional payments from the Medicaid
42 indigent care trust fund apply to a prior federal fiscal year as provided
43 in IC 12-15-19-1(b).

44 ~~(e)~~ **(g)** A county making a payment under:

45 (1) IC 12-29-1-7(b) before January 1, 2004; or

46 (2) IC 12-29-2-20(c) after December 31, 2003;

47 or from other county sources to a community mental health center

1 qualifying as a community mental health center disproportionate share
 2 provider shall certify that the payment represents expenditures that are
 3 eligible for federal financial participation under 42 U.S.C.
 4 1396b(w)(6)(A) and 42 CFR 433.51. The office shall assist a county in
 5 making this certification.

6 SECTION 19. IC 12-20-3-2 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. The governor
 8 may not do any of the following:

- 9 (1) Hold a hearing in reference to a township trustee's **or**
 10 **corporation's** official duties.
 11 (2) Remove a township trustee from office.
 12 (3) Declare the office of a township trustee vacant.

13 SECTION 20. IC 12-20-3-3, AS AMENDED BY P.L.73-2005,
 14 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JANUARY 1, 2011]: Sec. 3. **(a) This section does not apply to a**
 16 **consolidated township established under IC 36-6-1.1.**

17 ~~(a)~~ **(b)** If a township trustee, who serves as administrator of
 18 township assistance, is removed from office, resigns, or in any other
 19 way vacates the office of township trustee, the township trustee shall
 20 immediately deliver all books, papers, and other materials concerning
 21 the office to the trustee's successor upon the successor's appointment.

22 ~~(b)~~ **(c)** If a township trustee, who serves as administrator of
 23 township assistance, dies, the township trustee's executors or
 24 administrators shall, not more than forty (40) days after the trustee's
 25 death, deliver all materials belonging to the township trustee's office to
 26 the trustee's successor in office.

27 SECTION 21. IC 12-20-4-3, AS AMENDED BY P.L.73-2005,
 28 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JANUARY 1, 2011]: Sec. 3. (a) The township trustee shall determine
 30 the number of township assistance supervisors, investigators,
 31 assistants, or other necessary employees that are employed by the
 32 township to administer township assistance.

33 **(b) Except as provided in subsection (c),** the pay of township
 34 assistance supervisors, investigators, assistants, and other necessary
 35 employees shall be fixed by the township trustee subject only to the
 36 total budgetary appropriation for personnel services for the
 37 administration of township assistance approved by the township board.

38 **(c) This subsection applies only to a consolidated township**
 39 **established under IC 36-6-1.1. The corporation shall determine the**
 40 **number of township assistance supervisors, investigators, or other**
 41 **necessary employees that are to be employed by the corporation to**
 42 **administer township assistance. The pay of township assistance**
 43 **supervisors, investigators, assistants, and other necessary**
 44 **employees shall be fixed by the corporation in accordance with the**
 45 **budget procedures of the corporation under IC 16-22-8.**

46 ~~(c)~~ **(d)** A township assistance supervisor, investigator, assistant, or
 47 other necessary employee who uses an automobile in the performance

1 of the employee's work is entitled to the same mileage paid to state
2 officers and employees.

3 SECTION 22. IC 12-20-4-5, AS AMENDED BY P.L.73-2005,
4 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JANUARY 1, 2011]: Sec. 5. (a) The number of supervisors of
6 township assistance investigators may not exceed one (1) supervisor for
7 the first four (4) township assistance investigators. If there are more
8 than four (4) township assistance investigators, the township trustee
9 may employ one (1) additional supervisor for each twelve (12)
10 township assistance investigators or major fraction of that number.

11 (b) **Except as provided in subsection (c),** the pay for supervisors
12 of township assistance investigators shall be fixed in the manner
13 provided by law for other township salaries.

14 (c) **This subsection applies only to a consolidated township**
15 **established under IC 36-6-1.1. The pay for supervisors of township**
16 **assistance investigators shall be fixed in a manner provided under**
17 **IC 16-22-8 for other salaries.**

18 SECTION 23. IC 12-20-4-7, AS AMENDED BY P.L.73-2005,
19 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JANUARY 1, 2011]: Sec. 7. (a) **This subsection does not apply to a**
21 **consolidated township established under IC 36-6-1.1.**

22 ~~(a)~~ (b) Two (2) or more townships in the same county may jointly
23 employ an investigator to investigate township assistance applicants
24 and recipients.

25 ~~(b)~~ (c) Payment for investigations conducted under this section shall
26 be made on the basis of the number of cases handled for each township
27 in the same manner and at the same rate as otherwise provided for the
28 payment of investigators under this chapter.

29 SECTION 24. IC 12-20-4-11, AS AMENDED BY P.L.73-2005,
30 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JANUARY 1, 2011]: Sec. 11. (a) A township assistance supervisor,
32 investigator, assistant, or other necessary employee shall be paid only
33 for the number of days the employee is actually engaged in
34 employment during each month.

35 (b) A township assistance supervisor, investigator, assistant, or other
36 necessary employee shall be paid at the rate established by the
37 township trustee. ~~from an appropriation by the township board with no~~
38 **The trustee of a township that does not consolidate under**
39 **IC 36-6-1.1 shall establish the rate from an appropriation by the**
40 **township board. A rate established by the trustee or the**
41 **corporation may not include a deduction for legal holidays.**

42 (c) A township assistance supervisor, investigator, assistant, or other
43 necessary employee shall be paid out of the same money as claims for
44 township assistance are paid. Claims for pay are payable upon
45 presentation of a sworn claim itemizing each day for which pay is
46 requested. Claims are to be made and filed in the same manner as other
47 claims for township assistance expenditures are payable, at least once

1 each month.

2 (d) Each township assistance chief deputy, investigator, supervisor,
3 assistant, or other necessary employee may be granted paid vacation
4 leave or sick leave under IC 5-10-6-1.

5 (e) **This subsection does not apply to a consolidated township.**
6 The township trustee of a township having a population of at least ten
7 thousand (10,000) may appoint a chief deputy. A chief deputy may be
8 paid from any township funds.

9 SECTION 25. IC 12-20-4-13 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 13. The:

11 (1) township trustee may, with the approval of the township
12 board; or

13 **(2) corporation, with the approval of the city-county**
14 **legislative body, may;**

15 employ personnel to supervise rehabilitation, training, retraining, and
16 work programs as provided in IC 12-20-13.

17 SECTION 26. IC 12-20-5-3.5 IS ADDED TO THE INDIANA
18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JANUARY 1, 2011]: **Sec. 3.5. The corporation is the**
20 **administrator of township assistance for a consolidated township**
21 **established under IC 36-6-1.1.**

22 SECTION 27. IC 12-20-5.5-1, AS AMENDED BY P.L.73-2005,
23 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JANUARY 1, 2011]: Sec. 1. (a) The township trustee shall process all
25 applications for township assistance according to uniform written
26 standards and without consideration of the race, creed, nationality, or
27 gender of the applicant or any member of the applicant's household.

28 (b) The township's standards for the issuance of township assistance
29 and the processing of applications must be:

30 (1) governed by the requirements of this article;

31 (2) **except as provided in subdivision (3),** proposed by the
32 township trustee, adopted by the township board, and filed with
33 the board of county commissioners;

34 **(3) in the case of a consolidated township established under**
35 **IC 36-6-1.1, adopted by the corporation and filed with the**
36 **board of county commissioners;**

37 ~~(4)~~ (4) reviewed and updated annually to reflect changes in the
38 cost of basic necessities in the township and changes in the law;
39 ~~(5)~~ (5) published in a single written document, including addenda
40 attached to the document; and

41 ~~(6)~~ (6) posted in a place prominently visible to the public in all
42 offices of the township trustee where township assistance
43 applications are taken or processed.

44 SECTION 28. IC 12-20-5.5-3, AS AMENDED BY P.L.73-2005,
45 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
46 JANUARY 1, 2011]: Sec. 3. (a) The township trustee shall ensure
47 adequate access to township assistance services, including a published

1 telephone number in the name of the township, **in the case of a**
2 **township trustee, or in the name of the corporation in the case of**
3 **a consolidated township established under IC 36-6-1.1.**

4 (b) **Except as provided in subsection (c)**, a township assistance
5 office, if separate from the township trustee's residence, must be
6 designated by a clearly visible sign that lists the:

- 7 (1) township trustee's name;
- 8 (2) availability of township assistance; and
- 9 (3) township assistance office's telephone number.

10 The sign must conform to all local zoning and signage restrictions.

11 (c) **This subsection applies only to a consolidated township**
12 **established under IC 36-6-1.1. A township assistance office shall be**
13 **designated by a clearly visible sign that lists the:**

- 14 (1) **name of the division director of the corporation;**
- 15 (2) **availability of township assistance; and**
- 16 (3) **township assistance office's telephone number.**

17 **The sign must conform to all local zoning and signage restrictions.**

18 SECTION 29. IC 12-20-7-6, AS AMENDED BY P.L.145-2006,
19 SECTION 118, IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JANUARY 1, 2011]: Sec. 6. A:

- 21 (1) township trustee **or** an assistant of a township trustee;
- 22 (2) **director, an officer, or an employee of the corporation;** or
- 23 (3) **director or** an employee **or a director** of the division of family
24 resources, the office of Medicaid policy and planning, and county
25 offices;

26 who knowingly discloses or uses information that is obtained through
27 the use of a consent form described in section 1 of this chapter, except
28 as authorized by this chapter, commits a Class A misdemeanor.

29 SECTION 30. IC 12-20-13-1, AS AMENDED BY P.L.73-2005,
30 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JANUARY 1, 2011]: Sec. 1. A township trustee may, with the approval
32 of the township board, **or a corporation may, with the approval of**
33 **the city-county legislative body**, do the following:

- 34 (1) Conduct the following for township assistance recipients in
35 the township, **in the case of a trustee, or a consolidated**
36 **township established under IC 36-6-1.1, in the case of a**
37 **corporation:**
 - 38 (A) Rehabilitation programs.
 - 39 (B) Training programs.
 - 40 (C) Retraining programs.
 - 41 (D) Work programs.
- 42 (2) Employ personnel to supervise the programs.
- 43 (3) Pay the costs of the programs from township assistance
44 money.

45 SECTION 31. IC 14-21-1-13.5, AS AMENDED BY P.L.1-2005,
46 SECTION 143, IS AMENDED TO READ AS FOLLOWS
47 [EFFECTIVE JANUARY 1, 2011]: Sec. 13.5. (a) The division may

1 conduct a program to survey and register in a registry of Indiana
 2 cemeteries and burial grounds that the division establishes and
 3 maintains all cemeteries and burial grounds in each county in Indiana.
 4 The division may conduct the program alone or by entering into an
 5 agreement with one (1) or more of the following entities:

- 6 (1) The Indiana Historical Society established under IC 23-6-3.
- 7 (2) A historical society (as defined in IC 36-10-13-3).
- 8 (3) The Historic Landmarks Foundation of Indiana.
- 9 (4) A professional archeologist or historian associated with a
 10 college or university.
- 11 (5) A township trustee **of a township that is not consolidated**
 12 **under IC 36-6-1.1.**
- 13 (6) Any other entity that the division selects.

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

- 18 (1) to carry out subsection (a); and
- 19 (2) according to the terms of the gift or grant.

20 (c) At the request of the director, the auditor of state shall establish
 21 a trust fund for purposes of holding money received under subsection
 22 (b).

23 (d) The director shall administer a trust fund established by
 24 subsection (c). The expenses of administering the trust fund shall be
 25 paid from money in the trust fund.

26 (e) The treasurer of state shall invest the money in the trust fund
 27 established by subsection (c) that is not currently needed to meet the
 28 obligations of the trust fund in the same manner as other public trust
 29 funds may be invested. The treasurer of state shall deposit in the trust
 30 fund the interest that accrues from the investment of the trust fund.

31 (f) Money in the trust fund at the end of a state fiscal year does not
 32 revert to the state general fund.

33 (g) Nothing in this section may be construed to authorize violation
 34 of the confidentiality of information requirements of ~~16 U.S.C. 470(w)~~
 35 **16 U.S.C. 470w-3** and ~~16 U.S.C. 470(h)(h)~~: **16 U.S.C. 470hh.**

36 (h) The division may record in each county recorder's office the
 37 location of each cemetery and burial ground located in that county.

38 SECTION 32. IC 15-3-4-0.5 IS ADDED TO THE INDIANA CODE
 39 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 40 JANUARY 1, 2011]: **Sec. 0.5. (a) This section applies only to a**
 41 **township that is consolidated under IC 36-6-1.1.**

42 **(b) The duties of a township trustee under this chapter are**
 43 **transferred to the health and hospital corporation established**
 44 **under IC 16-22-8.**

45 SECTION 33. IC 15-3-4-1 IS AMENDED TO READ AS
 46 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 1. (a) As used in**
 47 **this chapter, "corporation" means the health and hospital**

1 **corporation established under IC 16-22-8.**

2 ~~(a)~~ **(b)** As used in this chapter, "detrimental plant" includes Canada
3 thistle (*Cirsium arvense*), Johnson grass, sorghum alumun (*Sorghum*
4 *halrphense*), bur cucumber (*Sicyos angulatus*), shattercane (*Sorghum*
5 *bicolor* [L.] Moench spp. *drummondii* [Steud.] deWet), and, in
6 residential areas only, noxious weeds and rank vegetation. The term
7 does not include agricultural crops.

8 ~~(b)~~ **(c)** As used in this chapter, "person" means an individual, an
9 incorporated or unincorporated organization or association, a trustee or
10 legal representative, the state, a political subdivision (as defined in
11 IC 36-1-2-13), an agency of the state or a political subdivision, or a
12 group of those persons acting in concert.

13 **(d) As used in this chapter, "fund" means:**

14 **(1) the township fund for a township:**

15 **(A) in a county not having a consolidated city; or**

16 **(B) that did not consolidate under IC 36-6-1.1; or**

17 **(2) the appropriate fund of the corporation for a township**
18 **that consolidated under IC 36-6-1.1.**

19 **(e) As used in this chapter, "township trustee" or "trustee"**
20 **means:**

21 **(1) a township trustee for a township:**

22 **(A) in a county not having a consolidated city; or**

23 **(B) that did not consolidate under IC 36-6-1.1; or**

24 **(2) the corporation for a township that consolidated under**
25 **IC 36-6-1.1.**

26 ~~(c)~~ **(f)** A person owning or possessing real estate in Indiana shall
27 destroy detrimental plants by cutting or mowing and, if necessary, by
28 plowing, cultivating, or smothering, or by the use of chemicals in the
29 bud stage of growth or earlier, to prevent those detrimental plants from
30 maturing on any such real estate.

31 SECTION 34. IC 15-3-4-2 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) A township
33 trustee who has reason to believe that detrimental plants may be on real
34 estate may, after giving forty-eight (48) hours notice to the owner or
35 person in possession of the property, enter the real estate to investigate.

36 (b) Except as provided in subsection (c), if the township trustee
37 determines after investigating the property or by visual inspection
38 without entering the property that a person has detrimental plants
39 growing on real estate in ~~the~~ **a township that comprises all or a part**
40 **of the township trustee's jurisdiction** that have not been destroyed as
41 described in section 1 of this chapter, the ~~trustee of the township in~~
42 ~~which the real estate is located~~ **township trustee** shall notify, in
43 writing, the owner or person in possession of the real estate to destroy
44 the detrimental plants in a manner provided in section 1 of this chapter
45 within five (5) days after the notice is given. If the detrimental plants
46 are not destroyed as provided in section 1 of this chapter within five (5)
47 days after notice is given, the trustee shall cause the detrimental plants

1 to be destroyed in a manner seeming most practical to the trustee
 2 within three (3) additional days. The trustee may hire a person to
 3 destroy the detrimental plants. The trustee or the person employed to
 4 destroy the detrimental plants may enter upon the real estate where the
 5 detrimental plants are growing to destroy the detrimental plants, and
 6 are not civilly or criminally liable for damage to crops, livestock, or
 7 other property occurring while carrying out such work, except for gross
 8 negligence or willful or wanton destruction.

9 (c) If the county has established a county weed control board under
 10 IC 15-3-4.6, the township trustee may notify the county weed control
 11 board of the real estate containing detrimental plants, and the board
 12 shall either assume jurisdiction to control the detrimental plants or
 13 decline jurisdiction and refer the matter back to the township trustee.
 14 The county weed control board shall notify the township trustee of the
 15 board's decision.

16 (d) Notice required in subsection (a) or (b) may be given:

17 (1) by mail, using certified mail; or

18 (2) by personal service.

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

21 (1) if sent by mail, on the earlier of:

22 (A) the date of signature of receipt of the mailing; or

23 (B) three (3) business days after the date of mailing; or

24 (2) if served personally, on the date of delivery.

25 SECTION 35. IC 15-3-4-3 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. (a) The
 27 township trustee may pay for the chemicals, work, and labor performed
 28 in cutting or destroying detrimental plants under this chapter at a rate
 29 per hour to be fixed by the township trustee commensurate with local
 30 hourly wages.

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

37 (c) When the work has been performed, the person doing the work
 38 shall file an itemized bill for the work ~~in the office of~~ **with** the trustee,
 39 ~~of the township;~~ and when the bill has been approved the trustee shall
 40 pay the bill out of the ~~township~~ fund. The trustee of the township shall
 41 certify the cost or expense of the work and the cost of the chemicals,
 42 adding to such bill twenty dollars (\$20) per day for each day that the
 43 trustee or the trustee's agent supervises the performance of the services
 44 required under this chapter as compensation for services, with a
 45 description of the real estate on which the labor was performed.

