



January 17, 2008

SENATE BILL No. 280

DIGEST OF SB 280 (Updated January 15, 2008 7:09 pm - DI 87)

Citations Affected: IC 3-8; IC 3-10; IC 3-11; IC 3-13; IC 5-2; IC 5-4; IC 5-8; IC 6-1.1; IC 6-3.5; IC 12-14; IC 12-20; IC 15-3; IC 16-41; IC 23-14; IC 32-26; IC 33-23; IC 33-30; IC 33-33; IC 33-37; IC 36-3; IC 36-6; IC 36-7; IC 36-8; noncode.

Synopsis: Marion County government. Allows the city-county legislative body to adopt an ordinance, approved by the mayor, that abolishes the offices of township trustee and township board effective January 1, 2011, and transfers all township duties and responsibilities (except for the duties and responsibilities of the township assessor) to the county. Provides that on July 1, 2008: (1) the mayor of the consolidated city is responsible for the consolidated law enforcement agency; and (2) the county sheriff's department, under the direction and control of the sheriff, is responsible only for county jail operations and facilities, security for city and county buildings and property, service of civil process and collection of taxes under tax warrants, and sex and violent offender registration. Provides that on January 1, 2009, the fire departments of all of the following are consolidated into the fire department of the consolidated city: (1) The townships in the county (Continued next page)

Effective: January 1, 2008 (retroactive); July 1, 2008; January 1, 2009; January 1, 2011.

Merritt

January 10, 2008, read first time and referred to Committee on Local Government and Elections.
January 16, 2008, amended, reported favorably — Do Pass.

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containing the consolidated city. (2) A fire protection territory in the county containing the consolidated city. Provides that a transfer of duties between units of government results in the transfer of property, equipment, records, rights, contracts (including labor contracts), and indebtedness. Provides that a firefighter who is a member of the 1937 or 1977 fund remains a member of the same fund after the consolidation. Requires the consolidated fire department to develop a strategic plan to determine resource requirements and resource deployments for the consolidated fire department. Requires the mayor of the consolidated city to establish a professional standards board with responsibility after December 31, 2008, for establishing, validating, and maintaining emergency responder certification and credentialing requirements and procedures. Provides that the requirements and procedures must be in accordance with the National Incident Management System and appropriate national professional standards and certification organizations and boards. Specifies that a subcommittee of the professional standards board, under the direction of a board-certified emergency physician, is responsible for certification and credentialing of emergency medical responders. Exempts from the property tax levy limits any amounts imposed by the consolidated city or the county to fund former township indebtedness. Establishes a maximum property tax levy for the consolidated city for property taxes payable in 2009, 2010, and 2011 that is the sum of the city's 2009 maximum levy plus the combined amounts levied in 2008 by the townships for firefighting. Establishes maximum property tax levies for the county and the townships for property taxes payable in 2011 that reflect: (1) the transfer of small claims court responsibilities to the county; or (2) if an ordinance is adopted to abolish township government, the transfer of all township responsibilities (except for the duties of township assessor) to the county. Specifies that the balance in the cumulative building and equipment fund for fire protection and related services of each entity whose fire department is consolidated into the fire department of the consolidated city be transferred to the consolidated city's cumulative building and equipment fund for fire protection and related services. Provides that after 2010, the monthly distributive shares of county option income taxes that would be distributed to a township for which township government is abolished shall instead be distributed as additional distributive shares to Indianapolis/Marion County. Abolishes the Marion County township small claims courts, and adds four judges to the Marion superior court effective January 1, 2011. Requires the governor to appoint the four judges, not more than two of whom may be members of the same political party, for terms beginning January 1, 2011, and ending December 31, 2014. Specifies that the initial election of the four judges takes place at the general election held on November 4, 2014. As of January 1, 2011, requires a warrant officer whose duties include acting as a process server in Marion County to successfully complete at least the pre-basic training course for law enforcement officers established by the law enforcement training board before the individual performs any duties for the circuit court or the superior court. Provides that warrant officers are compensated solely through the payment of a salary in an amount determined by the auditor of the county and approved by the city-county council. Provides that beginning in 2008, the city-county council of Marion County may adopt an ordinance, approved by the mayor, to: (1) abolish one or more included towns or the Ben Davis conservancy district; and (2) transfer the duties and powers of an abolished entity to the consolidated city. Repeals current provisions concerning the Marion County township small claims courts.

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January 17, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

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SENATE BILL No. 280

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

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

1 SECTION 1. IC 3-8-1-24 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2008]: Sec. 24. A candidate for the office of
3 mayor of a first class city must ~~have resided in the city for at least five~~
4 ~~(5) years before the date of taking office.~~ **satisfy the requirements of**
5 **IC 36-3-3-2.**

6 SECTION 2. IC 3-8-2-5 IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JANUARY 1, 2011]: Sec. 5. A declaration of candidacy
8 for:

- 9 (1) a federal office;
- 10 (2) a state office;
- 11 (3) a legislative office; or
- 12 (4) the local office of:
 - 13 (A) judge of a circuit, superior, probate, ~~or county or small~~
 - 14 ~~claims~~ court; or
 - 15 (B) prosecuting attorney of a judicial circuit;

16 shall be filed with the secretary of state.

17 SECTION 3. IC 3-10-1-19, AS AMENDED BY P.L.164-2006,

SB 280—LS 6753/DI 87+



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

5 OFFICIAL PRIMARY BALLOT

6 _____ Party

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

17 Vote for one (1) only

18 Representative in Congress

19 (1) AB _____

20 (2) CD _____

21 (3) EF _____

22 (4) GH _____

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

25 (1) Federal and state offices:

26 (A) President of the United States.

27 (B) United States Senator.

28 (C) Governor.

29 (D) United States Representative.

30 (2) Legislative offices:

31 (A) State senator.

32 (B) State representative.

33 (3) Circuit offices and county judicial offices:

34 (A) Judge of the circuit court, and unless otherwise specified
35 under IC 33, with each division separate if there is more than
36 one (1) judge of the circuit court.

37 (B) Judge of the superior court, and unless otherwise specified
38 under IC 33, with each division separate if there is more than
39 one (1) judge of the superior court.

40 (C) Judge of the probate court.

41 (D) Judge of the county court, with each division separate, as
42 required by IC 33-30-3-3.

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

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1 specified in IC 3-11-13-11 if voting is by ballot card; or
 2 (3) either:
 3 (A) on a separate screen for each office or public question; or
 4 (B) after the offices described in subsection (c) in the form
 5 specified in IC 3-11-14-3.5;
 6 if voting is by an electronic voting system.

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

9 (The explanatory text for the public question,
 10 if required by law.)

11 "Shall (insert public question)?"

12 YES

13 NO

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

- 18 (1) Clerk of the circuit court.
- 19 (2) County auditor.
- 20 (3) County recorder.
- 21 (4) County treasurer.
- 22 (5) County sheriff.
- 23 (6) County coroner.
- 24 (7) County surveyor.
- 25 (8) County assessor.
- 26 (9) County commissioner.
- 27 (10) County council member.
- 28 (11) Township trustee.
- 29 (12) Township board member.
- 30 (13) Township assessor.
- 31 ~~(14) Judge of a small claims court.~~
- 32 ~~(15) Constable of a small claims court.~~

33 SECTION 5. IC 3-11-2-12, AS AMENDED BY P.L.2-2005,
 34 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JANUARY 1, 2011]: Sec. 12. The following offices shall be placed on
 36 the general election ballot in the following order:

- 37 (1) Federal and state offices:
 - 38 (A) President and Vice President of the United States.
 - 39 (B) United States Senator.
 - 40 (C) Governor and lieutenant governor.
 - 41 (D) Secretary of state.
 - 42 (E) Auditor of state.

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- 1 (F) Treasurer of state.
- 2 (G) Attorney general.
- 3 (H) Superintendent of public instruction.
- 4 (I) United States Representative.
- 5 (2) Legislative offices:
- 6 (A) State senator.
- 7 (B) State representative.
- 8 (3) Circuit offices and county judicial offices:
- 9 (A) Judge of the circuit court, and unless otherwise specified
- 10 under IC 33, with each division separate if there is more than
- 11 one (1) judge of the circuit court.
- 12 (B) Judge of the superior court, and unless otherwise specified
- 13 under IC 33, with each division separate if there is more than
- 14 one (1) judge of the superior court.
- 15 (C) Judge of the probate court.
- 16 (D) Judge of the county court, with each division separate, as
- 17 required by IC 33-30-3-3.
- 18 (E) Prosecuting attorney.
- 19 (F) Clerk of the circuit court.
- 20 (4) County offices:
- 21 (A) County auditor.
- 22 (B) County recorder.
- 23 (C) County treasurer.
- 24 (D) County sheriff.
- 25 (E) County coroner.
- 26 (F) County surveyor.
- 27 (G) County assessor.
- 28 (H) County commissioner.
- 29 (I) County council member.
- 30 (5) Township offices:
- 31 (A) Township assessor.
- 32 (B) Township trustee.
- 33 (C) Township board member.
- 34 ~~(D) Judge of the small claims court.~~
- 35 ~~(E) Constable of the small claims court.~~
- 36 (6) City offices:
- 37 (A) Mayor.
- 38 (B) Clerk or clerk-treasurer.
- 39 (C) Judge of the city court.
- 40 (D) City-county council member or common council member.
- 41 (7) Town offices:
- 42 (A) Clerk-treasurer.