46 (d) The certified statement of costs prepared under subsection (c)
 47 shall be mailed using certificate of mailing to, or personally served on,

1 the owner or person possessing the real estate. The certified statement
 2 shall be mailed to the auditor of state for any real estate owned by the
 3 state or to the fiscal officer of another municipality (as defined in
 4 IC 5-11-1-16) for real estate owned by the municipality. The statement
 5 shall request that the person pay the cost of performing the service
 6 under subsection (c) to the township trustee.

7 (e) If the owner or person in possession of the property does not pay
 8 the amount set forth in the statement within ten (10) days after
 9 receiving the notice under subsection (d), the township trustee shall file
 10 a copy of the certified statement in the office of the county auditor of
 11 the county where the real estate is located **or, if the township is**
 12 **consolidated under IC 36-6-1.1, the office of the city controller.**

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

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

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

22 **(1) the township legislative body** shall act under IC 36-6-6-14(b)
 23 **or IC 36-6-6-15, in the case of a township:**

24 **(A) in a county not having a consolidated city; or**

25 **(B) that did not consolidate under IC 36-6-1.1; or**

26 **(2) the corporation shall act under IC 16-22-8, in the case of**
 27 **a township that consolidated under IC 36-6-1.1;**

28 to borrow a sum of money sufficient to meet the emergency.

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

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

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

42 (l) This subsection applies to real estate that is exempt from
 43 property taxation. The owner of the tax exempt real estate shall pay the
 44 amount set forth in the certified statement of costs for the tax exempt
 45 real estate. If the owner of the tax exempt real estate fails to pay the
 46 amount required by this chapter, the owner is ineligible for the property
 47 tax exemption and the department of local government finance shall

1 deny the property tax exemption for the real estate.
 2 SECTION 36. IC 15-3-4-4 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. Except as
 4 provided in section 3 of this chapter, the county auditor **or, if a**
 5 **township consolidated under IC 36-6-1.1, the city controller**, upon
 6 receiving and filing such trustee's certificate as prescribed in this
 7 chapter, shall immediately place said amounts on the tax duplicate of
 8 the county and such amounts shall be due at the next tax paying time,
 9 and shall be collected for the proper township, or townships, **or for the**
 10 **corporation** the same as other state, county, or township taxes are
 11 collected, including penalties, forfeitures, and sales, and when so
 12 collected shall be paid to the proper trustee and placed in the ~~township~~
 13 fund.

14 SECTION 37. IC 15-3-4-5 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. (a) A person
 16 who:

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

33 commits a Class C infraction. Each day this section is violated
 34 constitutes a separate infraction.

35 (b) All judgments collected under this section shall be paid to the
 36 trustee and placed in the ~~trustee's township funds~~ **fund** for use at the
 37 discretion of the trustee.

38 SECTION 38. IC 15-3-4-7 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. When the
 40 annual budget is prepared, a sufficient amount shall be appropriated to
 41 enable the township ~~officials~~ **trustee** to comply with this chapter.

42 SECTION 39. IC 15-3-4-8 IS AMENDED TO READ AS
 43 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 8. (a) The Purdue
 44 University cooperative extension service shall provide technical
 45 assistance to township trustees for the control of detrimental plants.

46 (b) All law enforcement agencies having jurisdiction in a township
 47 **or consolidated city** shall assist the township trustee in carrying out

1 the duties imposed on the trustee under this chapter.

2 SECTION 40. IC 15-3-4.6-3 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. The weed
4 control board consists of the following members to be appointed by the
5 authorizing body:

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

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

34 SECTION 41. IC 16-18-2-80 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 80. "Corporation",
36 for purposes of IC 16-22-8, **IC 16-41-19**, IC 16-42-5, and IC 16-42-5.2,
37 means the health and hospital corporation created under IC 16-22-8.

38 SECTION 42. IC 16-41-19-1.5 IS ADDED TO THE INDIANA
39 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
40 [EFFECTIVE JANUARY 1, 2011]: **Sec. 1.5. As used in this chapter,**
41 **"consolidated township" means a consolidated township**
42 **established under IC 36-6-1.1.**

43 SECTION 43. IC 16-41-19-7, AS AMENDED BY P.L.73-2005,
44 SECTION 169, IS AMENDED TO READ AS FOLLOWS
45 [EFFECTIVE JANUARY 1, 2011]: Sec. 7. (a) Except as provided in
46 subsection (b), all costs that are incurred in furnishing biologicals
47 under this chapter, IC 12-20-16-2(c)(13), or IC 12-20-16-14 shall be

- 1 paid by:
- 2 (1) the appropriate county, city, or town against which the
- 3 application form is issued from general funds; and
- 4 (2) the appropriate township **or corporation, in the case of a**
- 5 **consolidated township** against which the application form is
- 6 issued from funds in the township assistance fund;
- 7 not otherwise appropriated without appropriations.
- 8 (b) A township **or the corporation, in the case of a consolidated**
- 9 **township**, is not responsible for paying for biologicals as provided in
- 10 subsection (a)(2) if the township trustee, **in the case of a township, or**
- 11 **the corporation in the case of a consolidated township**, has evidence
- 12 that the individual has the financial ability to pay for the biologicals.
- 13 (c) After being presented with a legal claim for insulin being
- 14 furnished to the same individual a second time, a township trustee, **in**
- 15 **the case of a township, or corporation, in the case of a consolidated**
- 16 **township**, may require the individual to complete and file a standard
- 17 application for township assistance in order to investigate the financial
- 18 condition of the individual claiming to be indigent. The trustee, **in the**
- 19 **case of a township, or corporation, in the case of a consolidated**
- 20 **township**, shall immediately notify the individual's physician that:
- 21 (1) the financial ability of the individual claiming to be indigent
- 22 is in question; and
- 23 (2) a standard application for township assistance must be filed
- 24 with the township **or corporation**.
- 25 The township **or corporation** shall continue to furnish insulin under
- 26 this section until the township trustee, **in the case of a township, or**
- 27 **corporation in the case of a consolidated township**, completes an
- 28 investigation and makes a determination as to the individual's financial
- 29 ability to pay for insulin.
- 30 (d) For purposes of this section, the township **or corporation** shall
- 31 consider an adult individual needing insulin as an individual and not as
- 32 a member of a household requesting township assistance.
- 33 SECTION 44. IC 16-22-8-5.5 IS ADDED TO THE INDIANA
- 34 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 35 [EFFECTIVE JANUARY 1, 2011]: **Sec. 5.5. As used in this chapter,**
- 36 **"consolidated township" means a consolidated township**
- 37 **established under IC 36-6-1.1.**
- 38 SECTION 45. IC 16-22-8-28, AS AMENDED BY P.L.184-2005,
- 39 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 JANUARY 1, 2011]: Sec. 28. (a) The board shall create the following:
- 41 (1) A division of public health.
- 42 (2) A division of public hospitals.
- 43 (3) Other divisions the board considers necessary.
- 44 (b) The division of public health shall serve as the county health
- 45 department with powers and duties conferred by law upon local
- 46 departments of health.
- 47 (c) The division of public hospitals shall operate the corporation's

1 hospitals, medical facilities, and mental health facilities.

2 **(d) The division of township assistance is established as a**
 3 **division of the corporation. The division of township assistance**
 4 **shall administer IC 12-20 and IC 12-30-4 with respect to the**
 5 **consolidated township.**

6 SECTION 46. IC 16-22-8-32.5 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JANUARY 1, 2011]: **Sec. 32.5. The director of the**
 9 **division of township assistance established under section 28 of this**
 10 **chapter shall administer township assistance under IC 12-20 and**
 11 **IC 12-30-4 for the consolidated township. The director shall**
 12 **supervise the division of township assistance under the jurisdiction**
 13 **of the corporation and perform the duties prescribed by the board.**

14 SECTION 47. IC 16-22-8-34, AS AMENDED BY P.L.88-2006,
 15 SECTION 5, AND AS AMENDED BY P.L.145-2006, SECTION 133,
 16 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JANUARY 1, 2011]: Sec. 34. (a) The board or
 18 corporation may do all acts necessary or reasonably incident to carrying
 19 out the purposes of this chapter, including the following:

20 (1) As a municipal corporation, sue and be sued in any court with
 21 jurisdiction.

22 (2) To serve as the exclusive local board of health and local
 23 department of health within the county with the powers and duties
 24 conferred by law upon local boards of health and local
 25 departments of health.

26 (3) To adopt and enforce ordinances consistent with Indiana law
 27 and administrative rules for the following purposes:

28 (A) To protect property owned or managed by the corporation.

29 (B) To determine, prevent, and abate public health nuisances.

30 (C) To establish quarantine regulations, impose restrictions on
 31 persons having infectious or contagious diseases and contacts
 32 of the persons, and regulate the disinfection of premises.

33 (D) To license, regulate, and establish minimum sanitary
 34 standards for the operation of a business handling, producing,
 35 processing, preparing, manufacturing, packing, storing,
 36 selling, distributing, or transporting articles used for food,
 37 drink, confectionery, or condiment in the interest of the public
 38 health.

39 (E) To control:

40 (i) rodents, mosquitos, and other animals, including insects,
 41 capable of transmitting microorganisms and disease to
 42 humans and other animals; and

43 (ii) the ~~animal's~~ **animals'** breeding places.

44 (F) To require persons to connect to available sewer systems
 45 and to regulate the disposal of domestic or sanitary sewage by
 46 private methods. However, the board and corporation have no
 47 jurisdiction over publicly owned or financed sewer systems or

- 1 sanitation and disposal plants.
- 2 (G) To control rabies.
- 3 (H) For the sanitary regulation of water supplies for domestic
4 use.
- 5 (I) To protect, promote, or improve public health. For public
6 health activities and to enforce public health laws, the state
7 health data center described in IC 16-19-10 shall provide
8 health data, medical information, and epidemiological
9 information to the corporation.
- 10 (J) To detect, report, prevent, and control disease affecting
11 public health.
- 12 (K) To investigate and diagnose health problems and health
13 hazards.
- 14 (L) To regulate the sanitary and structural conditions of
15 residential and nonresidential buildings and unsafe premises.
- 16 (M) To license and regulate the design, construction, and
17 operation of public pools, spas, and beaches.
- 18 (N) To regulate the storage, containment, handling, use, and
19 disposal of hazardous materials.
- 20 (O) To license and regulate tattoo parlors and body piercing
21 facilities.
- 22 (4) To manage the corporation's hospitals, medical facilities, and
23 mental health facilities.
- 24 (5) To furnish health and nursing services to elementary and
25 secondary schools within the county.
- 26 (6) To furnish medical care to the indigent within the county
27 unless medical care is furnished to the indigent by the division of
28 family ~~and children~~ resources.
- 29 (7) To determine the public health policies and programs to be
30 carried out and administered by the corporation.
- 31 (8) To adopt an annual budget ordinance and levy taxes.
- 32 (9) To incur indebtedness in the name of the corporation.
- 33 (10) To organize the personnel and functions of the corporation
34 into divisions and subdivisions to carry out the corporation's
35 powers and duties and to consolidate, divide, or abolish the
36 divisions and subdivisions.
- 37 (11) To acquire and dispose of property.
- 38 (12) To receive *charitable contributions* and ~~make~~ gifts as
39 *provided in 26 U.S.C. 170.*
- 40 (13) *To make charitable contributions and gifts.*
- 41 (14) *To establish a charitable foundation as provided in 26*
42 *U.S.C. 501.*
- 43 ~~(13)~~ (15) To receive and distribute federal, state, local, or private
44 grants.
- 45 (16) *To receive and distribute grants from charitable foundations.*
- 46 (17) *To establish nonprofit corporations to carry out the purposes*
47 *of the corporation.*

- 1 ~~(14)~~ (18) To erect buildings or structures or improvements to
 2 existing buildings or structures.
 3 ~~(15)~~ (19) To determine matters of policy regarding internal
 4 organization and operating procedures.
 5 ~~(16)~~ (20) To do the following:
 6 (A) Adopt a schedule of reasonable charges for nonresidents
 7 of the county for medical and mental health services.
 8 (B) Collect the charges from the patient or from the
 9 governmental unit where the patient resided at the time of the
 10 service.
 11 (C) Require security for the payment of the charges.
 12 ~~(17)~~ (21) To adopt a schedule of and to collect reasonable charges
 13 for patients able to pay in full or in part.
 14 ~~(18)~~ (22) To enforce Indiana laws, administrative rules, and the
 15 code of the health and hospital corporation of the county.
 16 ~~(19)~~ (23) To purchase supplies, materials, and equipment for the
 17 corporation.
 18 ~~(20)~~ (24) To employ personnel and establish personnel policies to
 19 carry out the duties, functions, and powers of the corporation.
 20 ~~(21)~~ (25) To employ attorneys admitted to practice law in Indiana.
 21 ~~(22)~~ (26) To acquire, erect, equip, and operate the corporation's
 22 hospitals, medical facilities, and mental health facilities.
 23 ~~(23)~~ (27) To dispose of surplus property in accordance with a
 24 policy by the board.
 25 ~~(24)~~ (28) To determine the duties of officers and division
 26 directors.
 27 ~~(25)~~ (29) To fix the compensation of the officers and division
 28 directors.
 29 ~~(26)~~ (30) To carry out the purposes and object of the corporation.
 30 ~~(27)~~ (31) To obtain loans for hospital expenses in amounts and
 31 upon terms agreeable to the board. The board may secure the
 32 loans by pledging accounts receivable or other security in hospital
 33 funds.
 34 ~~(28)~~ (32) To establish fees for licenses, services, and records. The
 35 corporation may accept payment by credit card for fees.
 36 **(33) To administer township assistance for the consolidated**
 37 **township.**
 38 **(34) To provide and maintain cemeteries under IC 23-14 for**
 39 **the consolidated township.**
 40 **(35) To destroy detrimental plants, noxious weeds, and rank**
 41 **vegetation under IC 15-3-4 for the consolidated township.**
 42 (b) The board shall exercise the board's powers and duties in a
 43 manner consistent with Indiana law, administrative rules, and the code
 44 of the health and hospital corporation of the county.
 45 SECTION 48. IC 16-22-8-37 IS AMENDED TO READ AS
 46 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 37. **(a) Except as**
 47 **provided in subsection (b),** the powers, authority, and duties conferred

1 on the corporation and the corporation's officers and employees under
 2 this chapter extend throughout the county and may extend outside the
 3 county on terms and conditions the board prescribes that are consistent
 4 with this chapter.

5 **(b) The powers, authority, and duties conferred on the**
 6 **corporation and the corporation's officers and employees under**
 7 **this chapter with regard to the powers under section 34(a)(33)**
 8 **through 34(a)(35) of this chapter extend throughout the**
 9 **consolidated township and may not extend outside the county.**

10 SECTION 49. IC 16-22-8-43 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 43. (a) The board
 12 may issue general obligation bonds of the corporation to procure funds
 13 to pay the cost of acquiring real property or constructing, enlarging,
 14 improving, remodeling, repairing, or equipping buildings and other
 15 structures for use as or in connection with hospitals, clinics, health
 16 centers, dispensaries, **the provision of township assistance**, or for
 17 administrative purposes. The issuance of the bonds shall be authorized
 18 by ordinance of the board providing for the amount, terms, and tenor
 19 of the bonds, for the time and character of notice, and the mode of
 20 making the sale. The bonds shall be payable not more than forty (40)
 21 years after the date of issuance and shall be executed in the name of the
 22 corporation by the chairman of the board and attested by the executive
 23 director, who shall affix to each of the bonds the official seal of the
 24 corporation. The interest coupons attached to the bonds may be
 25 executed by facsimile signature of the chairman of the board.

26 (b) The executive director shall manage and supervise the
 27 preparation, advertisement, and sale of bonds, subject to the provisions
 28 of the authorizing ordinance. Before the sale of the bonds, the
 29 executive director shall publish notice of the sale in accordance with
 30 IC 5-3-1, setting out the time and place where bids will be received, the
 31 amount and maturity dates of the issue, the maximum interest rate, and
 32 the terms and conditions of sale and delivery of the bonds. The bonds
 33 shall be sold to the highest and best bidder. After the bonds have been
 34 sold and executed, the executive director shall deliver the bonds to the
 35 treasurer of the corporation and take the treasurer's receipt, and shall
 36 certify to the treasurer the amount that the purchaser is to pay, together
 37 with the name and address of the purchaser. On payment of the
 38 purchase price, the treasurer shall deliver the bonds to the purchaser,
 39 and the treasurer and executive director shall report the actions to the
 40 board.

41 (c) IC 5-1 and IC 6-1.1-20 apply to the following proceedings:

- 42 (1) Notice and filing of the petition requesting the issuance of the
- 43 bonds.
- 44 (2) Notice of determination to issue bonds.
- 45 (3) Notice of hearing on the appropriation of the proceeds of the
- 46 bonds and the right of taxpayers to appeal and be heard.
- 47 (4) Approval by the department of local government finance.