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- (B) Judge of the town court.
- (C) Town council member.

SECTION 6. IC 3-13-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 15. (a) A county chairman filling a candidate vacancy under section 6(a)(2) of this chapter or the chairman of a meeting filling a candidate vacancy under this chapter shall file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

- (1) The name of each candidate as:
 - (A) the candidate wants the candidate's name to appear on the ballot; and
 - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.
- (2) The residence address of each candidate.
- (b) The certificate shall be filed with:
 - (1) the election division for:
 - (A) a committee acting under section 3, 4, 5, or 6(b) of this chapter; or
 - (B) a committee acting under section 6(a) of this chapter to fill a candidate vacancy in the office of judge of a circuit, superior, probate, ~~or county or small claims~~ court or prosecuting attorney; or
 - (2) the circuit court clerk, for a committee acting under section 6(a) of this chapter to fill a candidate vacancy for a local office not described in subdivision (1).
- (c) This subsection applies to a candidate vacancy resulting from a vacancy on the primary election ballot as described in section 2 of this chapter. The certificate required by subsection (a) shall be filed not later than noon July 3 before election day.
- (d) This subsection applies to all candidate vacancies not described by subsection (c). The certificate required by subsection (a) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidates.

SECTION 7. IC 3-13-2-8, AS AMENDED BY P.L.2-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 8. (a) The chairman or chairmen filling a candidate vacancy under this chapter shall immediately file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

- (1) The name of each candidate as:

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- 1 (A) the candidate wants the candidate's name to appear on the
- 2 ballot; and
- 3 (B) the candidate's name is permitted to appear on the ballot
- 4 under IC 3-5-7.
- 5 (2) The residence address of each candidate.
- 6 (b) The certificate shall be filed with:
- 7 (1) the election division for:
- 8 (A) one (1) or more chairmen acting under section 2, 3, 4, or
- 9 5(b) of this chapter; or
- 10 (B) a committee acting under section 5(b) of this chapter to fill
- 11 a candidate vacancy for the office of judge of a circuit,
- 12 superior, probate, ~~or county or small claims~~ court or
- 13 prosecuting attorney; or
- 14 (2) the circuit court clerk of the county in which the greatest
- 15 percentage of the population of the election district is located, for
- 16 a chairman acting under section 5(a) of this chapter to fill a
- 17 candidate vacancy for a local office not described in subdivision
- 18 (1).
- 19 (c) The certificate required by subsection (a) shall be filed not more
- 20 than three (3) days (excluding Saturdays and Sundays) after selection
- 21 of the candidate.
- 22 SECTION 8. IC 5-2-1-9, AS AMENDED BY P.L.230-2007,
- 23 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2008]: Sec. 9. (a) The board shall adopt in accordance with
- 25 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
- 26 The rules, which shall be adopted only after necessary and proper
- 27 investigation and inquiry by the board, shall include the establishment
- 28 of the following:
- 29 (1) Minimum standards of physical, educational, mental, and
- 30 moral fitness which shall govern the acceptance of any person for
- 31 training by any law enforcement training school or academy
- 32 meeting or exceeding the minimum standards established
- 33 pursuant to this chapter.
- 34 (2) Minimum standards for law enforcement training schools
- 35 administered by towns, cities, counties, law enforcement training
- 36 centers, agencies, or departments of the state.
- 37 (3) Minimum standards for courses of study, attendance
- 38 requirements, equipment, and facilities for approved town, city,
- 39 county, and state law enforcement officer, police reserve officer,
- 40 and conservation reserve officer training schools.
- 41 (4) Minimum standards for a course of study on cultural diversity
- 42 awareness that must be required for each person accepted for

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1 training at a law enforcement training school or academy.
 2 (5) Minimum qualifications for instructors at approved law
 3 enforcement training schools.
 4 (6) Minimum basic training requirements which law enforcement
 5 officers appointed to probationary terms shall complete before
 6 being eligible for continued or permanent employment.
 7 (7) Minimum basic training requirements which law enforcement
 8 officers appointed on other than a permanent basis shall complete
 9 in order to be eligible for continued employment or permanent
 10 appointment.
 11 (8) Minimum basic training requirements which law enforcement
 12 officers appointed on a permanent basis shall complete in order
 13 to be eligible for continued employment.
 14 (9) Minimum basic training requirements for each person
 15 accepted for training at a law enforcement training school or
 16 academy that include six (6) hours of training in interacting with
 17 persons with mental illness, addictive disorders, mental
 18 retardation, and developmental disabilities, to be provided by
 19 persons approved by the secretary of family and social services
 20 and the board.
 21 (10) Minimum standards for a course of study on human and
 22 sexual trafficking that must be required for each person accepted
 23 for training at a law enforcement training school or academy and
 24 for inservice training programs for law enforcement officers. The
 25 course must cover the following topics:
 26 (A) Examination of the human and sexual trafficking laws
 27 (IC 35-42-3.5).
 28 (B) Identification of human and sexual trafficking.
 29 (C) Communicating with traumatized persons.
 30 (D) Therapeutically appropriate investigative techniques.
 31 (E) Collaboration with federal law enforcement officials.
 32 (F) Rights of and protections afforded to victims.
 33 (G) Providing documentation that satisfies the Declaration of
 34 Law Enforcement Officer for Victim of Trafficking in Persons
 35 (Form I-914, Supplement B) requirements established under
 36 federal law.
 37 (H) The availability of community resources to assist human
 38 and sexual trafficking victims.
 39 (b) Except as provided in subsection (l), a law enforcement officer
 40 appointed after July 5, 1972, and before July 1, 1993, may not enforce
 41 the laws or ordinances of the state or any political subdivision unless
 42 the officer has, within one (1) year from the date of appointment,

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1 successfully completed the minimum basic training requirements
 2 established under this chapter by the board. If a person fails to
 3 successfully complete the basic training requirements within one (1)
 4 year from the date of employment, the officer may not perform any of
 5 the duties of a law enforcement officer involving control or direction
 6 of members of the public or exercising the power of arrest until the
 7 officer has successfully completed the training requirements. This
 8 subsection does not apply to any law enforcement officer appointed
 9 before July 6, 1972, or after June 30, 1993.

10 (c) Military leave or other authorized leave of absence from law
 11 enforcement duty during the first year of employment after July 6,
 12 1972, shall toll the running of the first year, which shall be calculated
 13 by the aggregate of the time before and after the leave, for the purposes
 14 of this chapter.

15 (d) Except as provided in subsections (e), (l), (q), and (r), a law
 16 enforcement officer appointed to a law enforcement department or
 17 agency after June 30, 1993, may not:

- 18 (1) make an arrest;
- 19 (2) conduct a search or a seizure of a person or property; or
- 20 (3) carry a firearm;

21 unless the law enforcement officer successfully completes, at a board
 22 certified law enforcement academy or at a law enforcement training
 23 center under section 10.5 or 15.2 of this chapter, the basic training
 24 requirements established by the board under this chapter.

25 (e) This subsection does not apply to:

- 26 (1) a gaming agent employed as a law enforcement officer by the
 27 Indiana gaming commission; or
- 28 (2) an:
 - 29 (A) attorney; or
 - 30 (B) investigator;

31 designated by the securities commissioner as a police officer of
 32 the state under IC 23-2-1-15(i).

33 Before a law enforcement officer appointed after June 30, 1993,
 34 completes the basic training requirements, the law enforcement officer
 35 may exercise the police powers described in subsection (d) if the
 36 officer successfully completes the pre-basic course established in
 37 subsection (f). Successful completion of the pre-basic course authorizes
 38 a law enforcement officer to exercise the police powers described in
 39 subsection (d) for one (1) year after the date the law enforcement
 40 officer is appointed.

41 (f) The board shall adopt rules under IC 4-22-2 to establish a
 42 pre-basic course for the purpose of training:

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- 1 (1) law enforcement officers;
 2 (2) police reserve officers (as described in IC 36-8-3-20); ~~and~~
 3 (3) conservation reserve officers (as described in IC 14-9-8-27);
 4 **and**
 5 **(4) warrant officers (as defined in IC 33-33-49-5.3);**

6 regarding the subjects of arrest, search and seizure, the lawful use of
 7 force, and the operation of an emergency vehicle. The pre-basic course
 8 must be offered on a periodic basis throughout the year at regional sites
 9 statewide. The pre-basic course must consist of at least forty (40) hours
 10 of course work. The board may prepare the classroom part of the
 11 pre-basic course using available technology in conjunction with live
 12 instruction. The board shall provide the course material, the instructors,
 13 and the facilities at the regional sites throughout the state that are used
 14 for the pre-basic course. In addition, the board may certify pre-basic
 15 courses that may be conducted by other public or private training
 16 entities, including postsecondary educational institutions.

17 (g) The board shall adopt rules under IC 4-22-2 to establish a
 18 mandatory inservice training program for police officers. After June 30,
 19 1993, a law enforcement officer who has satisfactorily completed basic
 20 training and has been appointed to a law enforcement department or
 21 agency on either a full-time or part-time basis is not eligible for
 22 continued employment unless the officer satisfactorily completes the
 23 mandatory inservice training requirements established by rules adopted
 24 by the board. Inservice training must include training in interacting
 25 with persons with mental illness, addictive disorders, mental
 26 retardation, and developmental disabilities, to be provided by persons
 27 approved by the secretary of family and social services and the board,
 28 and training concerning human and sexual trafficking. The board may
 29 approve courses offered by other public or private training entities,
 30 including postsecondary educational institutions, as necessary in order
 31 to ensure the availability of an adequate number of inservice training
 32 programs. The board may waive an officer's inservice training
 33 requirements if the board determines that the officer's reason for
 34 lacking the required amount of inservice training hours is due to either
 35 of the following:

- 36 (1) An emergency situation.
 37 (2) The unavailability of courses.

38 (h) The board shall also adopt rules establishing a town marshal
 39 basic training program, subject to the following:

- 40 (1) The program must require fewer hours of instruction and class
 41 attendance and fewer courses of study than are required for the
 42 mandated basic training program.

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- 1 (2) Certain parts of the course materials may be studied by a
- 2 candidate at the candidate's home in order to fulfill requirements
- 3 of the program.
- 4 (3) Law enforcement officers successfully completing the
- 5 requirements of the program are eligible for appointment only in
- 6 towns employing the town marshal system (IC 36-5-7) and having
- 7 not more than one (1) marshal and two (2) deputies.
- 8 (4) The limitation imposed by subdivision (3) does not apply to an
- 9 officer who has successfully completed the mandated basic
- 10 training program.
- 11 (5) The time limitations imposed by subsections (b) and (c) for
- 12 completing the training are also applicable to the town marshal
- 13 basic training program.
- 14 (i) The board shall adopt rules under IC 4-22-2 to establish an
- 15 executive training program. The executive training program must
- 16 include training in the following areas:
- 17 (1) Liability.
- 18 (2) Media relations.
- 19 (3) Accounting and administration.
- 20 (4) Discipline.
- 21 (5) Department policy making.
- 22 (6) Lawful use of force.
- 23 (7) Department programs.
- 24 (8) Emergency vehicle operation.
- 25 (9) Cultural diversity.
- 26 (j) A police chief shall apply for admission to the executive training
- 27 program within two (2) months of the date the police chief initially
- 28 takes office. A police chief must successfully complete the executive
- 29 training program within six (6) months of the date the police chief
- 30 initially takes office. However, if space in the executive training
- 31 program is not available at a time that will allow completion of the
- 32 executive training program within six (6) months of the date the police
- 33 chief initially takes office, the police chief must successfully complete
- 34 the next available executive training program that is offered after the
- 35 police chief initially takes office.
- 36 (k) A police chief who fails to comply with subsection (j) may not
- 37 continue to serve as the police chief until completion of the executive
- 38 training program. For the purposes of this subsection and subsection
- 39 (j), "police chief" refers to:
- 40 (1) the police chief of any city;
- 41 (2) the police chief of any town having a metropolitan police
- 42 department; and

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1 (3) the chief of a consolidated law enforcement department
2 established under IC 36-3-1-5.1.

3 A town marshal is not considered to be a police chief for these
4 purposes, but a town marshal may enroll in the executive training
5 program.

6 (l) A fire investigator in the division of fire and building safety
7 appointed after December 31, 1993, is required to comply with the
8 basic training standards established under this chapter.

9 (m) The board shall adopt rules under IC 4-22-2 to establish a
10 program to certify handgun safety courses, including courses offered
11 in the private sector, that meet standards approved by the board for
12 training probation officers in handgun safety as required by
13 IC 11-13-1-3.5(3).

14 (n) The board shall adopt rules under IC 4-22-2 to establish a
15 refresher course for an officer who:

16 (1) is hired by an Indiana law enforcement department or agency
17 as a law enforcement officer;

18 (2) worked as a full-time law enforcement officer for at least one
19 (1) year before the officer is hired under subdivision (1);

20 (3) has not been employed as a law enforcement officer for at
21 least two (2) years and less than six (6) years before the officer is
22 hired under subdivision (1) due to the officer's resignation or
23 retirement; and

24 (4) completed a basic training course certified by the board before
25 the officer is hired under subdivision (1).

26 (o) An officer to whom subsection (n) applies must successfully
27 complete the refresher course described in subsection (n) not later than
28 six (6) months after the officer's date of hire, or the officer loses the
29 officer's powers of:

30 (1) arrest;

31 (2) search; and

32 (3) seizure.

33 (p) A law enforcement officer who:

34 (1) has completed a basic training course certified by the board;
35 and

36 (2) has not been employed as a law enforcement officer in the six
37 (6) years before the officer is hired as a law enforcement officer;

38 is not eligible to attend the refresher course described in subsection (n)
39 and must repeat the full basic training course to regain law enforcement
40 powers.

41 (q) This subsection applies only to a gaming agent employed as a
42 law enforcement officer by the Indiana gaming commission. A gaming

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1 agent appointed after June 30, 2005, may exercise the police powers
2 described in subsection (d) if:

- 3 (1) the agent successfully completes the pre-basic course
- 4 established in subsection (f); and
- 5 (2) the agent successfully completes any other training courses
- 6 established by the Indiana gaming commission in conjunction
- 7 with the board.

8 (r) This subsection applies only to a securities enforcement officer
9 designated as a law enforcement officer by the securities
10 commissioner. A securities enforcement officer may exercise the police
11 powers described in subsection (d) if:

- 12 (1) the securities enforcement officer successfully completes the
- 13 pre-basic course established in subsection (f); and
- 14 (2) the securities enforcement officer successfully completes any
- 15 other training courses established by the securities commissioner
- 16 in conjunction with the board.

17 SECTION 9. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JANUARY 1, 2011]: Sec. 4. (a) As used in this section,
19 "political subdivision" has the meaning set forth in IC 36-1-2-13.

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

- 22 (1) Of all officers whose oath is endorsed on or attached to the
- 23 commission and whose duties are not limited to a particular
- 24 county or of a justice, judge, or prosecuting attorney, in the office
- 25 of the secretary of state.
- 26 (2) Of the circuit court clerk **and** officers of a political
- 27 subdivision or school corporation, ~~and constables of a small~~
- 28 ~~claims court~~, in the circuit court clerk's office of the county
- 29 containing the greatest percentage of the population of the
- 30 political subdivision or school corporation.
- 31 (3) Of a deputy prosecuting attorney, in the office of the clerk of
- 32 the circuit court of the county in which the deputy prosecuting
- 33 attorney resides or serves.

34 SECTION 10. IC 5-8-3.5-1 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. (a) An officer
36 who wants to resign shall give written notice of the officer's resignation
37 as follows:

- 38 (1) The governor and lieutenant governor shall notify the
- 39 principal clerk of the house of representatives and the principal
- 40 secretary of the senate to act in accordance with Article 5, Section
- 41 10 of the Constitution of the State of Indiana. The clerk and the
- 42 secretary shall file a copy of the notice with the office of the

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1 secretary of state.
 2 (2) A member of the general assembly shall notify the following,
 3 whichever applies:
 4 (A) A member of the senate shall notify the president pro
 5 tempore of the senate.
 6 (B) A member of the house of representatives shall notify the
 7 speaker of the house of representatives.
 8 (3) The following officers commissioned by the governor under
 9 IC 4-3-1-5 shall notify the governor:
 10 (A) An elector or alternate elector for President and Vice
 11 President of the United States.
 12 (B) The secretary of state, auditor of state, treasurer of state,
 13 superintendent of public instruction, or attorney general.
 14 (C) An officer elected by the general assembly, the senate, or
 15 the house of representatives.
 16 (D) A justice of the Indiana supreme court, judge of the
 17 Indiana court of appeals, or judge of the Indiana tax court.
 18 (E) A judge of a circuit, city, county, probate, superior, **or**
 19 town ~~or township small claims~~ court.
 20 (F) A prosecuting attorney.
 21 (G) A circuit court clerk.
 22 (H) A county auditor, county recorder, county treasurer,
 23 county sheriff, county coroner, or county surveyor.
 24 (4) An officer of a political subdivision (as defined by
 25 IC 36-1-2-13) other than an officer listed in subdivision (3) shall
 26 notify the circuit court clerk of the county containing the largest
 27 percentage of population of the political subdivision.
 28 (5) An officer not listed in subdivisions (1) through (4) shall
 29 notify the person or entity from whom the officer received the
 30 officer's appointment.
 31 (b) A person or an entity that receives notice of a resignation and
 32 does not have the power to fill the vacancy created by the resignation
 33 shall, not later than seventy-two (72) hours after receipt of the notice
 34 of resignation, give notice of the vacancy to the person or entity that
 35 has the power to:
 36 (1) fill the vacancy; or
 37 (2) call a caucus for the purpose of filling the vacancy.
 38 SECTION 11. IC 6-1.1-17-3, AS AMENDED BY P.L.219-2007,
 39 SECTION 49, AND AS AMENDED BY P.L.224-2007, SECTION 5,
 40 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The proper officers of a
 42 political subdivision shall formulate its estimated budget and its