- 1 (5) The right to remonstrate.
 2 (6) Sale of bonds at public sale for not less than the par value.
 3 (d) The bonds are the direct general obligations of the corporation
 4 and are payable out of unlimited ad valorem taxes levied and collected
 5 on all the taxable property within the county of the corporation. All
 6 officials and bodies having to do with the levying of taxes for the
 7 corporation shall see that sufficient levies are made to meet the
 8 principal and interest on the bonds at the time fixed for payment.
 9 (e) The bonds are exempt from taxation for all purposes but the
 10 interest is subject to the adjusted gross income tax.

11 SECTION 50. IC 23-14-33-7.5 IS ADDED TO THE INDIANA
 12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 13 [EFFECTIVE JANUARY 1, 2011]: **Sec. 7.5. "Cemetery fund" means**
 14 **the:**

- 15 (1) **township fund for a township:**
 16 (A) **in a county not having a consolidated city; or**
 17 (B) **that did not consolidate under IC 36-6-1.1; or**
 18 (2) **cemetery fund for a township that consolidated under**
 19 **IC 36-6-1.1.**

20 SECTION 51. IC 23-14-33-13.5 IS ADDED TO THE INDIANA
 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JANUARY 1, 2011]: **Sec. 13.5. "Corporation" means**
 23 **the health and hospital corporation established under IC 16-22-8.**

24 SECTION 52. IC 23-14-33-32.5 IS ADDED TO THE INDIANA
 25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JANUARY 1, 2011]: **Sec. 32.5. "Township" means:**

- 27 (1) **a township:**
 28 (A) **in a county not having a consolidated city; or**
 29 (B) **that did not consolidate under IC 36-6-1.1; or**
 30 (2) **the corporation for a township that consolidated under**
 31 **IC 36-6-1.1.**

32 SECTION 53. IC 23-14-33-32.6 IS ADDED TO THE INDIANA
 33 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JANUARY 1, 2011]: **Sec. 32.6. "Township trustee" or**
 35 **"trustee" means:**

- 36 (1) **a township trustee for a township:**
 37 (A) **in a county not having a consolidated city; or**
 38 (B) **that did not consolidate under IC 36-6-1.1; or**
 39 (2) **the corporation for a township that consolidated under**
 40 **IC 36-6-1.1.**

41 SECTION 54. IC 23-14-64-4 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 4.** All expenses
 43 incurred by the trustee in administering this chapter shall be paid out
 44 of the ~~township cemetery~~ fund of the township.

45 SECTION 55. IC 23-14-68-4 IS AMENDED TO READ AS
 46 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 4.** (a) The
 47 township shall appropriate enough money to provide for the care,

1 repair, and maintenance of each cemetery described in section 1(a) of
 2 this chapter that is located within the township. Funds shall be
 3 appropriated under this subsection in the same manner as other
 4 ~~township~~ appropriations.

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

9 SECTION 56. IC 23-14-69-5 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. (a) If:

11 (1) no land suitable for a public cemetery is donated to a
 12 township; and

13 (2) ~~if~~ the township legislative body adopts a resolution approving
 14 the purchase;

15 the township ~~executive~~ may purchase land for the purpose of
 16 establishing a public cemetery.

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

20 SECTION 57. IC 23-14-69-9 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 9. All expenses
 22 incurred by the township trustee for administering this chapter shall be
 23 paid out of the ~~township cemetery~~ fund of the township.

24 SECTION 58. IC 32-26-4-2 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) The trustee
 26 of each township, the county highway superintendent, the Indiana
 27 department of transportation, or other officer in control of the
 28 maintenance of a highway shall between January 1 and April 1 of each
 29 year, examine all hedges, live fences, natural growths along highways,
 30 and other obstructions described in section 1 of this chapter in their
 31 respective jurisdictions. **However, if a township consolidated under**
 32 **IC 36-6-1.1, the duties and obligations of a township trustee under**
 33 **this chapter are the responsibility of the corporation.** If there are
 34 hedges, live fences, other growths, or obstructions along the highways
 35 that have not been cut, trimmed down, and maintained in accordance
 36 with this chapter, the owner shall be given written notice to cut or trim
 37 the hedge or live fence and to burn the brush trimmed from the hedge
 38 or live fence and remove any other obstructions or growths.

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

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

1 post office address.

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

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

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

12 (e) The township trustee, **corporation**, county highway
13 superintendent, or Indiana department of transportation having charge
14 of the work performed under subsection (d) shall prepare an itemized
15 statement of the total cost of the work of removing the obstructions or
16 growths and shall sign and certify the statement to the county auditor
17 of the county in which the land is located. The county auditor shall
18 place the statement on the tax duplicates. The county treasurer shall
19 collect the costs entered on the duplicates at the same time and in the
20 same manner as road taxes are collected. The treasurer may not issue
21 a receipt for road taxes unless the costs entered on the duplicates are
22 paid in full at the same time the road taxes are paid. If the costs are not
23 paid when due, the costs shall become delinquent, bear the same
24 interest, be subject to the same penalties, and be collected at the same
25 time and in the same manner as other unpaid and delinquent taxes.

26 SECTION 59. IC 32-26-9-0.6 IS ADDED TO THE INDIANA
27 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
28 [EFFECTIVE JANUARY 1, 2011]: **Sec. 0.6. As used in this chapter,**
29 **"township" means:**

- 30 (1) **a township:**
31 (A) **not in a county having a consolidated city; or**
32 (B) **that did not consolidate under IC 36-6-1.1; or**
33 (2) **the consolidated city for a township that consolidated**
34 **under IC 36-6-1.1.**

35 SECTION 60. IC 32-26-9-0.7 IS ADDED TO THE INDIANA
36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
37 [EFFECTIVE JANUARY 1, 2011]: **Sec. 0.7. As used in this chapter,**
38 **"township trustee" or "trustee" means:**

- 39 (1) **a township trustee for a township:**
40 (A) **not in a county having a consolidated city; or**
41 (B) **that did not consolidate under IC 36-6-1.1; or**
42 (2) **the consolidated city for a township that consolidated**
43 **under IC 36-6-1.1.**

44 SECTION 61. IC 32-26-9-3 IS AMENDED TO READ AS
45 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 3. (a)** A partition
46 fence shall be built, rebuilt, and kept in repair at the cost of the property
47 owners whose properties are enclosed or separated by the fences

1 proportionately according to the number of rods or proportion of the
 2 fence the property owner owns along the line of the fence, whether the
 3 property owner's title is a fee simple or a life estate.

4 (b) If a property owner fails or refuses to compensate for building,
 5 rebuilding, or repairing the property owner's portion of a partition
 6 fence, another property owner who is interested in the fence, after
 7 having built, rebuilt, or repaired the property owner's portion of the
 8 fence, shall give to the defaulting property owner or the defaulting
 9 property owner's agent or tenant twenty (20) days notice to build,
 10 rebuild, or repair the defaulting property owner's portion of the fence.
 11 If the defaulting property owner or the defaulting property owner's
 12 agent or tenant fails to build, rebuild, or repair the fence within twenty
 13 (20) days, the complaining property owner shall notify the township
 14 trustee of the township in which the properties are located of the
 15 default.

16 (c) This subsection applies if the fence sought to be established,
 17 rebuilt, or repaired is on a township line. Unless disqualified under
 18 subsection (h), the complaining property owner shall notify the trustee
 19 of the township in which the property of the complaining property
 20 owner is located of the default under subsection (b), and the trustee has
 21 jurisdiction in the matter.

22 (d) The township trustee who receives a complaint under this
 23 section shall:

- 24 (1) estimate the costs for building, rebuilding, or repairing the
- 25 partition fence; and
- 26 (2) within a reasonable time after receiving the complaint, make
- 27 out a statement and notify the defaulting property owner of the
- 28 probable cost of building, rebuilding, or repairing the fence.

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

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

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

- 41 (1) A straight board and wire fence, a straight wire fence, a
- 42 straight board fence, or a picket fence four (4) feet high.
- 43 (2) A straight rail fence four and one-half (4 1/2) feet high.
- 44 (3) A worm rail fence five (5) feet high.

45 (g) This subsection applies if a ditch or creek crosses the division
 46 line between two (2) property owners, causing additional expense in
 47 the maintenance of the part over the stream. If the property owners

1 cannot agree upon the proportionate share of each property owner, the
 2 township trustee shall appoint three (3) disinterested citizens who shall
 3 apportion the partition fence to be built by each property owner.

4 (h) If a township trustee is:

5 (1) related to any of the interested property owners; or

6 (2) an interested property owner;

7 ~~the trustee of any other township who resides nearest to where the~~
 8 ~~fence is located shall township shall appoint another official to act~~
 9 under this chapter.

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

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

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

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

45 (m) This subsection applies if either or both of the property owners
 46 fail to construct or compensate for constructing the structure
 47 determined upon by the arbitrators in the proportion determined within

1 thirty (30) days after the determination. The township trustee shall
 2 proceed at once to construct the gate or structure and collect the cost
 3 of the gate or structure, including the compensation of the arbitrators,
 4 from the defaulting property owner in the same manner as is provided
 5 for ordinary partition fences. The floodgate or other structure shall be
 6 repaired, rebuilt, or replaced according to the determination of the
 7 arbitrators.

8 SECTION 62. IC 33-23-11-7 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. (a) As used in
 10 this chapter, "judge" means a judge of the court of appeals, the tax
 11 court, ~~or~~ a circuit, superior, county, ~~small claims~~; or probate court, **or**
 12 **a small claims judge (as defined in IC 33-33-49-5.2).**

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

18 SECTION 63. IC 33-23-12-2 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) As used in
 20 this chapter, "court employee" means a person employed by any of the
 21 following:

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

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

36 SECTION 64. IC 33-30-2-1, AS AMENDED BY P.L.237-2005,
 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JANUARY 1, 2011]: Sec. 1. (a) A county court is established in the
 39 following counties:

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

42 (b) However, a county court listed in subsection (a) is abolished if:

- 43 (1) IC 33-33 provides a small claims docket of the circuit court;
- 44 **or**
- 45 (2) IC 33-33 provides a small claims docket of the superior court;
- 46 **or**
- 47 ~~(3) IC 33-34 provides a small claims court;~~

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

2 SECTION 65. IC 33-33-49-5.1 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JANUARY 1, 2011]: **Sec. 5.1. (a) As used in this**
5 **chapter, "judge" means a person elected under section 13 of this**
6 **chapter.**

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

8 SECTION 66. IC 33-33-49-5.2 IS ADDED TO THE INDIANA
9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JANUARY 1, 2011]: **Sec. 5.2. As used in this chapter,**
11 **"small claims judge" means a person elected under:**

12 **(1) section 13.1 of this chapter; or**

13 **(2) IC 33-34-2-1 (before its repeal).**

14 SECTION 67. IC 33-33-49-6, AS AMENDED BY P.L.80-2006,
15 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2007]: **Sec. 6. (a) There is established a superior court in**
17 **Marion County. The court consists of:**

18 **(1) thirty-five (35) superior court judges beginning January 1,**
19 **2007, and ending December 31, 2008; and**

20 **(2) thirty-six (36) superior court judges beginning January 1,**
21 **2009.**

22 **The court also consists of nine (9) small claims judges beginning**
23 **January 1, 2011.**

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

27 **(1) a resident of Marion County; and**

28 **(2) an attorney who has been admitted to the bar of Indiana for at**
29 **least five (5) years.**

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

32 **(d) During the term of office:**

33 **(1) a judge of the court must remain a resident of Marion County;**
34 **and**

35 **(2) a small claims judge must remain a resident of:**

36 **(A) Marion County; and**

37 **(B) the township from which the small claims judge was**
38 **elected.**

39 SECTION 68. IC 33-33-49-9 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 9. (a) Except as**
41 **provided in subsection (b), the court has the following jurisdiction:**

42 **(1) Concurrent and coextensive jurisdiction with the Marion**
43 **circuit court in all cases and upon all subject matters, including**
44 **civil, criminal, juvenile, probate, and statutory cases and matters,**
45 **whether original or appellate.**

46 **(2) Original and exclusive jurisdiction in all matters pertaining to**
47 **the following:**

- 1 (A) The probate and settlement of decedents' estates, trusts,
2 and guardianships.
- 3 (B) The probate of wills.
- 4 (C) Proceedings to resist the probate of wills.
- 5 (D) Proceedings to contest wills.
- 6 (E) The appointment of guardians, assignees, executors,
7 administrators, and trustees.
- 8 (F) The administration and settlement of:
- 9 (i) estates of protected persons (as defined in IC 29-3-1-13)
10 and deceased persons;
- 11 (ii) trusts, assignments, adoptions, and surviving
12 partnerships; and
- 13 (iii) all other probate matters.
- 14 (3) Original jurisdiction of all violations of Indiana law.
15 Whenever jurisdiction is by law conferred on a small claims
16 court, the court has the appellate jurisdiction provided by law.
- 17 (4) Original and exclusive juvenile jurisdiction.
- 18 **(b) The small claims division of the court established in section**
19 **14(c)(5) of this chapter has the following jurisdiction:**
- 20 **(1) The small claims division of the court has original and**
21 **concurrent jurisdiction with the court and the Marion circuit**
22 **court in all civil cases founded on contract or tort in which the**
23 **debt or damage claimed does not exceed six thousand dollars**
24 **(\$6,000), not including interest or attorney's fees.**
- 25 **(2) The small claims division of the court has original and**
26 **concurrent jurisdiction with the court and the Marion circuit**
27 **court in possessory actions between landlord and tenant in**
28 **which the past due rent at the time of filing does not exceed**
29 **six thousand dollars (\$6,000), not including interest or**
30 **attorney's fees.**
- 31 **(3) The small claims division of the court has original and**
32 **concurrent jurisdiction with the court and the Marion circuit**
33 **court in actions for the possession of property where the value**
34 **of the property sought to be recovered does not exceed six**
35 **thousand dollars (\$6,000), not including interest or attorney's**
36 **fees.**
- 37 **(4) The small claims division of the court has original and**
38 **concurrent jurisdiction with the court and the Marion circuit**
39 **court in emergency possessory actions between a landlord and**
40 **tenant under IC 32-31-6.**
- 41 **(5) The small claims division of the court does not have**
42 **jurisdiction in the following:**
- 43 **(A) Actions seeking injunctive relief or involving partition**
44 **of real estate.**
- 45 **(B) Actions to declare or enforce a lien, except as provided**
46 **in section 20.5 of this chapter.**
- 47 **(C) Actions in which the appointment of a receiver is**

1 **asked.**

2 **(D) Suits for dissolution or annulment of marriage.**

3 SECTION 69. IC 33-33-49-10 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 10. **(a) Except as**
5 **provided in subsection (b),** the court is a court of record. The court's
6 judgments, decrees, orders, and proceedings have the same effect and
7 shall be enforced in the same manner as those of the circuit court.

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

10 SECTION 70. IC 33-33-49-11 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 11. (a) The court
12 may adopt rules for conducting the business of the court. Except as
13 provided in subsection (b), in all matters action of the court may only
14 be taken by a vote of a majority of the judges sitting at the time the vote
15 is taken.

16 (b) Action of the court to remove the presiding judge or either
17 associate presiding judge may only be taken by a vote of two-thirds
18 (2/3) of the judges sitting at the time the vote is taken.

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

26 SECTION 71. IC 33-33-49-12 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 12. **A judge of**
28 **the court may do the following:**

- 29 (1) Grant restraining orders and injunctions.
30 (2) Issue writs of habeas corpus.
31 (3) Appoint receivers, masters, and commissioners to:
32 (A) convey real property;
33 (B) grant commissions for the examination of witnesses; and
34 (C) appoint other officers necessary to transact the business of
35 the court.

36 SECTION 72. IC 33-33-49-13.1 IS ADDED TO THE INDIANA
37 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
38 [EFFECTIVE JANUARY 1, 2011]: **Sec. 13.1. (a) A small claims**
39 **judge shall be elected for a term of four (4) years that begins**
40 **January 1 after the year of the small claims judge's election and**
41 **continues through December 31 in the fourth year. The small**
42 **claims judge shall hold office for the four (4) year term or until the**
43 **small claims judge's successor is elected and qualified.**

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

47 SECTION 73. IC 33-33-49-13.2 IS ADDED TO THE INDIANA

1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JANUARY 1, 2011]: **Sec. 13.2. (a) A small claims**
 3 **judge serving part time may participate in other gainful**
 4 **employment if the employment does not:**

5 (1) **interfere with the exercise of the small claims judge's**
 6 **judicial office; or**

7 (2) **involve any conflict of interest in the performance of the**
 8 **small claims judge's judicial duties.**

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

12 (1) **cause the small claims judge to be unduly absent from the**
 13 **court; or**

14 (2) **interfere with the ready and prompt disposal of the small**
 15 **claims judge's judicial duties.**

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

21 (d) **A vacation of one (1) month per year shall be provided for**
 22 **a full-time small claims judge. The executive committee may**
 23 **authorize the appointment of a small claims judge pro tempore to**
 24 **handle the judicial business of the vacationing small claims judge**
 25 **if the executive committee considers it necessary.**

26 SECTION 74. IC 33-33-49-13.3 IS ADDED TO THE INDIANA
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE JANUARY 1, 2011]: **Sec. 13.3. A small claims judge**
 29 **shall:**

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

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

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

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

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

39 SECTION 75. IC 33-33-49-13.4 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JANUARY 1, 2011]: **Sec. 13.4. (a) If a small claims**
 42 **judge is unable to preside over the small claims judge's division of**
 43 **the small claims court during any number of days, the small claims**
 44 **judge may appoint in writing a person qualified to be a small**
 45 **claims judge under section 6(c) of this chapter to preside in place**
 46 **of the small claims judge.**

47 (b) **The written appointment shall be entered on the order book**
 48 **or record of the superior court. The appointee shall, after taking**

1 the oath prescribed for the small claims judges, conduct the
2 business of the division subject to the same rules and regulations as
3 small claims judges and has the same authority during the
4 continuance of the appointee's appointment.

5 (c) The appointee is entitled to the same compensation from the
6 county auditor as accruable to the small claims judge in whose
7 place the appointee is serving.

8 SECTION 76. IC 33-33-49-13.5 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JANUARY 1, 2011]: **Sec. 13.5. (a) A small claims
11 judge absent from the bench for more than thirty (30) days shall
12 deposit the dockets, books, and papers of the office with:**

- 13 (1) the small claims judge of another township division; or
14 (2) the executive committee of the court;

15 as directed by the presiding judge.

16 (b) A:

- 17 (1) small claims judge with whom the docket of another small
18 claims judge is deposited during a vacancy or an absence; and
19 (2) successor of any small claims judge who has the dockets of
20 the successor's predecessor in the successor's possession;

21 may perform all duties that the small claims judge might do legally
22 in relation to the small claims judge's own dockets.

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

25 SECTION 77. IC 33-33-49-14, AS AMENDED BY P.L.80-2006,
26 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JANUARY 1, 2011]: **Sec. 14. (a) Not more than thirty (30) days after
28 taking the oath of office, the judges shall meet and designate four (4)
29 of the judges as the executive committee for administrative purposes.
30 The executive committee shall be selected by a vote of two-thirds (2/3)
31 of the judges sitting at the time the vote is taken. If all vacancies cannot
32 be filled by a two-thirds (2/3) vote, vacancies may be filled by such
33 other method as provided by court rule. The executive committee is
34 responsible for the operation and conduct of the court. A member of the
35 executive committee shall serve in the capacity provided by rules
36 adopted by the court under section 11 of this chapter. A member of the
37 executive committee serves for a term of two (2) years beginning on
38 the date of the member's election. Except for the rotation of the
39 presiding judge as provided in subsection (b), any or all of the members
40 elected to the executive committee may be reelected. Of the four (4)
41 judges elected to the executive committee, not more than two (2) may
42 be members of the same political party.**

43 (b) One (1) of the four (4) judges elected to the executive committee
44 shall be elected as presiding judge and three (3) of the four (4) judges
45 elected to the executive committee shall be elected as associate
46 presiding judges. Beginning with the election of the executive
47 committee in 2007, a presiding judge may not be elected from the same

1 political party as the presiding judge who served the previous term.
2 Each judge who is a member of the executive committee has an equal
3 vote in all matters pertaining to the business of the court when an
4 action requires a majority vote. If a tie vote occurs, the presiding judge
5 shall cast the tiebreaking vote. Any action taken by the executive
6 committee may be overruled by a vote of two-thirds (2/3) of all the
7 judges sitting at the time the vote is taken. The physical reassignment
8 of a judge to a different courtroom requires a unanimous vote of the
9 executive committee. The executive committee shall assign cases,
10 offices, and courtrooms for trial judges or reassignment of newly filed
11 cases in the interests of the speedy, economical, and uniform
12 disposition of cases. All matters of trial dates, continuances, and
13 subpoenas used for trial shall be determined by the trial judge in
14 accordance with rules of the superior court. The executive committee
15 shall perform other duties as determined by rules of the court.

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

- 18 (1) Civil.
- 19 (2) Criminal.
- 20 (3) Probate.
- 21 (4) Juvenile.

22 **(5) Small claims.**

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

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

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

- 38 **(1) according to a simplified procedure; and**
- 39 **(2) in the spirit of sections 20.1 and 20.3 of this chapter.**

40 **(g) The executive committee of the court, assisted by the small**
41 **claims judges, may establish a regular hourly schedule for the**
42 **performance of duties by full-time and part-time small claims**
43 **judges. A small claims judge shall maintain the schedule. If the**
44 **executive committee of the court does not establish a regular**
45 **hourly schedule, the small claims judge shall perform the small**
46 **claims judge's duties at regular, reasonable hours. Regardless of**
47 **whether a regular hourly schedule has been established under this**

1 subsection, a small claims judge shall hold sessions in addition to
 2 the small claims judge's regular schedule when the business of the
 3 small claims judge's court requires.

4 SECTION 78. IC 33-33-49-14.1 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JANUARY 1, 2011]: **Sec. 14.1. The small claims**
 7 **division of the court is composed of township divisions. The name**
 8 **of each township division shall be the " _____ Township of Marion**
 9 **County Small Claims Division".**

10 SECTION 79. IC 33-33-49-14.2 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE JANUARY 1, 2011]: **Sec. 14.2. (a) The voters of each**
 13 **township having a small claims division of the court shall elect a**
 14 **small claims constable at the general election every four (4) years**
 15 **for a term of office of four (4) years, beginning January 1 after**
 16 **election and continuing until a successor is elected and qualified.**
 17 **The ballot must state the:**

- 18 (1) name of the candidate; and
- 19 (2) division of the court for which the candidate is to serve.

20 (b) Each township small claims division of the court shall have
 21 a constable who:

- 22 (1) acts as the bailiff;
- 23 (2) serves the division's personal service of process;
- 24 (3) has police powers to:
 - 25 (A) make arrests;
 - 26 (B) keep the peace; and
 - 27 (C) carry out the orders of the court;
- 28 (4) meets the qualifications prescribed by IC 3-8-1-31;
- 29 (5) is compensated for each process that is delivered to effect
 30 personal service when serving as the bailiff;
- 31 (6) is responsible for:
 - 32 (A) the preparation and mailing of all registered or
 33 certified service and is compensated for each process
 34 served by mail; and
 - 35 (B) all the official acts of the deputies;
- 36 (7) is compensated solely from the service of process fees
 37 collected under IC 33-37-4-6.5; and
- 38 (8) may require a deputy to give a bond for the proper
 39 discharge of the deputy's duties for an amount fixed by the
 40 constable.

41 (c) The elected constable may appoint full-time and part-time
 42 deputies for assistance in the performance of official duties who:

- 43 (1) perform all the official duties required to be performed by
 44 the constable;
- 45 (2) possess the same statutory and common law powers and
 46 authority as the constable;
- 47 (3) must take the same oath required of the constable;
- 48 (4) are compensated solely from the service of process fees

1 collected under IC 33-37-4-6.5; and

2 (5) serve at the pleasure of the constable and may be
3 dismissed at any time with or without cause.

4 (d) If there is an:

5 (1) emergency; or

6 (2) inability of a constable to carry out the constable's duties;
7 the small claims judge may appoint a special constable to carry out
8 the duties of the constable during the emergency or inability.

9 SECTION 80. IC 33-33-49-15 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 15. (a) The
11 executive committee, with the approval of two-thirds (2/3) of the
12 judges, shall determine the number of hearing judges, commissioners,
13 referees, bail commissioners, court reporters, probation officers, and
14 other personnel required to efficiently serve the court. The salaries of
15 the personnel shall be fixed and paid as provided by law.

16 (b) The administrative officers shall perform the duties prescribed
17 by the executive committee and shall operate under the jurisdiction of
18 the executive committee and serve at the pleasure of the executive
19 committee.

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

36 SECTION 81. IC 33-33-49-17 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 17. (a) **Except as
38 provided in subsection (b),** the court shall hold sessions in:

39 (1) the city-county building in Indianapolis; and

40 (2) other places in Marion County as the court determines.

41 (b) The city-county council shall:

42 (1) provide and maintain in the building and at other places in
43 Marion County as the court may determine suitable and
44 convenient courtrooms for the holding of the court, suitable and
45 convenient jury rooms, and offices for the judges, other court
46 officers and personnel, and other facilities as are necessary; ~~and~~

47 (2) provide all necessary furniture and equipment for rooms and

1 offices of the court;

2 **(3) determine whether each of the township divisions of the**
 3 **small claims division of the court shall be a full-time or**
 4 **part-time division; and**

5 **(4) determine where each of the township divisions of the**
 6 **small claims division of the court shall hold sessions.**

7 SECTION 82. IC 33-33-49-19 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 19. The court
 9 shall maintain a single order book for each division or room of the
 10 court that may be signed on behalf of the court by the judge **or small**
 11 **claims judge** of that division or room of the court. The signature of the
 12 judge **or small claims judge** authenticates the actions of the court.

13 SECTION 83. IC 33-33-49-20 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 20. **Except as**
 15 **otherwise provided in this chapter concerning the small claims**
 16 **division of the court**, all laws of Indiana and rules adopted by the
 17 supreme court governing the circuit court in matters of pleadings,
 18 practice, the issuing and service of process, the giving of notice, the
 19 appointing of judges pro tempore and special judges, changes of venue
 20 from the judge and from the county, adjournments by the court and by
 21 the clerk in the absence of the judge, and the selection of jurors for the
 22 court apply to and govern the court.

23 SECTION 84. IC 33-33-49-20.1 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JANUARY 1, 2011]: **Sec. 20.1. A simplified procedure**
 26 **applies to and governs the small claims division of the court. The**
 27 **simplified procedure shall be established by rule to enable any**
 28 **person, including the state, to:**

29 **(1) file the necessary papers; and**

30 **(2) present the person's case in court;**

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

33 SECTION 85. IC 33-33-49-20.2 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JANUARY 1, 2011]: **Sec. 20.2. (a) Upon the filing of**
 36 **a complaint in the small claims division of the court, service of**
 37 **original process shall be attempted by personal service of the**
 38 **summons and complaint on the defendant, which may include**
 39 **leaving a copy of the service at the last known place of residence of**
 40 **the party if the process server properly describes on the return the**
 41 **residence, noting any of its unique features, and mailing by first**
 42 **class a copy of the service without charge to the party at the same**
 43 **last known place of residence.**

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

47 **(c) Subsequent service of process, other than that originally**

1 served upon filing of the complaint, may be made by registered or
 2 certified mail or another manner authorized by the Indiana Rules
 3 of Civil Procedure.

4 SECTION 86. IC 33-33-49-20.3 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JANUARY 1, 2011]: **Sec. 20.3. (a) A trial in the small
 7 claims division of the court:**

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

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

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

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

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

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

31 SECTION 87. IC 33-33-49-20.4 IS ADDED TO THE INDIANA
 32 CODE AS A NEW SECTION TO READ AS FOLLOWS
 33 [EFFECTIVE JANUARY 1, 2011]: **Sec. 20.4. (a) Except for a claim
 34 between landlord and tenant, a case within the jurisdiction of a
 35 township small claims division may be:**

36 (1) venued;

37 (2) commenced; and

38 (3) decided;

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

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

48 (1) In an action upon a debt or an account, venue is in the

- 1 township where any defendant has consented to venue in a
 2 writing signed by the defendant.
- 3 (2) Venue is in the township where a transaction or
 4 occurrence giving rise to any part of the claim took place.
- 5 (3) Venue is in the township (in a county of the small claims
 6 division) where the greater percentage of individual
 7 defendants included in the complaint resides or, if there is not
 8 a greater percentage, the place where any individual named
 9 as a defendant:
- 10 (A) resides;
 11 (B) owns real estate; or
 12 (C) rents an apartment or real estate or where the
 13 principal office or place of business of any defendant is
 14 located.
- 15 (4) Venue is in the township where the claim was filed if there
 16 is no other township in the county in which the small claims
 17 division sits in which required venue lies.
- 18 (c) Venue of any claim between landlord and tenant must be in
 19 the township where the real estate is located.
- 20 (d) If a written motion challenging venue is received by the
 21 township small claims division, the township small claims division
 22 shall rule whether required venue lies in the township of filing.
- 23 SECTION 88. IC 33-33-49-20.5 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JANUARY 1, 2011]: **Sec. 20.5. (a) If the small claims
 26 judgment or order is against the defendant, the defendant shall pay
 27 the judgment at any time and upon terms and conditions as the
 28 small claims judge orders.**
- 29 (b) If the small claims judge orders that the judgment be paid
 30 in specified installments, the small claims judge may stay the
 31 issuance of execution and other supplementary process during the
 32 period of compliance with the order.
- 33 (c) A stay ordered under subsection (b) may be modified or
 34 vacated by the small claims division of the court.
- 35 (d) All small claims judgments rendered in civil actions may be
 36 recorded in the judgment docket book of the proper township
 37 small claims division of the court.
- 38 (e) A judgment entered by a small claims judge is a lien on real
 39 estate when entered in the circuit court judgment docket in the
 40 same manner as a judgment in a court of general jurisdiction
 41 becomes a lien on real estate under IC 34-55-9.
- 42 (f) The judgments of the small claims division of the court shall
 43 be entered and properly indexed in the name of the judgment
 44 defendant as judgments of the general jurisdiction of the court are
 45 entered and indexed.

46 SECTION 89. IC 33-33-49-22 IS AMENDED TO READ AS
 47 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 22. (a) A party
 48 may appeal an order or a judgment of the court in any case where an**

1 appeal may be had from a similar order or judgment of the circuit court.

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

9 SECTION 90. IC 33-33-49-24 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 24. **(a)** The judge
 11 of the Marion circuit court may, with the consent of the court acting
 12 through the superior court presiding judge under rules adopted by the
 13 court, transfer any action, cause, or proceeding filed and docketed in
 14 the circuit court to the court by transferring all original papers and
 15 instruments filed in that action, cause, or proceeding without further
 16 transcript to be redocketed and disposed of as if originally filed with
 17 the court.

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

20 **(1) the small claims division of the court has jurisdiction of the**
 21 **cause concurrent with the circuit court; and**

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

23 SECTION 91. IC 33-33-49-25.1 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JANUARY 1, 2011]: **Sec. 25.1. (a) A judge of the court**
 26 **may order a cause filed in the general jurisdiction of the court to**
 27 **be transferred to the small claims division of the court if:**

28 **(1) the small claims division of the court has jurisdiction of the**
 29 **cause concurrent with the general jurisdiction of the court;**
 30 **and**

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

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

34 SECTION 92. IC 33-33-49-26 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 26. The judge of
 36 the Marion circuit court may sit as a judge **or small claims judge** of
 37 the court, with the court's permission, in all matters pending before the
 38 court, without limitation and without any further order, in the same
 39 manner as a judge of the court with all the rights and powers of an
 40 elected judge **or small claims judge** of the court.

41 SECTION 93. IC 33-33-49-26.1 IS ADDED TO THE INDIANA
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS
 43 [EFFECTIVE JANUARY 1, 2011]: **Sec. 26.1. (a) A judge of the court**
 44 **may sit as a special small claims judge in the small claims division**
 45 **of the court.**

46 **(b) Except for mileage and travel expenses, a judge serving as a**
 47 **special small claims judge under this section may not receive**

1 **compensation in addition to the salary provided under this article.**

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

4 **(1) at the direction of or with the approval of the presiding**
5 **judge; and**

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

7 SECTION 94. IC 33-33-49-27 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 27. Each judge
9 **and small claims judge**, before entering upon the duties of office, shall
10 take and subscribe the following oath or affirmation:

11 "I solemnly swear (or affirm) that I will support the Constitution
12 of the United States and the Constitution of the State of Indiana
13 and that I will faithfully discharge the duties of (judge **or small**
14 **claims judge**) of the superior court of Marion County to the best
15 of my ability."

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

17 SECTION 95. IC 33-33-49-30 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 30. (a) A judge
19 remains qualified to hold office as long as the judge:

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

21 (2) maintains a high standard of morality in dealings, public and
22 private;

23 (3) remains physically and mentally capable of performing all the
24 functions and duties of the office of judge; and

25 (4) continues to reside in Marion County.

26 **(b) A small claims judge remains qualified to hold office as long**
27 **as the small claims judge meets the requirements of subsection (a)**
28 **and:**

29 **(1) continues to reside in the township from which the small**
30 **claims judge was elected; or**

31 **(2) was elected as a small claims judge in the township before**
32 **January 1, 1999.**

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

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

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

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

45 **(A) serves the balance of the term of the vacating judge; The**
46 **successor judge must be and**

47 **(B) is a member of the same political party as the judge who**

1 is to be succeeded; **and**
 2 **(2) small claims judges of the court by death, removal,**
 3 **retirement, or any other reason, the vacancy shall be filled**
 4 **under IC 3-13-10.**

5 SECTION 96. IC 33-33-49-34 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 34. (a) The clerk
 7 of the superior court shall furnish the following:

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

11 (2) All books, papers, stationery, furniture, and other equipment
 12 and supplies necessary for keeping the records of the proceedings
 13 in all rooms **and divisions** of the superior court and for the
 14 transaction of all business of the court.

15 (3) Necessary computerization of court records.

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

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

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

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

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

32 SECTION 97. IC 33-37-3-6 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 6. **(a) Except as**
 34 **provided in subsection (b),** court costs fees under this chapter include
 35 service of process by certified mail, unless service by the sheriff is
 36 requested by the person who institutes the action.

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

39 SECTION 98. IC 33-37-4-4, AS AMENDED BY P.L.174-2006,
 40 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JANUARY 1, 2011]: Sec. 4. (a) The clerk shall collect a civil costs fee
 42 of one hundred dollars (\$100) from a party filing a civil action. This
 43 subsection does not apply to the following civil actions:

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

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

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

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

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

4 ~~(6)~~ (5) Proceedings in actions described in section 7 of this
5 chapter.