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1 proposed tax rate and tax levy on the form prescribed by the
 2 department of local government finance and approved by the state
 3 board of accounts. The political subdivision shall give notice by
 4 publication to taxpayers of:

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

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

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

23 (1) the assessed valuation as of the assessment date in the current
 24 calendar year of tangible property on which the person will be
 25 liable for property taxes first due and payable in the immediately
 26 succeeding calendar year and notice to the person of the
 27 opportunity to appeal the assessed valuation under
 28 ~~IC 6-1.1-15-1(b)~~; IC 6-1.1-15-1(c);

29 (2) the amount of property taxes for which the person will be
 30 liable to each political subdivision on the tangible property for
 31 taxes first due and payable in the immediately succeeding
 32 calendar year, taking into account all factors that affect that
 33 liability, including:

- 34 (A) the estimated budget and proposed tax rate and tax levy
 35 formulated by the political subdivision under subsection (a);
- 36 (B) any deductions or exemptions that apply to the assessed
 37 valuation of the tangible property;
- 38 (C) any credits that apply in the determination of the tax
 39 liability; and
- 40 (D) the county auditor's best estimate of the effects on the tax
 41 liability that might result from actions of:

42 (i) the county board of tax adjustment (*before January 1,*

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1 2009) or the county board of tax and capital projects review
 2 (after December 31, 2008); or
 3 (ii) the department of local government finance;
 4 (3) a prominently displayed notation that:
 5 (A) the estimate under subdivision (2) is based on the best
 6 information available at the time the statement is mailed; and
 7 (B) based on various factors, including potential actions by:
 8 (i) the county board of tax adjustment (before January 1,
 9 2009) or the county board of tax and capital projects review
 10 (after December 31, 2008); or
 11 (ii) the department of local government finance;
 12 it is possible that the tax liability as finally determined will
 13 differ substantially from the estimate;
 14 (4) comparative information showing the amount of property
 15 taxes for which the person is liable to each political subdivision
 16 on the tangible property for taxes first due and payable in the
 17 current year; and
 18 (5) the date, time, and place at which the political subdivision will
 19 hold a public hearing on the political subdivision's estimated
 20 budget and proposed tax rate and tax levy as required under
 21 subsection (a).
 22 (c) The department of local government finance shall:
 23 (1) prescribe a form for; and
 24 (2) provide assistance to county auditors in preparing;
 25 statements under subsection (b). Mailing the statement described in
 26 subsection (b) to a mortgagee maintaining an escrow account for a
 27 person who is liable for any property taxes shall not be construed as
 28 compliance with subsection (b).
 29 (d) The board of directors of a solid waste management district
 30 established under IC 13-21 or IC 13-9.5-2 (before its repeal) may
 31 conduct the public hearing required under subsection (a):
 32 (1) in any county of the solid waste management district; and
 33 (2) in accordance with the annual notice of meetings published
 34 under IC 13-21-5-2.
 35 (e) **Except as provided in subsection (f)**, the trustee of each
 36 township in the county shall estimate the amount necessary to meet the
 37 cost of township assistance in the township for the ensuing calendar
 38 year. The township board shall adopt with the township budget a tax
 39 rate sufficient to meet the estimated cost of township assistance. The
 40 taxes collected as a result of the tax rate adopted under this subsection
 41 are credited to the township assistance fund.
 42 (f) **This subsection applies for taxes first due and payable after**

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1 **2010 only to a county having a consolidated city and only if an**
2 **ordinance is adopted and approved in the county under**
3 **IC 36-6-1.2-2. As set forth in IC 12-14-30:**

4 **(1) the administrator of township assistance for the county**
5 **shall estimate the amount necessary to meet the cost of**
6 **township assistance in the county for the ensuing calendar**
7 **year; and**

8 **(2) the county legislative body shall adopt with the county**
9 **budget a tax rate uniform throughout the county sufficient to**
10 **meet the estimated cost of township assistance.**

11 **The taxes collected as a result of the tax rate adopted under this**
12 **subsection are credited to the county township assistance fund**
13 **established under IC 12-14-30-2.**

14 **(f) (g) A county shall adopt with the county budget and the**
15 **department of local government finance shall certify under section 16**
16 **of this chapter a tax rate sufficient to raise the levy necessary to pay the**
17 **following:**

18 **(1) The cost of child services (as defined in IC 12-19-7-1) of the**
19 **county payable from the family and children's fund.**

20 **(2) The cost of children's psychiatric residential treatment**
21 **services (as defined in IC 12-19-7.5-1) of the county payable from**
22 **the children's psychiatric residential treatment services fund.**

23 **A budget, tax rate, or tax levy adopted by a county fiscal body or**
24 **approved or modified by a county board of tax adjustment that is less**
25 **than the levy necessary to pay the costs described in subdivision (1) or**
26 **(2) shall not be treated as a final budget, tax rate, or tax levy under**
27 **section 11 of this chapter.**

28 **SECTION 12. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA**
29 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
30 **[EFFECTIVE JULY 1, 2008]: Sec. 22. (a) The ad valorem property**
31 **tax levy limits imposed by this chapter do not apply to ad valorem**
32 **property taxes imposed by the following:**

33 **(1) A consolidated city to pay or fund any indebtedness**
34 **assumed, defeased, paid, or refunded under IC 36-3-1-6.1.**

35 **(2) A county to pay or fund any indebtedness assumed,**
36 **defeased, paid, or refunded under IC 36-6-1.2-10.**

37 **(b) For purposes of this section:**

38 **(1) "consolidating entity" means:**

39 **(A) a township; or**

40 **(B) a fire protection territory;**

41 **whose fire department is consolidated into the fire**
42 **department of a consolidated city under IC 36-3-1-6.1; and**

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- 1 (2) "maximum levy" means the maximum permissible ad
- 2 valorem property tax levy under section 3 of this chapter.
- 3 (c) The maximum levy of a consolidated city for property taxes
- 4 first due and payable in 2009, 2010, and 2011 is the sum of:
- 5 (1) the maximum levy of the consolidated city for property
- 6 taxes first due and payable in 2009 determined without regard
- 7 to this section; plus
- 8 (2) the amount equal to the combined property tax levies of
- 9 each consolidating entity for property taxes first due and
- 10 payable in 2008 for fire protection and related services.
- 11 (d) If an ordinance is adopted and approved under IC 36-6-1.2-2
- 12 in a county containing a consolidated city, the maximum levy of the
- 13 county for property taxes first due and payable in 2011 is the sum
- 14 of:
- 15 (1) the maximum levy of the county for property taxes first
- 16 due and payable in 2011 determined without regard to this
- 17 section; plus
- 18 (2) the amount equal to the combined maximum levies of each
- 19 consolidating entity that is a township for property taxes first
- 20 due and payable in 2010.
- 21 (e) If an ordinance is not adopted and approved under
- 22 IC 36-6-1.2-2 in a county containing a consolidated city, the
- 23 maximum levy of the county for property taxes first due and
- 24 payable in 2011 is the sum of:
- 25 (1) the maximum levy of the county for property taxes first
- 26 due and payable in 2011 determined without regard to this
- 27 section; plus
- 28 (2) the amount equal to the combined property tax levies of
- 29 each consolidating entity that is a township for property taxes
- 30 first due and payable in 2010 attributable to the operations in
- 31 those townships of township small claims courts.
- 32 (f) If an ordinance is adopted and approved under IC 36-6-1.2-2
- 33 in a county containing a consolidated city, the maximum levy of a
- 34 consolidating entity that is a township for property taxes first due
- 35 and payable after 2010 is zero (0).
- 36 (g) If an ordinance is not adopted and approved under
- 37 IC 36-6-1.2-2 in a county containing a consolidated city, the
- 38 maximum levy of a consolidating entity that is a township for
- 39 property taxes first due and payable in 2011 is the remainder of:
- 40 (1) the maximum levy of the township for property taxes first
- 41 due and payable in 2011 determined without regard to this
- 42 section; minus

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(2) the amount equal to the property tax levy of the township for property taxes first due and payable in 2010 attributable to the operations in the township of the township small claims court.

(h) The maximum levy of property taxes first due and payable in 2009 is reduced for each consolidating entity other than a township by the amount equal to the property tax levy of the consolidating entity for taxes first due and payable in 2008 for any services and operations for which responsibility is transferred to the consolidated city in 2009.

(i) The maximum levy of a consolidating entity that is a township for the township's firefighting fund for property taxes first due and payable after 2008 is zero (0).

(j) For purposes of determining the maximum levy of property taxes first due and payable in 2012 for an entity for which the maximum levy determined under this section for property taxes first due and payable in 2011 is greater than zero (0), the maximum levy to be used in:

- (1) STEP ONE of section 3(a) of this chapter; or**
- (2) STEP ONE of section 3(b) of this chapter;**

is the maximum levy determined under this section for the entity for property taxes first due and payable in 2011.

SECTION 13. IC 6-3.5-6-18.5, AS AMENDED BY P.L.234-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18.5. (a) This section applies to a county containing a consolidated city.