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

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

11 (2) A support and maintenance fee (IC 33-37-5-6).

12 (3) A document storage fee (IC 33-37-5-20).

13 (4) An automated record keeping fee (IC 33-37-5-21).

14 (5) A public defense administration fee (IC 33-37-5-21.2).

15 (6) A judicial insurance adjustment fee (IC 33-37-5-25).

16 (7) A judicial salaries fee (IC 33-37-5-26).

17 (8) A court administration fee (IC 33-37-5-27).

18 (9) A service fee (IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)).

19 (10) A garnishee service fee (IC 33-37-5-28(b)(3) or
20 IC 33-37-5-28(b)(4)).

21 SECTION 99. IC 33-37-4-6, AS AMENDED BY P.L.174-2006,
22 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JANUARY 1, 2011]: Sec. 6. (a) **Except as provided in section 6.5 of**
24 **this chapter**, for each small claims action, the clerk shall collect the
25 following fees:

26 (1) From the party filing the action:

27 (A) a small claims costs fee of thirty-five dollars (\$35);

28 (B) a small claims service fee of ten dollars (\$10) for each
29 named defendant that is not a garnishee defendant; and

30 (C) if the party has named more than three (3) garnishees or
31 garnishee defendants, a small claims garnishee service fee of
32 ten dollars (\$10) for each garnishee or garnishee defendant in
33 excess of three (3).

34 (2) From any party adding a defendant that is not a garnishee
35 defendant, a small claims service fee of ten dollars (\$10) for each
36 defendant that is not a garnishee defendant added in the action.

37 (3) From any party adding a garnishee or garnishee defendant, a
38 small claims garnishee service fee of ten dollars (\$10) for each
39 garnishee or garnishee defendant added to the action. However,
40 a clerk may not collect a small claims garnishee service fee for the
41 first three (3) garnishees named in the action.

42 However, a clerk may not collect a small claims costs fee, small claims
43 service fee, or small claims garnishee service fee for a small claims
44 action filed by or on behalf of the attorney general.

45 (b) In addition to a small claims costs fee, small claims service fee,
46 and small claims garnishee service fee collected under this section, the
47 clerk shall collect the following fees, if they are required under

1 IC 33-37-5:

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

10 SECTION 100. IC 33-37-4-6.5 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JANUARY 1, 2011]: **Sec. 6.5. (a) For each small**
13 **claims action filed under the jurisdiction of IC 33-33-49-9(b), the**
14 **clerk shall collect from the party filing the action the following**
15 **fees:**

- 16 (1) **A township docket fee of five dollars (\$5) plus forty-five**
17 **percent (45%) of the infraction or ordinance violation costs**
18 **fee under IC 33-37-4-2.**
19 (2) **The bailiff's service of process by registered or certified**
20 **mail fee of thirteen dollars (\$13) for each service.**
21 (3) **The cost for the personal service of process by the bailiff**
22 **or other process server of thirteen dollars (\$13) for each**
23 **service.**
24 (4) **Witness fees, if any, in the amount provided by**
25 **IC 33-37-10-3 to be taxed and charged in the circuit court.**
26 (5) **A redocketing fee, if any, of five dollars (\$5).**
27 (6) **A document storage fee under IC 33-37-5-20.**
28 (7) **An automated record keeping fee under IC 33-37-5-21.**
29 (8) **A late fee, if any, under IC 33-37-5-22.**
30 (9) **A public defense administration fee under IC 33-37-5-21.2.**

31 **The docket fee and the cost for the initial service of process shall be**
32 **paid at the institution of a case. The cost of service after the initial**
33 **service shall be assessed and paid after service has been made. The**
34 **cost of witness fees shall be paid before the witnesses are called.**

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

38 SECTION 101. IC 33-37-5-21.2, AS AMENDED BY P.L.1-2006,
39 SECTION 509, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JANUARY 1, 2011]: Sec. 21.2. (a) This subsection does
41 not apply to the following:

- 42 (1) A criminal proceeding.
43 (2) A proceeding to enforce a statute defining an infraction.
44 (3) A proceeding for an ordinance violation.

45 In each action filed in a court described in IC 33-37-1-1 and in each
46 small claims action in a ~~court described in IC 33-34,~~ **division**
47 **established under IC 33-33-49-14(c)(5),** the clerk shall collect a

- 1 public defense administration fee of three dollars (\$3).
- 2 (b) In each action in which a person is:
- 3 (1) convicted of an offense;
- 4 (2) required to pay a pretrial diversion fee;
- 5 (3) found to have committed an infraction; or
- 6 (4) found to have violated an ordinance;
- 7 the clerk shall collect a public defense administration fee of three
- 8 dollars (\$3).
- 9 SECTION 102. IC 33-37-5-22 IS AMENDED TO READ AS
- 10 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 22. (a) Except as
- 11 provided in subsection (e), this section applies to an action if all the
- 12 following apply:
- 13 (1) The defendant is found, in a court that has a local court rule
- 14 imposing a late payment fee under this section, to have:
- 15 (A) committed a crime;
- 16 (B) violated a statute defining an infraction;
- 17 (C) violated an ordinance of a municipal corporation; or
- 18 (D) committed a delinquent act.
- 19 (2) The defendant is required to pay:
- 20 (A) court costs, including fees;
- 21 (B) a fine; or
- 22 (C) a civil penalty.
- 23 (3) The defendant is not determined by the court imposing the
- 24 court costs, fine, or civil penalty to be indigent.
- 25 (4) The defendant fails to pay to the clerk the costs, fine, or civil
- 26 penalty in full before the later of the following:
- 27 (A) The end of the business day on which the court enters the
- 28 conviction or judgment.
- 29 (B) The end of the period specified in a payment schedule set
- 30 for the payment of court costs, fines, and civil penalties under
- 31 rules adopted for the operation of the court.
- 32 (b) A court may adopt a local rule to impose a late payment fee
- 33 under this section on defendants described in subsection (a).
- 34 (c) Subject to subsection (d), the clerk of a court that adopts a local
- 35 rule imposing a late payment fee under this section shall collect a late
- 36 payment fee of twenty-five dollars (\$25) from a defendant described in
- 37 subsection (a).
- 38 (d) Notwithstanding IC 33-37-2-2, a court may suspend a late
- 39 payment fee if the court finds that the defendant has demonstrated good
- 40 cause for failure to make a timely payment of court costs, a fine, or a
- 41 civil penalty.
- 42 (e) A plaintiff or defendant in ~~an~~ a **small claims** action under
- 43 ~~IC 33-34~~ **IC 33-33-49** shall pay a late fee of twenty-five dollars (\$25)
- 44 if the plaintiff or defendant:
- 45 (1) is required to pay court fees or costs under ~~IC 33-34-8-1;~~
- 46 **IC 33-37-4-6.5;**
- 47 (2) is not determined by the court imposing the court costs to be

- 1 indigent; and
 2 (3) fails to pay the costs in full before the later of the following:
 3 (A) The end of the business day on which the court enters the
 4 judgment.
 5 (B) The end of the period specified in a payment schedule set
 6 for the payment of court costs under rules adopted for the
 7 operation of the court.

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

11 SECTION 103. IC 33-37-5-26, AS ADDED BY P.L.176-2005,
 12 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JANUARY 1, 2011]: Sec. 26. (a) This subsection does not apply to the
 14 following:

- 15 (1) A criminal proceeding.
 16 (2) A proceeding for an infraction violation.
 17 (3) A proceeding for an ordinance violation.
 18 (4) A small claims action.

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

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

- 26 (c) In each action in which a person is:
 27 (1) convicted of an offense;
 28 (2) required to pay a pretrial diversion fee;
 29 (3) found to have violated an infraction; or
 30 (4) found to have violated an ordinance;

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

- 33 (d) Beginning:
 34 (1) after June 30, 2005, and ending before July 1 of the first state
 35 fiscal year after June 30, 2006, in which salaries are increased
 36 under IC 33-38-5-8.1, the judicial salaries fee to which this
 37 subsection applies is fifteen dollars (\$15);
 38 (2) after June 30 immediately preceding the first state fiscal year
 39 in which salaries are increased under IC 33-38-5-8.1 and ending
 40 before July 1 of the second state fiscal year after June 30, 2006,
 41 in which salaries are increased under IC 33-38-5-8.1, the judicial
 42 salaries fee to which this subsection applies is sixteen dollars
 43 (\$16);
 44 (3) after June 30 immediately preceding the second state fiscal
 45 year in which salaries are increased under IC 33-38-5-8.1 and
 46 ending before July 1 of the third state fiscal year after June 30,
 47 2006, in which salaries are increased under IC 33-38-5-8.1, the

- 1 judicial salaries fee to which this subsection applies is seventeen
2 dollars (\$17);
- 3 (4) after June 30 immediately preceding the third state fiscal year
4 in which salaries are increased under IC 33-38-5-8.1 and ending
5 before July 1 of the fourth state fiscal year after June 30, 2006, in
6 which salaries are increased under IC 33-38-5-8.1, the judicial
7 salaries fee to which this subsection applies is eighteen dollars
8 (\$18);
- 9 (5) after June 30 immediately preceding the fourth state fiscal
10 year in which salaries are increased under IC 33-38-5-8.1 and
11 ending before July 1 of the fifth state fiscal year after June 30,
12 2006, in which salaries are increased under IC 33-38-5-8.1, the
13 judicial salaries fee to which this subsection applies is nineteen
14 dollars (\$19); and
- 15 (6) after June 30 immediately preceding the fifth state fiscal year
16 in which salaries are increased under IC 33-38-5-8.1, the judicial
17 salaries fee to which this subsection applies is twenty dollars
18 (\$20).
- 19 (e) Beginning:
- 20 (1) after June 30, 2005, and ending before July 1 of the first state
21 fiscal year after June 30, 2006, in which salaries are increased
22 under IC 33-38-5-8.1, the judicial salaries fee to which this
23 subsection applies is ten dollars (\$10);
- 24 (2) after June 30 immediately preceding the first state fiscal year
25 in which salaries are increased under IC 33-38-5-8.1 and ending
26 before July 1 of the second state fiscal year after June 30, 2006,
27 in which salaries are increased under IC 33-38-5-8.1, the judicial
28 salaries fee to which this subsection applies is eleven dollars
29 (\$11);
- 30 (3) after June 30 immediately preceding the second state fiscal
31 year in which salaries are increased under IC 33-38-5-8.1 and
32 ending before July 1 of the third state fiscal year after June 30,
33 2006, in which salaries are increased under IC 33-38-5-8.1, the
34 judicial salaries fee to which this subsection applies is twelve
35 dollars (\$12);
- 36 (4) after June 30 immediately preceding the third state fiscal year
37 in which salaries are increased under IC 33-38-5-8.1 and ending
38 before July 1 of the fourth state fiscal year after June 30, 2006, in
39 which salaries are increased under IC 33-38-5-8.1, the judicial
40 salaries fee to which this subsection applies is thirteen dollars
41 (\$13);
- 42 (5) after June 30 immediately preceding the fourth state fiscal
43 year in which salaries are increased under IC 33-38-5-8.1 and
44 ending before July 1 of the fifth state fiscal year after June 30,
45 2006, in which salaries are increased under IC 33-38-5-8.1, the
46 judicial salaries fee to which this subsection applies is fourteen
47 dollars (\$14); and

1 (6) after June 30 immediately preceding the fifth state fiscal year
 2 in which salaries are increased under IC 33-38-5-8.1, the judicial
 3 salaries fee to which this subsection applies is fifteen dollars
 4 (\$15).

5 SECTION 104. IC 33-37-5-27, AS AMENDED BY P.L.80-2006,
 6 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2011]: Sec. 27. (a) This subsection does not apply to the
 8 following:

- 9 (1) A criminal proceeding.
- 10 (2) A proceeding to enforce a statute defining an infraction.
- 11 (3) A proceeding for an ordinance violation.

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

16 (b) In each action in which a person is:

- 17 (1) convicted of an offense;
- 18 (2) required to pay a pretrial diversion fee;
- 19 (3) found to have committed an infraction; or
- 20 (4) found to have violated an ordinance;

21 the clerk shall collect a court administration fee of three dollars (\$3).

22 SECTION 105. IC 33-37-7-4.5 IS ADDED TO THE INDIANA
 23 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 24 **[EFFECTIVE JANUARY 1, 2011]: Sec. 4.5. The clerk of a circuit**
 25 **court in a county having a consolidated city shall forward to the**
 26 **controller of the consolidated city one hundred percent (100%) of**
 27 **the fees collected under the following:**

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

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

35 SECTION 106. IC 33-38-5-6, AS AMENDED BY P.L.159-2005,
 36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JANUARY 1, 2011]: Sec. 6. (a) The annual salary of each full-time
 38 judge of a circuit, superior, municipal, county, or probate court is one
 39 hundred ten thousand five hundred dollars (\$110,500), as adjusted after
 40 June 30, 2006, under section 8.1 of this chapter, paid by the state. In
 41 addition, a judge under this section may receive any additional salary
 42 provided by the county under IC 36-2-5-14 or IC 36-3-6-3(c). The state
 43 shall deposit quarterly the money received from the counties under
 44 subsection (c) for additional salary in the state general fund.

45 (b) Before November 2 of each year, the county auditor of each
 46 county shall certify to the division of state court administration the
 47 amounts, if any, to be provided by the county during the ensuing

- 1 calendar year for judges' salaries under IC 36-2-5-14 or IC 36-3-6-3(c).
- 2 (c) When making each payment under subsection (a), the county
3 shall determine for each judge whether the total of:
4 (1) the payment made on behalf of that judge;
5 (2) previous payments made on behalf of that judge in the same
6 calendar year; and
7 (3) the state share of the judge's salary under subsection (a);
8 exceeds the Social Security wage base established by the federal
9 government for that year. If the total does not exceed the Social
10 Security wage base, the payment on behalf of that judge must also be
11 accompanied by an amount equal to the employer's share of Social
12 Security taxes and Medicare taxes. If the total exceeds the Social
13 Security wage base, the part of the payment on behalf of the judge that
14 is below the Social Security wage base must be accompanied by an
15 amount equal to the employer's share of Social Security taxes and
16 Medicare taxes, and the part of the payment on behalf of the judge that
17 exceeds the Social Security wage base must be accompanied by an
18 amount equal to the employer's share of Medicare taxes. Payments
19 made under this subsection shall be deposited in the state general fund
20 under subsection (a).
- 21 (d) For purposes of determining the amount of life insurance
22 premiums to be paid by a judge who participates in a life insurance
23 program that:
24 (1) is established by the state;
25 (2) applies to a judge who is covered by this section; and
26 (3) bases the amount of premiums to be paid by the judge on the
27 amount of the judge's salary;
28 the judge's salary does not include any amounts paid to the state by a
29 county under subsection (a).
- 30 **(e) This section does not apply to a small claims judge (as**
31 **defined in IC 33-33-49-5.2).**
- 32 SECTION 107. IC 33-38-5-6.1 IS ADDED TO THE INDIANA
33 CODE AS A NEW SECTION TO READ AS FOLLOWS
34 [EFFECTIVE JANUARY 1, 2011]: **Sec. 6.1. (a) This section applies**
35 **to a small claims judge (as defined in IC 33-33-49-5.2).**
- 36 **(b) The salary of a small claims judge who serves full time must**
37 **be in an amount determined by the auditor of the county and**
38 **approved by the city-county council.**
- 39 **(c) The salary of each small claims judge who serves part time**
40 **must be in an amount determined by the auditor of the county and**
41 **approved by the city-county council.**
- 42 **(d) The salary of a small claims judge may not be reduced**
43 **during the small claims judge's term of office. At any other time,**
44 **the salary of any full-time or part-time small claims judge may be**
45 **increased or decreased by the auditor with the approval of the**
46 **city-county council.**
- 47 **(e) The annual salary of a small claims judge shall be paid in**

1 twelve (12) equal monthly installments by the county.

2 (f) A small claims judge may not receive remuneration other
3 than a salary set under this section for the performance of the
4 small claims judge's official duties except payments for performing
5 marriage ceremonies.

6 SECTION 108. IC 33-38-6-7 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. (a) As used in
8 this chapter, "judge" means a person who serves or has served as a
9 regular judge or justice of one (1) or more of the following courts:

- 10 (1) Supreme court.
- 11 (2) Court of appeals.
- 12 (3) Indiana tax court.
- 13 (4) Circuit court of a judicial circuit.
- 14 (5) Superior court of a county.
- 15 (6) Criminal court of a county having a separate criminal court.
- 16 (7) Probate court of a county having a separate probate court.
- 17 (8) Juvenile court of a county having a separate juvenile court.
- 18 (9) Municipal court of a county.
- 19 (10) County court of a county.

20 (b) The term does not include a small claims judge (as defined
21 in IC 33-33-49-5.2).