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

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

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177
Perry Township	.01130
Pike Township	.01865
Warren Township	.01359
Washington Township	.01346
Wayne Township	.01307
Lawrence-City	.00858

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

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

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

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

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

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

(c) If an ordinance is adopted and approved under IC 36-6-1.2-2, after December 31, 2010, the monthly distributive shares of county option income taxes that would be distributed to a township under this section shall instead be distributed as additional distributive shares to Indianapolis/Marion County.

SECTION 14. IC 12-14-30 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE

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JANUARY 1, 2008 (RETROACTIVE)]:

Chapter 30. Township Assistance in Marion County

Sec. 1. This section applies only to a county having a consolidated city.

Sec. 2. (a) Notwithstanding any other law, if an ordinance is adopted and approved under IC 36-6-1.2-2, the county shall establish a county township assistance fund.

(b) The fund shall be raised by a tax levy that:

- (1) is in addition to all other tax levies authorized; and**
- (2) shall be levied annually by the county fiscal body on all taxable property in the county in the amount necessary to pay the items, awards, claims, allowances, assistance, and other expenses set forth in the annual township assistance budget for the county.**

(c) The tax imposed under this section shall be collected as other state and county ad valorem taxes are collected.

(d) The following shall be paid into the county township assistance fund:

- (1) All receipts from the tax imposed under this section.**
- (2) Any other money required by law to be placed in the fund.**

(e) The fund is available for the purpose of paying expenses and obligations set forth in the annual budget.

(f) Money in the fund at the end of a budget year does not revert to the county general fund.

SECTION 15. IC 12-20-1-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: **Sec. 5. (a) This section applies only to a county having a consolidated city.**

(b) Notwithstanding any other law, if an ordinance is adopted and approved under IC 36-6-1.2-2, the county shall be responsible for administering township assistance beginning January 1, 2011. The county shall administer township assistance on a countywide basis instead of a township basis.

(c) The following apply to the administration of township assistance under subsection (b):

- (1) A suit or proceeding in favor of or against the county concerning township assistance shall be conducted in favor of or against the county.**
- (2) The county is subject to the same privileges and immunities as are accorded to a township trustee under IC 12-20-3.**
- (3) The county shall propose uniform standards for the**

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issuance of township assistance throughout the county and the processing of applications for township assistance that meet the requirements of IC 12-20-5.5. The standards shall be adopted by the county legislative body and filed with the county commissioners.

(4) The county has the same powers in the administration of township assistance for the county as a township trustee has in the administration of township assistance for a township under IC 12-20-4, IC 12-20-5, IC 12-20-15, IC 12-20-16, IC 12-20-17, IC 12-20-18, and IC 12-20-19.

(5) The same standards and requirements that:

(A) apply to; or

(B) may be imposed upon;

recipients of and applicants for township assistance under IC 12-20-6, IC 12-20-7, IC 12-20-8, IC 12-20-9, IC 12-20-10, IC 12-20-11, IC 12-20-12, and IC 12-20-13 apply to or may be imposed upon recipients of and applicants for township assistance administered by the county.

(6) The county may assert a claim against the estate of an individual who received township assistance from the county to the same extent as a township trustee may assert a claim under IC 12-20-27 against the estate of an individual who received township assistance from a township.

(7) The county is subject to the same reporting requirements with respect to township assistance administered on a countywide basis as a township trustee is subject to under IC 12-20-28 with respect to township assistance administered on a township basis.

(8) The county or an employee of the county is subject to the criminal penalty set forth in IC 12-20-7-6 for disclosure of information.

(d) Any application for township assistance for which the township has not entered a final decision regarding the granting or denial of township assistance by the close of business on December 31, 2010, shall be treated as a new application filed with the county on January 1, 2011. The county shall make a decision on the application in accordance with the uniform standards adopted under subsection (c)(3).

(e) Any application for township assistance that has been granted before January 1, 2011, but for which assistance has not been disbursed by the township, shall be disbursed and administered by the county in accordance with the township's

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grant of township assistance.

SECTION 16. IC 15-3-4-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: **Sec. 0.5. (a) This section applies only to a county having a consolidated city.**

(b) Notwithstanding any other law, if an ordinance is adopted and approved under IC 36-6-1.2-2, the powers and duties established by this chapter are conferred and imposed on the county with respect to property in the county, beginning January 1, 2011.

SECTION 17. IC 15-3-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 1. (a) As used in this chapter, "detrimental plant" includes Canada thistle (*cirsium arvense*), Johnson grass, sorghum alumun (*sorghum halrphense*), bur cucumber (*sicyos angulatus*), shattercane (*Sorghum bicolor* [L.] Moench spp. *drummondii* [Steud.] deWet), and, in residential areas only, noxious weeds and rank vegetation. The term does not include agricultural crops.

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

(c) As used in this chapter, "fund" means:

- (1) the appropriate county fund, in the case of a county having a consolidated city and that adopts an ordinance under IC 36-6-1.2-2; or**
- (2) the township fund, in the case of a township in a county that does not have a consolidated city.**

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

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

(b) In all cases in which the infestation of the land with detrimental plants is so great and widespread as in the opinion of the trustee to

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1 render such cutting or eradication by hand methods impractical, the
2 trustee shall engage the necessary power machinery or equipment and
3 may pay for the work at a rate per hour fixed by the township trustee
4 commensurate with the local hourly rate.

5 (c) When the work has been performed, the person doing the work
6 shall file an itemized bill for the work in the office of the trustee of the
7 township, and when the bill has been approved, the trustee shall pay the
8 bill out of the ~~township~~ fund. The trustee of the township shall certify
9 the cost or expense of the work and the cost of the chemicals, adding
10 to such bill twenty dollars (\$20) per day for each day that the trustee or
11 the trustee's agent supervises the performance of the services required
12 under this chapter as compensation for services, with a description of
13 the real estate on which the labor was performed.

14 (d) The certified statement of costs prepared under subsection (c)
15 shall be mailed using certificate of mailing to, or personally served on,
16 the owner or person possessing the real estate. The certified statement
17 shall be mailed to the auditor of state for any real estate owned by the
18 state or to the fiscal officer of another municipality (as defined in
19 IC 5-11-1-16) for real estate owned by the municipality. The statement
20 shall request that the person pay the cost of performing the service
21 under subsection (c) to the township trustee.

22 (e) If the owner or person in possession of the property does not pay
23 the amount set forth in the statement within ten (10) days after
24 receiving the ~~notice~~ **statement** under subsection (d), ~~the township~~
25 ~~trustee shall file~~ a copy of the certified statement **shall be filed** in the
26 office of the county auditor of the county where the real estate is
27 located.

28 (f) The auditor shall place the amount claimed in the certified
29 statement on the tax duplicate of the real estate. Except as provided in
30 subsections (j) through (l), the amount claimed shall be collected as
31 taxes are collected.

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

35 (h) If there is no money available in ~~the township a~~ fund for that
36 purpose, the township board upon finding an emergency exists shall act
37 under IC 36-6-6-14(b) or IC 36-6-6-15 to borrow a sum of money
38 sufficient to meet the emergency.

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

42 (j) This subsection applies to real estate owned by the state. The

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1 auditor of state shall issue a warrant to pay the amount set forth in the
 2 certified statement of costs for real estate owned by the state and shall
 3 charge the appropriate fund for the amount.

4 (k) This subsection applies to real estate owned by a municipality
 5 (as defined in IC 5-11-1-16) other than the township. The fiscal officer
 6 of the municipality shall make the necessary appropriation from the
 7 appropriate fund to pay the township the amount set forth in the
 8 certified statement of costs for real estate owned by the municipality.

9 (l) This subsection applies to real estate that is exempt from
 10 property taxation. The owner of the tax exempt real estate shall pay the
 11 amount set forth in the certified statement of costs for the tax exempt
 12 real estate. If the owner of the tax exempt real estate fails to pay the
 13 amount required by this chapter, the owner is ineligible for the property
 14 tax exemption, and the department of local government finance shall
 15 deny the property tax exemption for the real estate.

16 SECTION 19. IC 15-3-4-4 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]:
 18 Sec. 4. Except as provided in section 3 of this chapter, the county
 19 auditor, upon receiving and filing such trustee's certificate as
 20 prescribed in this chapter, shall immediately place said amounts on the
 21 tax duplicate of the county, and such amounts shall be due at the next
 22 tax paying time and shall be collected for the proper township, or
 23 townships, the same as other state, county, or township taxes are
 24 collected, including penalties, forfeitures, and sales, and when so
 25 collected shall be paid to the proper trustee and placed in the township
 26 fund.