22 SECTION 109. IC 33-38-12-3 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. As used in this
24 chapter, "judge" means an individual who holds or formerly held one
25 (1) of the following offices or appointments:

- 26 (1) Justice of the supreme court.
- 27 (2) Judge of the court of appeals.
- 28 (3) Judge of the tax court.
- 29 (4) Judge of a circuit court.
- 30 (5) Judge of a superior court.
- 31 (6) Judge of a probate court.
- 32 (7) Judge of a municipal court.
- 33 (8) Judge of a county court.
- 34 (9) Judge of a city court.
- 35 (10) Judge of a town court.
- 36 (11) ~~Small claims judge. of a small claims court.~~
- 37 (12) A judge pro tempore, senior judge, temporary judge, or any
38 other individual serving as judge in an action or a proceeding in
39 an Indiana court.
- 40 (13) Bail commissioner.
- 41 (14) Magistrate.
- 42 (15) Master commissioner.
- 43 (16) Probate commissioner.
- 44 (17) Referee.

45 SECTION 110. IC 33-38-14-4 IS AMENDED TO READ AS
46 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. As used in this
47 chapter, "judge" means:

1 (1) a judge of a superior or probate court; **and**

2 (2) **a small claims judge (as defined in IC 33-33-49-5.2).**

3 SECTION 111. IC 33-41-1-7 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. (a) This section
5 applies to the small claims ~~court division~~ established under ~~IC 33-34-~~
6 **IC 33-33-49-14(c)(5).**

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

11 SECTION 112. IC 34-30-2-58 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 58. IC 15-3-4-2
13 (Concerning township trustees, **a health and hospital corporation**
14 **established under IC 16-22-8**, or persons hired by them for the
15 removal of detrimental plants upon another person's real property).

16 SECTION 113. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006,
17 SECTION 560, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2007]: Sec. 6.1. (a) This section applies only in
19 a county containing a consolidated city. If the requirements of
20 subsection (g) are satisfied the fire ~~departments~~ **department of the**
21 **following are a township (referred to as "the consolidating**
22 **township")** is consolidated into the fire department of a consolidated
23 city (referred to as "the consolidated fire department").

24 (1) ~~A township for which the consolidation is approved by the~~
25 ~~township legislative body and trustee and the legislative body and~~
26 ~~mayor of the consolidated city.~~

27 (2) ~~Any fire protection territory established under IC 36-8-19 that~~
28 ~~is located in a township described in subdivision (1).~~

29 (b) If the requirements of subsection (g) are satisfied, the
30 consolidated fire department shall provide fire protection services
31 within ~~an~~ entity described in subsection (a)(1) or (a)(2) in which the
32 requirements of subsection (g) are satisfied **the consolidating**
33 **township** on the date agreed to in the resolution of the township
34 legislative body and the ordinance of the legislative body of the
35 consolidated city. **The ordinance may provide for a transition**
36 **period between the date of the adoption of the ordinance and the**
37 **effective date of the consolidation, which may not be later than**
38 **January 1, 2009. The ordinance may prescribe a process for the**
39 **transition.**

40 (c) If the requirements of subsection (g) are satisfied and the fire
41 department of ~~an~~ entity listed in subsection (a) **the consolidating**
42 **township** is consolidated into the fire department of the consolidated
43 city, all of the property, equipment, records, rights, and contracts of the
44 **fire** department ~~consolidated into the fire department of the~~
45 ~~consolidated city of the consolidating township~~ are:

46 (1) transferred to; or

47 (2) assumed by;

1 the consolidated city on the effective date of the consolidation.
 2 However, real property other than real property used as a fire station
 3 may be transferred only on terms mutually agreed to by the legislative
 4 body and mayor of the consolidated city and the trustee and legislative
 5 body of the township in which that real property is located.

6 (d) If the requirements of subsection (g) are satisfied and the fire
 7 department of ~~an entity listed in subsection (a)~~ **the consolidating**
 8 **township** is consolidated into the fire department of the consolidated
 9 city, the employees of the fire department ~~consolidated into the fire~~
 10 ~~department of the consolidated city~~ **consolidating township** cease
 11 employment with the **fire** department of the ~~entity listed in subsection~~
 12 ~~(a)~~ **consolidating township** and become employees of the consolidated
 13 fire department on the effective date of the consolidation. The
 14 consolidated city shall assume all agreements with labor organizations
 15 that:

- 16 (1) are in effect on the effective date of the consolidation; and
- 17 (2) apply to employees of the **fire** department ~~consolidated into~~
 18 ~~the fire department of the consolidated city of the consolidating~~
 19 **township** who become employees of the consolidated fire
 20 department.

21 (e) If the requirements of subsection (g) are satisfied and the fire
 22 department of ~~an entity listed in subsection (a)~~ **the consolidating**
 23 **township** is consolidated into the fire department of a consolidated
 24 city, the indebtedness related to fire protection services incurred before
 25 the effective date of the consolidation by the ~~entity consolidating~~
 26 **township** or a building, holding, or leasing corporation on behalf of the
 27 ~~entity whose fire department is consolidated into the consolidated fire~~
 28 ~~department under subsection (a)~~ **shall remain consolidating township**
 29 **remains** the debt of the ~~entity consolidating township~~ and does not
 30 become and may not be assumed by the consolidated city. Indebtedness
 31 related to fire protection services that is incurred by the consolidated
 32 city before the effective date of the consolidation ~~shall remain~~ **remains**
 33 ~~the debt indebtedness~~ of the consolidated city and **the consolidated**
 34 **city may levy** property taxes ~~levied~~ to pay the ~~debt may indebtedness~~
 35 ~~only be levied by~~ **in** the fire special service district **and not in the area**
 36 **of the consolidating township outside the fire special service**
 37 **district. Indebtedness related to fire protection services that is**
 38 **incurred by the consolidated city after the effective date of the**
 39 **consolidation is indebtedness of the consolidated city and the**
 40 **consolidated city may levy property taxes to pay the indebtedness**
 41 **only in the combined area of the fire special service district and**
 42 **each consolidating township outside the fire special service district.**

43 (f) If the requirements of subsection (g) are satisfied and the fire
 44 department of ~~an entity listed in subsection (a)~~ **a consolidating**
 45 **township** is consolidated into the fire department of a consolidated
 46 city, the merit board and the merit system of the fire department that is
 47 consolidated are dissolved on the effective date of the consolidation,

1 and the duties of the merit board are transferred to and assumed by the
2 merit board for the consolidated fire department on the effective date
3 of the consolidation.

4 (g) **This subsection does not apply to Center Township or a**
5 **township that fulfilled the requirements of this subsection as it**
6 **existed before July 1, 2007.** A township legislative body after
7 approval by the township trustee, may adopt a ~~shall vote on a~~
8 resolution ~~approving the consolidation of~~ **to determine whether to**
9 **consolidate** the township's fire department with the fire department of
10 the consolidated city. ~~A~~ **The resolution that is voted on by the**
11 **township legislative body must contain the following language:**

12 **"The fire department of (insert name of the township) shall be**
13 **consolidated into the Indianapolis Fire Department."**

14 **The township legislative body** ~~may adopt~~ **may vote on** a resolution
15 under this subsection only after the township legislative body has held
16 ~~a public hearing at least three (3) public hearings~~ concerning the
17 proposed consolidation. The township legislative body shall hold the
18 **first** hearing not earlier than thirty (30) days after the date the
19 resolution is introduced. The hearing shall be conducted in accordance
20 with IC 5-14-1.5 and notice of the hearing shall be published in
21 accordance with IC 5-3-1. **If at least four (4) members of the township**
22 **legislative body** ~~has adopted a resolution under this subsection~~ **vote to**
23 **adopt the resolution, the township trustee shall approve or reject**
24 **the resolution within five (5) days after the resolution is presented**
25 **to the trustee. If the trustee approves the resolution, the resolution**
26 **is adopted and the township legislative body shall forward the**
27 **resolution to the legislative body of the consolidated city. If the**
28 **township trustee rejects the resolution, either by returning it to the**
29 **legislative body with a message announcing the trustee's rejection**
30 **and reasons for the rejection or by not acting to approve or reject**
31 **the resolution within five (5) days after the resolution is presented**
32 **to the trustee, the resolution shall be considered defeated unless the**
33 **township legislative body, at its first regular or special meeting**
34 **passes the resolution over the trustee's rejection by an affirmative**
35 **vote of four (4) members of the legislative body. The township**
36 **legislative body and the township trustee must complete their**
37 **actions in the adoption or rejection of a resolution under this**
38 **subsection not later than December 31, 2007. If the resolution is**
39 **adopted,** the township legislative body shall ~~after approval from the~~
40 ~~township trustee,~~ forward the resolution to the legislative body of the
41 consolidated city. ~~If such a resolution is forwarded to the legislative~~
42 ~~body of the consolidated city and the legislative body of the~~
43 ~~consolidated city adopts an ordinance approved by the mayor of the~~
44 ~~consolidated city,~~ approving the consolidation of the fire department of
45 the township into the fire department of the consolidated city, **and the**
46 **mayor of the consolidated city approves the ordinance,** the
47 requirements of this subsection are satisfied. The consolidation shall

1 take effect **not later than January 1, 2009**, on the date agreed to by
 2 the township legislative body in its resolution and by the legislative
 3 body of the consolidated city in its ordinance approving the
 4 consolidation.

5 (h) The following apply if the requirements of subsection (g) are
 6 satisfied:

7 (1) The consolidation of the fire department of ~~that the~~
 8 **consolidating** township is effective **not later than January 1,**
 9 **2009**, on the date agreed to by the township legislative body in the
 10 resolution and by the legislative body of the consolidated city in
 11 its ordinance approving the consolidation.

12 (2) Notwithstanding any other provision, a firefighter:

13 (A) who is a member of the 1977 fund before the effective
 14 date of a consolidation under this section; and

15 (B) who, after the consolidation, becomes an employee of the
 16 fire department of a consolidated city under this section;
 17 remains a member of the 1977 fund without being required to
 18 meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The
 19 firefighter shall receive credit for any service as a member of the
 20 1977 fund before the consolidation to determine the firefighter's
 21 eligibility for benefits under IC 36-8-8.

22 (3) Notwithstanding any other provision, a firefighter:

23 (A) who is a member of the 1937 fund before the effective
 24 date of a consolidation under this section; and

25 (B) who, after the consolidation, becomes an employee of the
 26 fire department of a consolidated city under this section;
 27 remains a member of the 1937 fund. The firefighter shall receive
 28 credit for any service as a member of the 1937 fund before the
 29 consolidation to determine the firefighter's eligibility for benefits
 30 under IC 36-8-7.

31 (4) For property taxes first due and payable in the **first calendar**
 32 year ~~in which~~ **after** the consolidation is effective, the maximum
 33 permissible ad valorem property tax levy under IC 6-1.1-18.5:

34 (A) is increased for the consolidated city by an amount equal
 35 to the maximum permissible ad valorem property tax levy in
 36 the year **immediately** preceding the year in which the
 37 consolidation is effective for fire protection and related
 38 services ~~by for~~ the **consolidating** township; ~~whose fire~~
 39 ~~department is consolidated into the fire department of the~~
 40 ~~consolidated city under this section; and~~

41 (B) is reduced for the **consolidating** township ~~whose fire~~
 42 ~~department is consolidated into the fire department of the~~
 43 ~~consolidated city under this section~~ by the amount equal to the
 44 maximum permissible ad valorem property tax levy in
 45 **determined under clause (A)** for the year **immediately**
 46 preceding the year in which the consolidation is effective. ~~for~~
 47 fire protection and related services for the township.

1 (5) The amount levied in **balance on** the year preceding the year
 2 in **which date** the consolidation is effective by the township
 3 whose fire department is consolidated into the fire department of
 4 the consolidated city for in the **consolidating** township's
 5 cumulative building and equipment fund for fire protection and
 6 related services: is transferred on the effective date of the
 7 consolidation to the consolidated city's cumulative building and
 8 equipment fund for fire protection and related services; which is
 9 hereby established. The consolidated city is exempted from the
 10 requirements of IC 36-8-14 and IC 6-1.1-41 regarding
 11 establishment of the cumulative building and equipment fund for
 12 fire protection and related services:

13 (A) remains in that fund; and

14 (B) shall be used by the consolidating township to pay any
 15 indebtedness related to fire protection services incurred
 16 before the effective date of the consolidation by the
 17 consolidating township or a building, holding, or leasing
 18 corporation on behalf of the consolidating township.

19 After payments are made under clause (B), the consolidating
 20 township may use money remaining in the fund to reduce the
 21 township's general fund ad valorem property tax levy.

22 (6) The consolidating township shall transfer to the
 23 consolidated city:

24 (A) the balance on the date the consolidation is effective in
 25 the consolidating township's firefighting fund established
 26 under IC 36-8-13-4; and

27 (B) amounts received for that fund by the consolidating
 28 township during the remainder of the calendar year in
 29 which the consolidation is effective.

30 ~~(6)~~ (7) The local boards for the 1937 firefighters' pension fund
 31 and the 1977 police officers' and firefighters' pension and
 32 disability fund of the **consolidating** township are dissolved, and
 33 their services are terminated not later than the effective date of the
 34 consolidation. The duties performed by the local boards under
 35 IC 36-8-7 and IC 36-8-8, respectively, are assumed by the
 36 consolidated city's local board for the 1937 firefighters' pension
 37 fund and local board for the 1977 police officers' and firefighters'
 38 pension and disability fund, respectively. Notwithstanding any
 39 other provision, the legislative body of the consolidated city may
 40 adopt an ordinance to adjust the membership of the consolidated
 41 city's local board to reflect the consolidation.

42 ~~(7)~~ (8) The consolidated city may levy property taxes ~~within as~~
 43 **part of** the consolidated city's maximum permissible ad valorem
 44 property tax levy limit **for the following:**

45 (A) To provide for the payment of the expenses for the
 46 operation of the consolidated fire department. ~~However, The~~
 47 **consolidated city may levy property taxes under this clause**

- 1 **only in the combined area of the fire special service district**
 2 **and each consolidating township outside the fire special**
 3 **service district.**
- 4 **(B)** To fund the pension obligation under IC 36-8-7 for
 5 members of the 1937 firefighters fund who were employees of
 6 the consolidated city at the time of the consolidation. **The**
 7 **consolidated city may be levied levy property taxes under**
 8 **this clause only by in the fire special service district within the**
 9 **fire special service district. The fire special service district**
 10 **established under IC 36-3-1-6 may levy property taxes to**
 11 **provide for the payment of expenses for the operation of the**
 12 **consolidated fire department within the territory of the fire**
 13 **special service district. Property taxes and not in the**
 14 **consolidating township.**
- 15 **(C)** To fund the pension obligation under IC 36-8-8 for
 16 members of the 1977 police officers' and firefighters' pension
 17 and disability fund who were members of the fire department
 18 of the consolidated city on the effective date of the
 19 consolidation. **The consolidated city may be levied levy**
 20 **property taxes under this clause only by in the fire special**
 21 **service district within the fire special service district. Property**
 22 **taxes and not in the consolidating township.**
- 23 **(D)** To fund the pension obligation for:
- 24 **(i)** members of the 1937 firefighters fund; ~~who were not~~
 25 members of the fire department of the consolidated city on
 26 the effective date of the consolidation and
- 27 **(ii)** members of the 1977 police officers' and firefighters'
 28 pension and disability fund;
- 29 who were not members of the fire department of the
 30 consolidated city on the effective date of the consolidation.
 31 **The consolidated city may be levied by the consolidated city**
 32 **within the city's maximum permissible ad valorem levy**
 33 **property tax levy. However, these taxes may be levied taxes**
 34 **under this clause only within in the combined area of the**
 35 **fire special service district and any townships that have**
 36 **consolidated fire departments under this section. each**
 37 **consolidating township outside the fire special service**
 38 **district.**
- 39 ~~(8)~~ **(9)** The executive of the consolidated city shall provide for an
 40 independent evaluation and performance audit, due before March
 41 1 of the year in which the consolidation is effective and before
 42 March 1 in each of the following two (2) years, to determine:
- 43 **(A)** the amount of any cost savings, operational efficiencies, or
 44 improved service levels; and
- 45 **(B)** any tax shifts among taxpayers;
- 46 that result from the consolidation. The independent evaluation
 47 and performance audit must be provided to the legislative council

1 in an electronic format under IC 5-14-6 and to the state budget
2 committee.

3 SECTION 114. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005,
4 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2007]: Sec. 6.2. (a) If a ~~consolidated~~ fire department is
6 ~~established~~ **consolidated** under section 6.1 of this chapter, the
7 consolidated city, through the consolidated fire department, shall after
8 the consolidation establish, operate, and maintain emergency
9 ambulance services (as defined in IC 16-18-2-107) in the fire special
10 service district and in ~~those townships in the county that are~~
11 ~~consolidated under section 6.1 of this chapter:~~ **the applicable**
12 **township.**

13 (b) This section does not prohibit the providing of emergency
14 ambulance services **by contract or** under an interlocal agreement
15 under IC 36-1-7.

16 SECTION 115. IC 36-3-1-6.3 IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2007]: **Sec. 6.3. The consolidated fire**
19 **department may not provide fire protection services for:**

20 (1) **an excluded city; or**
21 (2) **a fire protection territory for which an excluded city is a**
22 **provider unit (as defined in IC 36-8-19-3);**
23 **unless the fire protection services are provided under an interlocal**
24 **agreement under IC 36-1-7 or by following the procedures set forth**
25 **in IC 36-1.5-5.**

26 SECTION 116. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE
27 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2007]:

29 **Chapter 1.1. Consolidation of Townships**

30 **Sec. 1. This chapter applies only to a county having a**
31 **consolidated city.**

32 **Sec. 2. Except as provided in section 3 of this chapter, if a**
33 **township and consolidated city fulfill the requirements of**
34 **IC 36-3-1-6.1(g) for the consolidation of the township fire**
35 **department into the fire department of a consolidated city after**
36 **June 30, 2007:**

37 (1) **the functions, duties, and responsibilities of the township,**
38 **township trustee, and township board concerning fire**
39 **protection services are transferred on the effective date of the**
40 **consolidation, which must be:**

41 (A) **not later than January 1, 2009; and**
42 (B) **agreed to by the township legislative body in its**
43 **resolution and by the legislative body of the consolidated**
44 **city in its ordinance approving the consolidation under**
45 **IC 36-3-1-6.1;**

46 (2) **the office of township trustee of the township is abolished**
47 **effective January 1, 2011;**

- 1 **(3) the township board of the township is abolished effective**
- 2 **January 1, 2011;**
- 3 **(4) effective January 1, 2011:**
- 4 **(A) the functions, duties, and responsibilities of the**
- 5 **township trustee under IC 36-6-4-3(7), IC 36-6-4-3(10),**
- 6 **and IC 36-6-4-3(14) are transferred to the health and**
- 7 **hospital corporation operating under IC 16-22-8; and**
- 8 **(B) the functions, duties, and responsibilities:**
- 9 **(i) of the township trustee other than the functions,**
- 10 **duties, and responsibilities under IC 36-6-4-3(7),**
- 11 **IC 36-6-4-3(9), IC 36-6-4-3(10), and IC 36-6-4-3(14); and**
- 12 **(ii) of the township board of the township;**
- 13 **are transferred to the consolidated city; and**
- 14 **(5) beginning with property taxes first due and payable in**
- 15 **2011:**
- 16 **(A) the health and hospital corporation operating under**
- 17 **IC 16-22-8 may levy property taxes only in the combined**
- 18 **area of the health and hospital corporation and each**
- 19 **township to which this section applies; and**
- 20 **(B) the consolidated city may levy property taxes only in**
- 21 **the combined area of the consolidated city and each**
- 22 **township to which this section applies.**
- 23 **Sec. 3. This section applies only to Center Township and any**
- 24 **township that fulfilled the requirements of IC 36-3-1-6.1(g) as it**
- 25 **existed before July 1, 2007. The following apply to a township**
- 26 **under this section:**
- 27 **(1) The functions, duties, and responsibilities (if any) of the**
- 28 **township, township trustee, and township board concerning**
- 29 **fire protection services are transferred on the effective date of**
- 30 **the consolidation, which must be not later than January 1,**
- 31 **2009, notwithstanding any provision in a resolution or**
- 32 **ordinance adopted under IC 36-3-1-6.1 that establishes an**
- 33 **effective date after January 1, 2009.**
- 34 **(2) Effective January 1, 2011, the office of township trustee of**
- 35 **the township is abolished.**
- 36 **(3) Effective January 1, 2011, the township board of the**
- 37 **township is abolished.**
- 38 **(4) Effective January 1, 2011:**
- 39 **(A) the functions, duties, and responsibilities of the**
- 40 **township trustee under IC 36-6-4-3(7), IC 36-6-4-3(10),**
- 41 **and IC 36-6-4-3(14) are transferred to the health and**
- 42 **hospital corporation operating under IC 16-22-8; and**
- 43 **(B) the functions, duties, and responsibilities:**
- 44 **(i) of the township trustee other than the functions,**
- 45 **duties, and responsibilities under IC 36-6-4-3(7),**
- 46 **IC 36-6-4-3(9), IC 36-6-4-3(10), and IC 36-6-4-3(14); and**
- 47 **(ii) of the township board of the township;**

1 are transferred to the consolidated city.

2 **Sec. 4.** The township assessor of each township that consolidates
3 shall continue to perform all duties prescribed by statute within the
4 township assessor's township and shall continue to be elected as set
5 forth in IC 36-6-5.

6 **Sec. 5. (a)** On the date the consolidation of the fire department
7 of the township into the fire department of the consolidated city is
8 effective, all:

- 9 (1) assets;
- 10 (2) property rights;
- 11 (3) equipment;
- 12 (4) records;
- 13 (5) personnel (except as otherwise provided by statute); and
- 14 (6) contracts;

15 connected with the fire protection service operations of the
16 township shall be transferred to the fire department of the
17 consolidated city.

18 **(b)** On January 1, 2011, all:

- 19 (1) assets;
- 20 (2) property rights;
- 21 (3) equipment;
- 22 (4) records;
- 23 (5) personnel (except as otherwise provided by statute); and
- 24 (6) contracts;

25 connected with the operations of the township other than the
26 operations of the township assessor shall be transferred to the
27 consolidated city in a manner consistent with sections 2(4) and 3(4)
28 of this chapter.

29 **Sec. 6.** Any indebtedness incurred before the effective date of
30 the consolidation by the township or a building, holding, or leasing
31 corporation on behalf of the township remains the debt of the
32 township and does not become and may not be assumed by the
33 consolidated city. Indebtedness related to fire protection services
34 that is incurred by the consolidated city before the effective date of
35 the consolidation remains the indebtedness of the consolidated city
36 and the consolidated city may levy property taxes to pay the
37 indebtedness only in the fire special service district and not in the
38 area of the township outside the fire special service district.
39 Indebtedness related to fire protection services that is incurred by
40 the consolidated city after the effective date of the consolidation is
41 indebtedness of the consolidated city and the consolidated city may
42 levy property taxes to pay the indebtedness only in the combined
43 area of the fire special service district and each township that
44 consolidates under this chapter outside the fire special service
45 district.

46 **Sec. 7.** Beginning January 1, 2011, notwithstanding any other
47 law to the contrary, the township's distributive share of any state

1 or local taxes or revenues (other than property taxes) shall be
 2 reduced to zero and shall be transferred to the consolidated city
 3 and the health and hospital corporation in a manner consistent
 4 with sections 2(4) and 3(4) of this chapter.

5 Sec. 8. (a) For property taxes first due and payable in 2011, the
 6 maximum permissible ad valorem property tax levy under
 7 IC 6-1.1-18.5 is:

8 (1) increased for the health and hospital corporation
 9 operating under IC 16-22-8 by an amount equal to the part of
 10 the maximum permissible ad valorem property tax levy of the
 11 township for property taxes first due and payable in 2010
 12 attributable to the duties of the township trustee under
 13 IC 36-6-4-3(7), IC 36-6-4-3(10), and IC 36-6-4-3(14);

14 (2) increased for the consolidated city by an amount equal to
 15 the part of the maximum permissible ad valorem property tax
 16 levy of the township for property taxes first due and payable
 17 in 2010 attributable to the duties of the township trustee
 18 under IC 36-6-4-3 other than the duties under IC 36-6-4-3(7),
 19 IC 36-6-4-3(9), IC 36-6-4-3(10), and IC 36-6-4-3(14); and

20 (3) subject to subsection (c), increased for the county by an
 21 amount equal to the part of the maximum permissible ad
 22 valorem property tax levy of the township for property taxes
 23 first due and payable in 2010 attributable to the operation of
 24 a small claims court.

25 The department of local government finance shall determine the
 26 amounts of the maximum levy increases required by this
 27 subsection.

28 (b) Beginning with property taxes first due and payable in 2011:

29 (1) the health and hospital corporation operating under
 30 IC 16-22-8 may levy property taxes only in the combined area
 31 of the health and hospital corporation and each township that
 32 consolidates under this chapter; and

33 (2) the consolidated city may levy property taxes only in the
 34 combined area of the consolidated city and each township that
 35 consolidates under this chapter.

36 (c) With the approval of the county fiscal body, the county
 37 executive may appeal under IC 6-1.1-18.5 to increase the county's
 38 maximum permissible ad valorem property tax levy under
 39 IC 6-1.1-18.5-3, as necessary, to reflect the county's assumption of
 40 the obligation to fund the small claims division. If the department
 41 of local government finance grants an appeal under this subsection,
 42 the department may increase the county's maximum permissible
 43 ad valorem property tax levy under IC 6-1.1-18.5-3 as the
 44 department determines necessary.

45 Sec. 9. (a) Before January 10, 2011, the township shall:

46 (1) transfer to the health and hospital corporation operating
 47 under IC 16-22-8 the balance as of December 31, 2010, in the

1 township's general fund attributable to the duties of the
 2 township trustee under IC 36-6-4-3(7), IC 36-6-4-3(10), and
 3 IC 36-6-4-3(14);
 4 (2) transfer to the consolidated city the balance as of
 5 December 31, 2010, in the township's general fund
 6 attributable to the duties of the township trustee under
 7 IC 36-6-4-3 other than the duties under IC 36-6-4-3(7),
 8 IC 36-6-4-3(9), IC 36-6-4-3(10), and IC 36-6-4-3(14); and
 9 (3) transfer to the county the balance as of December 31,
 10 2010, in the township's general fund attributable to the
 11 operation of a small claims court.

12 (b) The department of local government finance shall determine
 13 the amounts to be transferred under subsection (a).

14 (c) IC 36-1-8-5 does not apply to a balance referred to in
 15 subsection (a).

16 **Sec. 10. The state board of accounts shall perform an evaluation
 17 and performance audit, due before March 1, 2012, and before
 18 March 1 in each of the following two (2) years, to determine:**

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

21 (2) any tax shifts among taxpayers;

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

25 SECTION 117. IC 36-6-4-1 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter
 27 applies to ~~all townships~~. **a township:**

28 (1) **in a county not having a consolidated city; or**

29 (2) **that did not consolidate under IC 36-6-1.1.**

30 SECTION 118. IC 36-6-4-3, AS AMENDED BY P.L.1-2006,
 31 SECTION 562, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JANUARY 1, 2011]: Sec. 3. The executive shall do the
 33 following:

34 (1) Keep a written record of official proceedings.

35 (2) Manage all township property interests.

36 (3) Keep township records open for public inspection.

37 (4) Attend all meetings of the township legislative body.

38 (5) Receive and pay out township funds.

39 (6) Examine and settle all accounts and demands chargeable
 40 against the township.

41 (7) Administer township assistance under IC 12-20 and
 42 IC 12-30-4.

43 (8) Perform the duties of fence viewer under IC 32-26.

44 (9) Act as township assessor when required by IC 36-6-5.

45 (10) Provide and maintain cemeteries under IC 23-14.

46 (11) Provide fire protection under IC 36-8. ~~except in a township
 47 that:~~

- 1 (A) is located in a county having a consolidated city; and
 2 (B) consolidated the township's fire department under
 3 ~~IC 36-3-1-6.1.~~
 4 (12) File an annual personnel report under IC 5-11-13.
 5 (13) Provide and maintain township parks and community centers
 6 under IC 36-10.
 7 (14) Destroy detrimental plants, noxious weeds, and rank
 8 vegetation under IC 15-3-4.
 9 (15) Provide insulin to the poor under IC 12-20-16.
 10 (16) Perform other duties prescribed by statute.

11 SECTION 119. IC 36-6-6-1 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter
 13 applies **only to all townships: a township:**

- 14 **(1) in a county not having a consolidated city; or**
 15 **(2) that did not consolidate under IC 36-6-1.1.**

16 SECTION 120. IC 36-6-7-1 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter
 18 applies to ~~all townships:~~ **a township:**

- 19 **(1) in a county not having a consolidated city; or**
 20 **(2) that did not consolidate under IC 36-6-1.1.**

21 SECTION 121. IC 36-6-8-1 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter
 23 applies to ~~all townships:~~ **a township:**

- 24 **(1) in a county not having a consolidated city; or**
 25 **(2) that did not consolidate under IC 36-6-1.1.**

26 SECTION 122. IC 36-7-4-504.5 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 504.5. (a) In
 28 preparing or revising a comprehensive plan for a township, the
 29 legislative body of the consolidated city shall adopt an ordinance
 30 requiring the plan commission to establish an advisory committee of
 31 citizens interested in problems of planning and zoning for that
 32 township, a majority of whom shall be nominated by the township
 33 legislative body.

34 (b) An advisory committee created under subsection (a) must
 35 include a representative of the affected township legislative body as
 36 determined by procedures established in an ordinance adopted by the
 37 legislative body of the consolidated city.

38 **(c) This subsection applies to a township that consolidated under**
 39 **IC 36-6-1.1. In preparing or revising a comprehensive plan for a**
 40 **township that is part of a consolidated township established under**
 41 **IC 36-6-1.1, the legislative body of the consolidated city shall adopt**
 42 **an ordinance requiring the plan commission to establish an**
 43 **advisory committee of citizens interested in problems of planning**
 44 **and zoning for each individual township.**

45 SECTION 123. IC 36-8-8-1, AS AMENDED BY P.L.227-2005,
 46 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 47 JULY 1, 2007]: Sec. 1. This chapter applies to:

- 1 (1) full-time police officers hired or rehired after April 30, 1977,
 2 in all municipalities, or who converted their benefits under
 3 IC 19-1-17.8-7 (repealed September 1, 1981);
 4 (2) full-time fully paid firefighters hired or rehired after April 30,
 5 1977, or who converted their benefits under IC 19-1-36.5-7
 6 (repealed September 1, 1981);
 7 (3) a police matron hired or rehired after April 30, 1977, and
 8 before July 1, 1996, who is a member of a police department in a
 9 second or third class city on March 31, 1996;
 10 (4) a park ranger who:
 11 (A) completed at least the number of weeks of training at the
 12 Indiana law enforcement academy or a comparable law
 13 enforcement academy in another state that were required at the
 14 time the park ranger attended the Indiana law enforcement
 15 academy or the law enforcement academy in another state;
 16 (B) graduated from the Indiana law enforcement academy or
 17 a comparable law enforcement academy in another state; and
 18 (C) is employed by the parks department of a city having a
 19 population of more than one hundred twenty thousand
 20 (120,000) but less than one hundred fifty thousand (150,000);
 21 (5) a full-time fully paid firefighter who is covered by this chapter
 22 before the effective date of consolidation and becomes a member
 23 of the fire department of a consolidated city under IC 36-3-1-6.1;
 24 ~~provided that;~~ **however,** the firefighter's service as a member of
 25 the fire department of a consolidated city is considered active
 26 service under this chapter;
 27 (6) except as otherwise provided, a full-time fully paid firefighter
 28 who is hired or rehired after the effective date of the consolidation
 29 by a consolidated fire department established under
 30 IC 36-3-1-6.1;
 31 (7) a full-time police officer who is covered by this chapter before
 32 the effective date of consolidation and becomes a member of the
 33 consolidated law enforcement department as part of the
 34 consolidation under IC 36-3-1-5.1, provided that the officer's
 35 service as a member of the consolidated law enforcement
 36 department is considered active service under this chapter; and
 37 (8) except as otherwise provided, a full-time police officer who is
 38 hired or rehired after the effective date of the consolidation by a
 39 consolidated law enforcement department established under
 40 IC 36-3-1-5.1;

41 except as provided by section 7 of this chapter.

42 SECTION 124. IC 36-8-8-2.1 IS AMENDED TO READ AS
 43 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.1. (a) As used in this
 44 chapter, "local board" means the following:

- 45 (1) For a unit that established a 1925 fund for its police officers,
 46 the local board described in IC 36-8-6-2.
 47 (2) **Except as provided in subdivision (3),** for a unit that

1 established a 1937 fund for its firefighters, the local board
2 described in IC 36-8-7-3.

3 **(3) For a unit that established a 1937 fund for its firefighters**
4 **and consolidates its fire department into the fire department**
5 **of a consolidated city under IC 36-3-1-6.1:**

6 **(A) before the date the consolidation is effective, the local**
7 **board described in IC 36-8-7-3; and**

8 **(B) on and after the date the consolidation is effective, the**
9 **local board of the consolidated city established under**
10 **IC 36-8-7-3.**

11 ~~(3)~~ **(4)** For a consolidated city that established a 1953 fund for its
12 police officers, the local board described in IC 36-8-7.5-2.

13 ~~(4)~~ **(5)** For a unit, other than a consolidated city, that did not
14 establish a 1925 fund for its police officers or a 1937 fund for its
15 firefighters, the local board described in subsection (b) or (c).

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

21 (c) **Except as provided in subsection (d)**, if a unit did not establish
22 a 1937 fund for its firefighters, a local board shall be composed in the
23 same manner described in IC 36-8-7-3(b). However, if there is not a
24 retired member of the department, no one shall be appointed to that
25 position until such time as there is a retired member.

26 **(d) If a unit located in a county containing a consolidated city**
27 **did not establish a 1937 fund for its firefighters and consolidates its**
28 **fire department into the fire department of the consolidated city**
29 **under IC 36-3-1-6.1, the local board is:**

30 **(1) before the effective date of the consolidation, the local**
31 **board described in IC 36-8-7-3; and**

32 **(2) on and after the effective date of the consolidation, the**
33 **local board of the consolidated city established under**
34 **IC 36-8-7-3.**

35 SECTION 125. IC 36-8-8-7, AS AMENDED BY P.L.1-2006,
36 SECTION 575, IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Except as provided in
38 subsections (d), (e), (f), (g), (h), (k), (l), and (m):

39 (1) a police officer; or

40 (2) a firefighter;

41 who is less than thirty-six (36) years of age and who passes the baseline
42 statewide physical and mental examinations required under section 19
43 of this chapter shall be a member of the 1977 fund and is not a member
44 of the 1925 fund, the 1937 fund, or the 1953 fund.