27 SECTION 20. IC 15-3-4-5 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]:
 29 Sec. 5. (a) A person who:

- 30 (1) knowingly allows detrimental plants to grow and mature on
 31 land owned or possessed by the person;
 32 (2) knowing of the existence of detrimental plants on land owned
 33 or possessed by the person, fails to cut them down or eradicate
 34 them by chemicals each year, as prescribed in this chapter;
 35 (3) having charge of or control over any highway, knowingly
 36 allows detrimental plants to grow or mature on the right-of-way
 37 of the highway, or, knowing of the existence of the detrimental
 38 plants, fails to cut them down or eradicate them by chemicals, as
 39 prescribed in this chapter;
 40 (4) having charge of or control over the right-of-way of a railroad
 41 or interurban company, knowingly allows detrimental plants to
 42 grow and mature thereon, or knowing of the existence of the

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1 detrimental plants, fails to cut them down or eradicate them by
2 chemicals, as prescribed in this chapter; or
3 (5) knowingly sells Canada thistle (cirsium arvense) seed;
4 commits a Class C infraction. Each day this section is violated
5 constitutes a separate infraction.

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

9 SECTION 21. IC 15-3-4.6-3 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]:
11 Sec. 3. The weed control board consists of the following members to
12 be appointed by the authorizing body:

- 13 (1) One (1) **member appointed as follows:**
 - 14 (A) A township trustee of a **township** in the county.
 - 15 (B) **If an ordinance is adopted and approved under**
16 **IC 36-6-1.2-2 in a county having a consolidated city, the**
17 **director of the department that is responsible for the**
18 **destruction of detrimental plants described in this chapter**
19 **or the director's designee.**
- 20 (2) One (1) soil and water conservation district supervisor.
- 21 (3) A representative from the agricultural community of the
22 county.
- 23 (4) A representative from the county highway department or an
24 appointee of the county commissioners. ~~and~~
- 25 (5) A cooperative extension service agent from the county to
26 serve in nonvoting advisory capacity.

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

41 SECTION 22. IC 16-41-19-7, AS AMENDED BY P.L.73-2005,
42 SECTION 169, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 7. **(a) If a**
2 **county having a consolidated city adopts and approves an**
3 **ordinance under IC 36-6-1.2-2, beginning January 1, 2011, the**
4 **county has all the rights, duties, and responsibilities of the**
5 **township under this section.**

6 ~~(a)~~ **(b)** Except as provided in subsection ~~(b)~~; **(c)**, all costs that are
7 incurred in furnishing biologicals under this chapter,
8 IC 12-20-16-2(c)(13), or IC 12-20-16-14 shall be paid by:

9 (1) the appropriate county, city, or town against which the
10 application form is issued from general funds; ~~and~~

11 (2) the appropriate township against which the application form
12 is issued from funds in the township assistance fund; **and**

13 **(3) the county, from funds in the county township assistance**
14 **fund if the county administers township assistance.**

15 not otherwise appropriated without appropriations.

16 ~~(b)~~ **(c)** A township is not responsible for paying for biologicals as
17 provided in subsection ~~(a)~~~~(2)~~ **(b)(2)** if the township trustee has
18 evidence that the individual has the financial ability to pay for the
19 biologicals.

20 ~~(c)~~ **(d)** After being presented with a legal claim for insulin being
21 furnished to the same individual a second time, a township trustee may
22 require the individual to complete and file a standard application for
23 township assistance in order to investigate the financial condition of the
24 individual claiming to be indigent. The trustee shall immediately notify
25 the individual's physician that:

26 (1) the financial ability of the individual claiming to be indigent
27 is in question; and

28 (2) a standard application for township assistance must be filed
29 with the township.

30 The township shall continue to furnish insulin under this section until
31 the township trustee completes an investigation and makes a
32 determination as to the individual's financial ability to pay for insulin.

33 ~~(d)~~ **(e)** For purposes of this section, the township shall consider an
34 adult individual needing insulin as an individual and not as a member
35 of a household requesting township assistance.

36 SECTION 23. IC 23-14-33-3.5 IS ADDED TO THE INDIANA
37 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2008]: **Sec. 3.5. (a) This section applies only**
39 **to a county having a consolidated city.**

40 **(b) Notwithstanding any other law, if an ordinance is adopted**
41 **and approved under IC 36-6-1.2-2, the county has all the rights,**
42 **duties, and responsibilities of the township and the township**

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- 1 trustee for the county under this chapter through IC 23-14-76,
 2 including:
- 3 (1) conveying a cemetery to a corporation under IC 23-14-63;
 - 4 (2) accepting conveyance of a cemetery and accepting
 - 5 endowment funds, cash, securities, or other assets under
 - 6 IC 23-14-64;
 - 7 (3) locating and maintaining cemeteries and levying a
 - 8 cemetery tax in the county under IC 23-14-68;
 - 9 (4) maintaining cemeteries under IC 23-14-69;
 - 10 (5) receiving and expending funds under IC 23-14-70; and
 - 11 (6) exercising eminent domain for cemetery purposes under
 - 12 IC 23-14-75.

13 SECTION 24. IC 23-14-33-7.5 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2008]: **Sec. 7.5. "Cemetery fund" means the:**

- 16 (1) township fund for a township; or
- 17 (2) cemetery fund for a county having a consolidated city, if
- 18 an ordinance is adopted and approved under IC 36-6-1.2-2.

19 SECTION 25. IC 32-26-4-2 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) The trustee of
 21 each township, the county highway superintendent, the Indiana
 22 department of transportation, or other officer in control of the
 23 maintenance of a highway shall between January 1 and April 1 of each
 24 year examine all hedges, live fences, natural growths along highways,
 25 and other obstructions described in section 1 of this chapter in their
 26 respective jurisdictions. **However, the duties and obligations of a**
 27 **township trustee under this chapter are the responsibility of the**
 28 **county in a county having a consolidated city, if an ordinance is**
 29 **adopted and approved under IC 36-6-1.2-2.** If there are hedges, live
 30 fences, other growths, or obstructions along the highways that have not
 31 been cut, trimmed down, and maintained in accordance with this
 32 chapter, the owner shall be given written notice to cut or trim the hedge
 33 or live fence and to burn the brush trimmed from the hedge or live
 34 fence and remove any other obstructions or growths.

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

38 (c) If the owner is not a resident of the township, county, or state
 39 where the hedge, live fence, or other obstructions or growth is located,
 40 the notice shall be served upon the owner's agent or tenant residing in
 41 the township, **county, or state.** If an agent or a tenant of the owner
 42 does not reside in the township, the notice shall be served by mailing

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1 a copy of the notice to the owner, directed to the owner's last known
2 post office address.

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

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

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

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

27 SECTION 26. IC 33-23-11-7 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. (a) As used in
29 this chapter, "judge" means a judge of the court of appeals, the tax
30 court, or a circuit, superior, county, ~~small claims~~; or probate court.

31 (b) The term includes a judge pro tempore, commissioner, or
32 hearing officer if the judge pro tempore, commissioner, or hearing
33 officer sits more than twenty (20) days other than Saturdays, Sundays,
34 or holidays in one (1) calendar year as a judge, commissioner, or
35 hearing officer in any court.

36 SECTION 27. IC 33-23-12-2 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) As used in
38 this chapter, "court employee" means a person employed by any of the
39 following:

- 40 (1) The supreme court.
- 41 (2) The court of appeals.
- 42 (3) The tax court.

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- 1 (4) A circuit court.
- 2 (5) A superior court.
- 3 (6) A juvenile court.
- 4 (7) A probate court.
- 5 (8) A county court.
- 6 (9) A municipal court.
- 7 (10) A city or town court.
- 8 ~~(11) A small claims court.~~

9 (b) The term does not include a judge of any of the courts listed in
 10 subsection (a)(1) through ~~(a)(11)~~: **(a)(10)**.

11 SECTION 28. IC 33-30-2-1, AS AMENDED BY P.L.234-2007,
 12 SECTION 216, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JANUARY 1, 2011]: Sec. 1. (a) A county court is
 14 established in Madison County.

15 (b) However, a county court described in subsection (a) is abolished
 16 if:

- 17 (1) IC 33-33 provides a small claims docket of the circuit court;
- 18 **or**
- 19 (2) IC 33-33 provides a small claims docket of the superior court;
- 20 **or**
- 21 ~~(3) IC 33-34 provides a small claims court;~~

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

23 SECTION 29. IC 33-33-49-5.3 IS ADDED TO THE INDIANA
 24 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JANUARY 1, 2011]: **Sec. 5.3. As used in this chapter,**
 26 **"warrant officer" means an individual whose duties include acting**
 27 **as a process server for the circuit court, the superior court, or a**
 28 **small claims division of the superior court.**

29 SECTION 30. IC 33-33-49-6, AS AMENDED BY P.L.80-2006,
 30 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2008]: Sec. 6. (a) There is established a superior court in
 32 Marion County. The court consists of:

- 33 (1) thirty-five (35) judges beginning January 1, 2007, and ending
 34 December 31, 2008; ~~and~~
- 35 (2) thirty-six (36) judges beginning January 1, 2009, **and ending**
 36 **December 31, 2010; and**
- 37 **(3) forty (40) judges beginning January 1, 2011.**

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

- 41 (1) a resident of Marion County; and
- 42 (2) an attorney who has been admitted to the bar of Indiana for at

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1 least five (5) years.

2 (c) During the term of office, a judge of the court must remain a
3 resident of Marion County.