45 (b) A police officer or firefighter with service before May 1, 1977,
46 who is hired or rehired after April 30, 1977, may receive credit under
47 this chapter for service as a police officer or firefighter prior to entry

1 into the 1977 fund if the employer who rehires the police officer or
 2 firefighter chooses to contribute to the 1977 fund the amount necessary
 3 to amortize the police officer's or firefighter's prior service liability over
 4 a period of not more than forty (40) years, the amount and the period
 5 to be determined by the PERF board. If the employer chooses to make
 6 the contributions, the police officer or firefighter is entitled to receive
 7 credit for the police officer's or firefighter's prior years of service
 8 without making contributions to the 1977 fund for that prior service. In
 9 no event may a police officer or firefighter receive credit for prior years
 10 of service if the police officer or firefighter is receiving a benefit or is
 11 entitled to receive a benefit in the future from any other public pension
 12 plan with respect to the prior years of service.

13 (c) Except as provided in section 18 of this chapter, a police officer
 14 or firefighter is entitled to credit for all years of service after April 30,
 15 1977, with the police or fire department of an employer covered by this
 16 chapter.

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

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

24 (e) A police officer or firefighter does not become a member of the
 25 1977 fund and is not covered by this chapter if the police officer or
 26 firefighter:

- 27 (1) was hired before May 1, 1977;
- 28 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 29 of which were repealed September 1, 1981);
- 30 (3) was rehired after April 30, 1977, but before February 1, 1979;
- 31 and
- 32 (4) was made, before February 1, 1979, a member of a 1925,
- 33 1937, or 1953 fund.

34 (f) A police officer or firefighter does not become a member of the
 35 1977 fund and is not covered by this chapter if the police officer or
 36 firefighter:

- 37 (1) was hired by the police or fire department of a unit before May
- 38 1, 1977;
- 39 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 40 of which were repealed September 1, 1981);
- 41 (3) is rehired by the police or fire department of another unit after
- 42 December 31, 1981; and
- 43 (4) is made, by the fiscal body of the other unit after December
- 44 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
- 45 unit.

46 If the police officer or firefighter is made a member of a 1925, 1937, or
 47 1953 fund, the police officer or firefighter is entitled to receive credit

1 for all the police officer's or firefighter's years of service, including
2 years before January 1, 1982.

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

6 (1) is employed by a unit that is participating in the 1977 fund;

7 (2) was employed as an emergency medical technician by a
8 political subdivision wholly or partially within the department's
9 jurisdiction;

10 (3) was a member of the public employees' retirement fund during
11 the employment described in subdivision (2); and

12 (4) ceased employment with the political subdivision and was
13 hired by the unit's fire department due to the reorganization of
14 emergency medical services within the department's jurisdiction;

15 shall participate in the 1977 fund. A firefighter who participates in the
16 1977 fund under this subsection is subject to sections 18 and 21 of this
17 chapter.

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

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

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

23 unless the executive of the unit requests that the 1977 fund accept the
24 individual in the 1977 fund and the individual previously was a
25 member of the 1977 fund.

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

29 (j) A park ranger who:

30 (1) completed at least the number of weeks of training at the
31 Indiana law enforcement academy or a comparable law
32 enforcement academy in another state that were required at the
33 time the park ranger attended the Indiana law enforcement
34 academy or the law enforcement academy in another state;

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

37 (3) is employed by the parks department of a city having a
38 population of more than one hundred twenty thousand (120,000)
39 but less than one hundred fifty thousand (150,000);

40 is a member of the fund.

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

43 (1) who is a member of the 1977 fund before a consolidation
44 under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1;

45 (2) whose employer is consolidated into the consolidated law
46 enforcement department or the fire department of a consolidated
47 city under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1; and

1 (3) who, after the consolidation, becomes an employee of the
 2 consolidated law enforcement department or the consolidated fire
 3 department under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1;
 4 is a member of the 1977 fund without meeting the requirements under
 5 sections 19 and 21 of this chapter.

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

7 (1) before a consolidation under IC 8-22-3-11.6, a police officer
 8 or firefighter provides law enforcement services or fire protection
 9 services for an entity in a consolidated city;

10 (2) the provision of those services is consolidated into the
 11 **consolidated** law enforcement department or fire department of
 12 a consolidated city **under IC 36-3-1-5.1 or IC 36-3-1-6.1**; and

13 (3) after the consolidation, the police officer or firefighter
 14 becomes an employee of the consolidated law enforcement
 15 department or the consolidated fire department under
 16 IC 8-22-3-11.6;

17 the police officer or firefighter is a member of the 1977 fund without
 18 meeting the requirements under sections 19 and 21 of this chapter.

19 (m) A police officer or firefighter who is a member of the 1977 fund
 20 under subsection (k) or (l):

21 (1) may not be:

22 (†) (A) retired for purposes of section 10 of this chapter; or

23 (‡) (B) disabled for purposes of section 12 of this chapter;

24 solely because of a change in employer under the consolidation;
 25 **and**

26 (2) **shall receive credit for all years of service as a member of**
 27 **the 1977 fund before the consolidation described in subsection**
 28 **(k) or (l).**

29 SECTION 126. IC 36-8-15-5.5 IS ADDED TO THE INDIANA
 30 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2007]: **Sec. 5.5. As used in this chapter,**
 32 **"excluded city" refers to a unit described in IC 36-3-1-7.**

33 SECTION 127. IC 36-8-15-19 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) This subsection
 35 applies to a county not having a consolidated city. For the purpose of
 36 raising money to fund the operation of the district, the county fiscal
 37 body may impose, for property taxes first due and payable during each
 38 year after the adoption of an ordinance establishing the district, an ad
 39 valorem property tax levy on property within the district. The property
 40 tax rate for that levy may not exceed five cents (\$0.05) on each one
 41 hundred dollars (\$100) of assessed valuation.

42 (b) This subsection applies to a county having a consolidated city.
 43 The county fiscal body may elect to fund the operation of the district
 44 from part of the certified distribution, if any, that the county is to
 45 receive during a particular calendar year under IC 6-3.5-6-17. To make
 46 such an election, the county fiscal body must adopt an ordinance before
 47 September 1 of the immediately preceding calendar year. The county

1 fiscal body must specify in the ordinance the amount of the certified
 2 distribution that is to be used to fund the operation of the district. **The**
 3 **ordinance must provide or be amended to provide that, upon**
 4 **submission of a claim to the chief executive officer for the district**
 5 **in the form prescribed by the state board of accounts, the district**
 6 **shall reimburse an excluded city for facility and other**
 7 **communications systems costs incurred by a public agency of the**
 8 **excluded city after December 31, 2006, that are not directly paid by**
 9 **the district. The board shall reimburse the excluded city for**
 10 **outstanding claims for facility and other communications systems**
 11 **costs incurred after December 31, 2006, and submitted to the**
 12 **district:**

13 **(1) before December 2, 2007, for costs incurred after**
 14 **December 31, 2006, and before December 1, 2007; and**

15 **(2) before December 2 in a year after 2007 for costs incurred**
 16 **in the immediately preceding twelve (12) months.**

17 If the county fiscal body adopts such an ordinance, it shall immediately
 18 send a copy of the ordinance to the county auditor.

19 (c) Subject to subsections (d), (e), and (f), if an ordinance or
 20 resolution is adopted changing the territory covered by the district or
 21 the number of public agencies served by the district, the local
 22 government tax control board shall, for property taxes first due and
 23 payable during the year after the adoption of the ordinance, adjust the
 24 maximum permissible ad valorem property tax levy limits of the
 25 district and the units participating in the district.

26 (d) If a unit by ordinance or resolution joins the district or elects to
 27 have its public safety agencies served by the district, the local
 28 government tax control board shall reduce the maximum permissible
 29 ad valorem property tax levy of the unit for property taxes first due and
 30 payable during the year after the adoption of the ordinance or
 31 resolution. The reduction shall be based on the amount budgeted by the
 32 unit for public safety communication services in the year in which the
 33 ordinance was adopted. If such an ordinance or resolution is adopted,
 34 the district shall refer its proposed budget, ad valorem property tax
 35 levy, and property tax rate for the following year to the board, which
 36 shall review and set the budget, levy, and rate as though the district
 37 were covered by IC 6-1.1-18.5-7.

38 (e) If a unit by ordinance or resolution withdraws from the district
 39 or rescinds its election to have its public safety agencies served by the
 40 district, the local government tax control board shall reduce the
 41 maximum permissible ad valorem property tax levy of the district for
 42 property taxes first due and payable during the year after the adoption
 43 of the ordinance or resolution. The reduction shall be based on the
 44 amounts being levied by the district within that unit. If such an
 45 ordinance or resolution is adopted, the unit shall refer its proposed
 46 budget, ad valorem property tax levy, and property tax rate for public
 47 safety communication services to the board, which shall review and set

1 the budget, levy, and rate as though the unit were covered by
2 IC 6-1.1-18.5-7.

3 (f) The adjustments provided for in subsections (c), (d), and (e) do
4 not apply to a district or unit located in a particular county if the county
5 fiscal body of that county does not impose an ad valorem property tax
6 levy under subsection (a) to fund the operation of the district.

7 SECTION 128. IC 36-9-17.5-1 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. This chapter
9 applies **only to all townships: a township:**

10 **(1) in a county not having a consolidated city; or**

11 **(2) that did not consolidate under IC 36-6-1.1.**

12 SECTION 129. IC 36-10-7-1 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. **(a) Except as**
14 **provided in subsection (b),** this chapter applies to the townships
15 indicated in each section.

16 **(b) This chapter does not apply to a township that consolidated**
17 **under IC 36-6-1.1. All powers and duties related to parks and**
18 **recreation of a township that consolidated under IC 36-6-1.1 shall**
19 **be transferred to the consolidated city.**

20 SECTION 130. IC 36-10-7.5-1 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. **(a) Except as**
22 **provided in subsection (b),** this chapter applies to ~~all townships:~~ **a**
23 **township.**

24 **(b) This chapter does not apply to a township that consolidated**
25 **under IC 36-6-1.1. All powers and duties related to parks and**
26 **recreation of a township that consolidated under IC 36-6-1.1 are**
27 **transferred to the consolidated city.**

28 SECTION 131. IC 33-34 IS REPEALED [EFFECTIVE JANUARY
29 1, 2011].

30 SECTION 132. [EFFECTIVE JULY 1, 2007] **(a) Any case pending**
31 **in a township small claims court established by IC 33-34, as**
32 **repealed by this act, after the close of business on December 31,**
33 **2010, is transferred on January 1, 2011, to the corresponding**
34 **township division of the small claims division of the Marion**
35 **superior court established under IC 33-33-49-14(c)(5) and**
36 **IC 33-33-49-14.1, both as added by this act. A case transferred**
37 **under this SECTION shall be treated as if the case were filed in the**
38 **corresponding township division of the small claims division of the**
39 **Marion superior court.**

40 **(b) On January 1, 2011, all property and obligations of a**
41 **township small claims court established by IC 33-34, as repealed**
42 **by this act, become the property and obligations of the**
43 **corresponding township division of the small claims division of the**
44 **Marion superior court established under IC 33-33-49-14(c)(5) and**
45 **IC 33-33-49-14.1, both as added by this act.**

46 **(c) This SECTION expires January 2, 2012.**

47 SECTION 133. [EFFECTIVE JULY 1, 2007] **(a) Notwithstanding**

1 the amendment and repeal by this act of provisions in IC 33-33-49
 2 and IC 33-34, the term of a judge in office in a township small
 3 claims court established by IC 33-34, as repealed by this act, does
 4 not terminate until the date that the term would have terminated
 5 under the law in effect on December 31, 2010. The election for the
 6 initial small claims judges to be elected to the township divisions of
 7 the small claims division of the Marion superior court under
 8 IC 33-33-49-13.1, as added by this act, is the election to be held in
 9 the November immediately preceding the date that the
 10 corresponding term of the judge in office in a township small
 11 claims court established by IC 33-34, as repealed by this act, on
 12 December 31, 2010, would have terminated under the law in effect
 13 on December 31, 2010.

14 (b) Notwithstanding the amendment and repeal by this act of
 15 provisions in IC 33-33-49 and IC 33-34, the term of a constable for
 16 a township small claims court established by IC 33-34, as repealed
 17 by this act, does not terminate until the date that the term would
 18 have terminated under the law in effect on December 31, 2010. The
 19 election for the initial small claims constables to be elected under
 20 IC 33-33-49-14.2, as added by this act, is the election to be held in
 21 the November immediately preceding the date that the
 22 corresponding term of the constable for a township small claims
 23 court established by IC 33-34, as repealed by this act, on December
 24 31, 2010, would have terminated under the law in effect on
 25 December 31, 2010.

26 (c) This SECTION expires January 2, 2015.

27 SECTION 134. [EFFECTIVE JULY 1, 2007] The general
 28 assembly finds the following:

29 (1) A consolidated city faces unique budget challenges due to
 30 a high demand for services combined with the large number
 31 of tax exempt properties located in a consolidated city as the
 32 seat of state government, home to several institutions of
 33 higher education, and home to numerous national, state, and
 34 regional nonprofit corporations.

35 (2) By virtue of its size and population density, a consolidated
 36 city has unique overlapping territories of county, city, and
 37 township government and an absence of unincorporated areas
 38 within its county.

39 (3) By virtue of its size, population, and absence of
 40 unincorporated areas, development extends to and across the
 41 boundaries of the contiguous governmental territories located
 42 within a county having a consolidated city, thus giving less
 43 meaning to boundaries of the governmental territories located
 44 within the county.

45 (4) By virtue of its size, population, absence of unincorporated
 46 areas, overlapping territories, and development to and across
 47 the boundaries of contiguous governmental territories, there
 48 is less need for differentiation of local governmental services

1 within the separate governmental territories located within a
 2 county having a consolidated city, but rather the local
 3 governmental service needs are similar and more uniform
 4 within and across a county having a consolidated city.

5 (5) The provision of local governmental services by multiple
 6 governmental entities with overlapping territories, and by
 7 governmental entities with contiguous territories with less
 8 meaningful boundaries, results in disparate levels of local
 9 government services within a county having a consolidated
 10 city and results in the inefficient and poor use of taxpayer
 11 dollars.

12 (6) As the state capital and a center for professional sporting
 13 events, tourism, and culture in central Indiana, the
 14 consolidated city faces unique demands for protecting
 15 governmental property and securing the safety of large
 16 numbers of residents and visitors, which require innovative
 17 approaches to public safety resources.

18 (7) If public safety resources are consolidated, residual
 19 services provided by townships are limited and can more
 20 effectively and uniformly be performed through consolidation
 21 at the city or county level.

22 (8) Substantial operational efficiencies, reduction of
 23 administrative costs, and economies of scale may be obtained
 24 in a consolidated city through consolidation of certain county,
 25 city, and township services and operations.

26 (9) Consolidation of certain county, city, and township
 27 services and operations in the consolidated city will serve the
 28 public purpose by allowing the consolidated city to:

29 (A) eliminate duplicative services;

30 (B) provide better coordinated and more uniform delivery
 31 of local governmental services;

32 (C) provide more unified tax rates; and

33 (D) allow local government services to be provided more
 34 efficiently and at a lower cost than without consolidation.

35 (10) Efficient and fiscally responsible operation of local
 36 government benefits the health and welfare of the citizens of
 37 a consolidated city and is of public utility and benefit.

38 (11) The public purpose of this act is to provide a consolidated
 39 city with the means to perform essential governmental
 40 services for its citizens in an effective, efficient, and fiscally
 41 responsible manner.

42 SECTION 135. [EFFECTIVE JULY 1, 2007] (a) As used in this
 43 SECTION, "incumbent trustee" refers to an individual elected to
 44 the office at the November 7, 2006, general election.

45 (b) As used in this SECTION, "office" refers to the office of
 46 township trustee.

47 (c) Notwithstanding IC 36-6-1.1, as added by this act, and
 48 IC 36-6-4, IC 36-6-7, and IC 36-6-8, all as amended by this act, an

1 **incumbent trustee holding an office that is abolished by this act is**
2 **entitled to serve in the office through December 31, 2010.**

3 **(d) This SECTION expires July 1, 2011.**

4 SECTION 136. [EFFECTIVE JULY 1, 2007] **(a) As used in this**
5 **SECTION, "incumbent township board member" refers to an**
6 **individual elected to the office at the November 2, 2004, general**
7 **election.**

8 **(b) As used in the SECTION, "office" refers to the office of a**
9 **member of the township legislative body.**

10 **(c) Notwithstanding IC 36-1-1.1, as added by this act, and**
11 **IC 36-6-6 and IC 36-6-8, both as amended by this act, an**
12 **incumbent township board member holding an office that is**
13 **abolished by this act is entitled to serve in the office through**
14 **December 31, 2008.**

15 **(d) The successor to the incumbent township board member**
16 **described in subsection (c):**

17 **(1) shall be elected to the office at the general election to be**
18 **held in 2008; and**

19 **(2) shall serve a term of office through December 31, 2010.**

20 **(e) This SECTION expires July 1, 2011.**

21 SECTION 137. [EFFECTIVE JULY 1, 2007] **The legislative**
22 **services agency shall prepare legislation for introduction in the**
23 **2008 regular session of the general assembly to organize and**
24 **correct statutes affected by this act, if necessary.**

(Reference is to EHB 1568 as printed April 6, 2007.)

Senator LAWSON C