4 SECTION 31. IC 33-33-49-9 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 9. (a) The court
6 has the following jurisdiction:

7 (1) Concurrent and coextensive jurisdiction with the Marion
8 circuit court in all cases and upon all subject matters, including
9 civil, criminal, juvenile, probate, and statutory cases and matters,
10 whether original or appellate.

11 (2) Original and exclusive jurisdiction in all matters pertaining to
12 the following:

13 (A) The probate and settlement of decedents' estates, trusts,
14 and guardianships.

15 (B) The probate of wills.

16 (C) Proceedings to resist the probate of wills.

17 (D) Proceedings to contest wills.

18 (E) The appointment of guardians, assignees, executors,
19 administrators, and trustees.

20 (F) The administration and settlement of:

21 (i) estates of protected persons (as defined in IC 29-3-1-13)
22 and deceased persons;

23 (ii) trusts, assignments, adoptions, and surviving
24 partnerships; and

25 (iii) all other probate matters.

26 (3) Original jurisdiction of all violations of Indiana law.
27 Whenever jurisdiction is by law conferred on a small claims
28 court, the court has the appellate jurisdiction provided by law.

29 (4) Original and exclusive juvenile jurisdiction.

30 **(b) The court has a standard small claims and misdemeanor**
31 **division.**

32 SECTION 32. IC 33-33-49-13, AS AMENDED BY P.L.164-2006,
33 SECTION 140, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JANUARY 1, 2009]: Sec. 13. (a) Each judge of the court
35 shall be elected for a term of six (6) years that begins January 1 after
36 the year of the judge's election and continues through December 31 in
37 the sixth year. The judge shall hold office for the six (6) year term or
38 until the judge's successor is elected and qualified. A candidate for
39 judge shall run at large for the office of judge of the court and not as a
40 candidate for judge of a particular room or division of the court.

41 (b) At the primary election held in ~~2008~~ 2012 and every six (6)
42 years thereafter, a political party may nominate not more than ~~eight~~ (8)

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1 **ten (10)** candidates for judge of the court. At the primary election held
2 in ~~2006~~ **2014** and every six (6) years thereafter, a political party may
3 nominate not more than ten (10) candidates for judge of the court. The
4 candidates shall be voted on at the general election. Other candidates
5 may qualify under IC 3-8-6 to be voted on at the general election.

6 (c) The names of the party candidates nominated and properly
7 certified to the Marion County election board, along with the names of
8 other candidates who have qualified, shall be placed on the ballot at the
9 general election in the form prescribed by IC 3-11. At the ~~2008~~ **2012**
10 general election and every six (6) years thereafter, persons eligible to
11 vote at the general election may vote for ~~sixteen (16)~~ **twenty (20)**
12 candidates for judge of the court. Beginning with the ~~2006~~ **2014**
13 general election and every six (6) years thereafter, persons eligible to
14 vote at the general election may vote for twenty (20) candidates for
15 judge of the court.

16 (d) The candidates for judge of the court receiving the highest
17 number of votes shall be elected to the vacancies. The names of the
18 candidates elected as judges of the court shall be certified to the county
19 election board as provided by law.

20 SECTION 33. IC 33-33-49-14, AS AMENDED BY P.L.142-2007,
21 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JANUARY 1, 2011]: Sec. 14. (a) Not more than thirty (30) days after
23 taking the oath of office, the judges shall meet and designate four (4)
24 of the judges as the executive committee for administrative purposes.
25 The executive committee shall be selected by a vote of two-thirds (2/3)
26 of the judges sitting at the time the vote is taken. If all vacancies cannot
27 be filled by a two-thirds (2/3) vote, vacancies may be filled by such
28 other method as provided by court rule. The executive committee is
29 responsible for the operation and conduct of the court. The executive
30 committee shall operate and maintain the juvenile detention facilities
31 in the county. A member of the executive committee shall serve in the
32 capacity provided by rules adopted by the court under section 11 of this
33 chapter. A member of the executive committee serves for a term of two
34 (2) years beginning on the date of the member's election. Except for the
35 rotation of the presiding judge as provided in subsection (b), any or all
36 of the members elected to the executive committee may be reelected.
37 Of the four (4) judges elected to the executive committee, not more
38 than two (2) may be members of the same political party.

39 (b) One (1) of the four (4) judges elected to the executive committee
40 shall be elected as presiding judge, and three (3) of the four (4) judges
41 elected to the executive committee shall be elected as associate
42 presiding judges. Beginning with the election of the executive

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1 committee in 2007, a presiding judge may not be elected from the same
 2 political party as the presiding judge who served the previous term.
 3 Each judge who is a member of the executive committee has an equal
 4 vote in all matters pertaining to the business of the court when an
 5 action requires a majority vote. If a tie vote occurs, the presiding judge
 6 shall cast the tiebreaking vote. Any action taken by the executive
 7 committee may be overruled by a vote of two-thirds (2/3) of all the
 8 judges sitting at the time the vote is taken. The physical reassignment
 9 of a judge to a different courtroom requires a unanimous vote of the
 10 executive committee. The executive committee shall assign cases,
 11 offices, and courtrooms for trial judges or reassignment of newly filed
 12 cases in the interests of the speedy, economical, and uniform
 13 disposition of cases. All matters of trial dates, continuances, and
 14 subpoenas used for trial shall be determined by the trial judge in
 15 accordance with rules of the superior court. The executive committee
 16 shall perform other duties as determined by rules of the court.

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

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

23 **(5) Small claims.**

24 (d) The work of each division shall be allocated by the rules of the
 25 court.

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

33 SECTION 34. IC 33-33-49-15 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 15. (a) The
 35 executive committee, with the approval of two-thirds (2/3) of the
 36 judges, shall determine the number of hearing judges, commissioners,
 37 referees, bail commissioners, court reporters, probation officers, and
 38 other personnel required to efficiently serve the court. The salaries of
 39 the personnel shall be fixed and paid as provided by law.

40 (b) The administrative officers shall perform the duties prescribed
 41 by the executive committee and shall operate under the jurisdiction of
 42 the executive committee and serve at the pleasure of the executive

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1 committee.

2 (c) The executive committee shall see that the court at all times is

3 amply provided with supplies and sufficient clerical and other help,

4 including extra reporters, **warrant officers**, or bailiffs, when needed.

5 Each judge shall appoint the judge's court reporters, bailiffs, secretary,

6 commissioners, and clerks. In addition to the specified duties of this

7 subsection, the executive committee shall exercise any other powers

8 and duties that may be assigned to the executive committee by an order

9 book entry signed by a two-thirds (2/3) majority of the judges. At least

10 once each month, a general term conference of all superior division

11 judges must be held, at which the presiding judge shall preside. A

12 special order book must be kept for the court in which shall be entered

13 all special rules, proceedings, and similar matters. During an absence

14 or a vacation of a judge who is a member of the executive committee,

15 the senior superior court judge shall act for the absent member, if

16 necessary.

17 SECTION 35. IC 33-33-49-17 IS AMENDED TO READ AS

18 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 17. (a) The court

19 shall hold sessions in:

- 20 (1) the city-county building in Indianapolis; ~~and~~
- 21 **(2) each township in Marion County for purposes of hearing**
- 22 **small claims cases; and**
- 23 ~~(2)~~ **(3) other places in Marion County as the court determines.**
- 24 (b) The city-county council shall:
- 25 (1) provide and maintain in the building, **in the townships**, and
- 26 at other places in Marion County as the court may determine
- 27 suitable and convenient courtrooms for the holding of the court,
- 28 suitable and convenient jury rooms, and offices for the judges,
- 29 other court officers and personnel, and other facilities as are
- 30 necessary; and
- 31 (2) provide all necessary furniture and equipment for rooms and
- 32 offices of the court.

33 SECTION 36. IC 33-33-49-35 IS ADDED TO THE INDIANA

34 CODE AS A **NEW SECTION** TO READ AS FOLLOWS

35 [EFFECTIVE JANUARY 1, 2011]: **Sec. 35. A warrant officer:**

- 36 **(1) must successfully complete at least the pre-basic training**
- 37 **course for law enforcement officers established under**
- 38 **IC 5-2-1-9(f) before the warrant officer performs any duties**
- 39 **for the circuit court, the superior court, or a small claims**
- 40 **division of the superior court; and**
- 41 **(2) shall be compensated solely through the payment of a**
- 42 **salary in an amount determined by the auditor of the county**

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

- (1) Proceedings to enforce a statute defining an infraction under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- (4) Proceedings in paternity under IC 31-14.
- ~~(5) Proceedings in small claims court under IC 33-34.~~
- ~~(6)~~ **(5)** Proceedings in actions described in section 7 of this chapter.

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

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

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

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

In each action filed in a court described in IC 33-37-1-1, ~~and in each small claims action in a court described in IC 33-34~~, the clerk shall collect a public defense administration fee of three dollars (\$3).

- (b) In each action in which a person is:
 - (1) convicted of an offense;

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- 1 (2) required to pay a pretrial diversion fee;
 - 2 (3) found to have committed an infraction; or
 - 3 (4) found to have violated an ordinance;
- 4 the clerk shall collect a public defense administration fee of three
5 dollars (\$3).

6 SECTION 39. IC 33-37-5-22 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 22. (a) ~~Except as~~
8 ~~provided in subsection (e)~~; This section applies to an action if all the
9 following apply:

- 10 (1) The defendant is found, in a court that has a local court rule
11 imposing a late payment fee under this section, to have:
 - 12 (A) committed a crime;
 - 13 (B) violated a statute defining an infraction;
 - 14 (C) violated an ordinance of a municipal corporation; or
 - 15 (D) committed a delinquent act.
- 16 (2) The defendant is required to pay:
 - 17 (A) court costs, including fees;
 - 18 (B) a fine; or
 - 19 (C) a civil penalty.
- 20 (3) The defendant is not determined by the court imposing the
21 court costs, fine, or civil penalty to be indigent.
- 22 (4) The defendant fails to pay to the clerk the costs, fine, or civil
23 penalty in full before the later of the following:
 - 24 (A) The end of the business day on which the court enters the
25 conviction or judgment.
 - 26 (B) The end of the period specified in a payment schedule set
27 for the payment of court costs, fines, and civil penalties under
28 rules adopted for the operation of the court.
- 29 (b) A court may adopt a local rule to impose a late payment fee
30 under this section on defendants described in subsection (a).
- 31 (c) Subject to subsection (d), the clerk of a court that adopts a local
32 rule imposing a late payment fee under this section shall collect a late
33 payment fee of twenty-five dollars (\$25) from a defendant described in
34 subsection (a).
- 35 (d) Notwithstanding IC 33-37-2-2, a court may suspend a late
36 payment fee if the court finds that the defendant has demonstrated good
37 cause for failure to make a timely payment of court costs, a fine, or a
38 civil penalty.
- 39 ~~(e) A plaintiff or defendant in an action under IC 33-34 shall pay a~~
40 ~~late fee of twenty-five dollars (\$25) if the plaintiff or defendant:~~
 - 41 ~~(1) is required to pay court fees or costs under IC 33-34-8-1;~~
 - 42 ~~(2) is not determined by the court imposing the court costs to be~~

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- 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 40. 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~~, the clerk shall collect a judicial salaries fee
 24 specified in the schedule in subsection (e).

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

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

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

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

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

14 SECTION 41. IC 33-37-5-27, AS AMENDED BY P.L.80-2006,
 15 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JANUARY 1, 2011]: Sec. 27. (a) This subsection does not apply to the
 17 following:

- 18 (1) A criminal proceeding.
- 19 (2) A proceeding to enforce a statute defining an infraction.
- 20 (3) A proceeding for an ordinance violation.

21 In each action filed in a court described in IC 33-37-1-1, ~~and in each~~
 22 ~~small claims action in a court described in IC 33-34~~, the clerk shall
 23 collect a court administration fee of three dollars (\$3).

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

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

30 SECTION 42. IC 36-3-1-5.1, AS AMENDED BY P.L.216-2007,
 31 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2008]: Sec. 5.1. (a) Except for those duties that are reserved
 33 by law to the county sheriff in this section, the city-county legislative
 34 body may by majority vote adopt an ordinance, approved by the mayor,
 35 to consolidate the police department of the consolidated city and the
 36 county sheriff's department.

37 (b) The city-county legislative body may not adopt an ordinance
 38 under this section unless it first:

- 39 (1) holds a public hearing on the proposed consolidation; and
- 40 (2) determines that:
 - 41 (A) reasonable and adequate police protection can be provided
 - 42 through the consolidation; and

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1 (B) the consolidation is in the public interest.

2 (c) If an ordinance is adopted under this section, the consolidation

3 shall take effect on the date specified in the ordinance.

4 (d) Notwithstanding any other law, an ordinance adopted under this

5 section must provide that the county sheriff's department shall be

6 responsible for all the following for the consolidated city and the

7 county under the direction and control of the sheriff:

8 (1) County jail operations and facilities;

9 (2) Emergency communications;

10 (3) Security for buildings and property owned by:

11 (A) the consolidated city;

12 (B) the county; or

13 (C) both the consolidated city and county.

14 (4) Service of civil process and collection of taxes under tax

15 warrants;

16 (5) Sex and violent offender registration.

17 (e) (d) The following apply if an ordinance is adopted under this

18 section:

19 (1) The department of local government finance, on

20 recommendation from the local government tax control board,

21 shall adjust the maximum permissible ad valorem property tax

22 levy of the consolidated city and the county for property taxes first

23 due and payable in the year a consolidation takes effect under this

24 section. When added together, the adjustments under this

25 subdivision must total zero (0).

26 (2) The ordinance must specify which law enforcement officers

27 of the police department and which law enforcement officers of

28 the county sheriff's department shall be law enforcement officers

29 of the consolidated law enforcement department.

30 (3) The ordinance may not prohibit the providing of law

31 enforcement services for an excluded city under an interlocal

32 agreement under IC 36-1-7.

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

34 (A) was an employee beneficiary of the sheriff's pension trust

35 before the consolidation of the law enforcement departments;

36 and

37 (B) after the consolidation becomes a law enforcement officer

38 of the consolidated law enforcement department;

39 remains an employee beneficiary of the sheriff's pension trust.

40 The member retains, after the consolidation, credit in the sheriff's

41 pension trust for service earned while a member of the county

42 police force and continues to earn service credit in the sheriff's

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1 pension trust as a member of the consolidated law enforcement
 2 department for purposes of determining the member's benefits
 3 from the sheriff's pension trust.
 4 (5) A member of the police department of the consolidated city
 5 who:
 6 (A) was a member of the 1953 fund or the 1977 fund before
 7 the consolidation of the law enforcement departments; and
 8 (B) after the consolidation becomes a law enforcement officer
 9 of the consolidated law enforcement department;
 10 remains a member of the 1953 fund or the 1977 fund. The
 11 member retains, after the consolidation, credit in the 1953 fund or
 12 the 1977 fund for service earned while a member of the police
 13 department of the consolidated city and continues to earn service
 14 credit in the 1953 fund or the 1977 fund as a member of the
 15 consolidated law enforcement department for purposes of
 16 determining the member's benefits from the 1953 fund or the
 17 1977 fund.
 18 (6) The ordinance must designate the merit system that shall
 19 apply to the law enforcement officers of the consolidated law
 20 enforcement department.
 21 (7) The ordinance must designate who shall serve as a coapplicant
 22 for a warrant or an extension of a warrant under IC 35-33.5-2.
 23 (8) The consolidated city may levy property taxes within the
 24 consolidated city's maximum permissible ad valorem property tax
 25 levy limit to provide for the payment of the expenses for the
 26 operation of the consolidated law enforcement department. The
 27 police special service district established under section 6 of this
 28 chapter may levy property taxes to provide for the payment of
 29 expenses for the operation of the consolidated law enforcement
 30 department within the territory of the police special service
 31 district. Property taxes to fund the pension obligation under
 32 IC 36-8-7.5 may be levied only by the police special service
 33 district within the police special service district. The consolidated
 34 city may not levy property taxes to fund the pension obligation
 35 under IC 36-8-7.5. Property taxes to fund the pension obligation
 36 under IC 36-8-8 for members of the 1977 police officers' and
 37 firefighters' pension and disability fund who were members of the
 38 police department of the consolidated city on the effective date of
 39 the consolidation may be levied only by the police special service
 40 district within the police special service district. Property taxes to
 41 fund the pension obligation under IC 36-8-10 for members of the
 42 sheriff's pension trust and under IC 36-8-8 for members of the

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1 1977 police officers' and firefighters' pension and disability fund
2 who were not members of the police department of the
3 consolidated city on the effective date of the consolidation may be
4 levied by the consolidated city within the consolidated city's
5 maximum permissible ad valorem property tax levy. The assets of
6 the consolidated city's 1953 fund and the assets of the sheriff's
7 pension trust may not be pledged after the effective date of the
8 consolidation as collateral for any loan.

9 (9) The executive of the consolidated city shall provide for an
10 independent evaluation and performance audit, due before March
11 1 of the year following the adoption of the consolidation
12 ordinance and for the following two (2) years, to determine:

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

15 (B) any tax shifts among taxpayers;
16 that result from the consolidation. The independent evaluation
17 and performance audit must be provided to the legislative council
18 in an electronic format under IC 5-14-6 and to the budget
19 committee.

20 SECTION 43. IC 36-3-1-5.2 IS ADDED TO THE INDIANA CODE
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 2008]: **Sec. 5.2. (a) After June 30, 2008, the executive of a
23 consolidated city has all the powers and duties of the executive set
24 forth in this article and IC 36-8 with respect to the consolidated
25 law enforcement department.**

26 **(b) After June 30, 2008, the county sheriff's department, under
27 the direction and control of the county sheriff, is responsible for
28 only the following for the consolidated city and the county:**

- 29 **(1) County jail operations and facilities.**
- 30 **(2) Security for buildings and property owned by:**
 - 31 **(A) the consolidated city;**
 - 32 **(B) the county; or**
 - 33 **(C) both the consolidated city and the county.**
- 34 **(3) Service of civil process and collection of taxes under tax
35 warrants.**
- 36 **(4) Sex and violent offender registration.**

37 SECTION 44. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006,
38 SECTION 560, IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2008]: **Sec. 6.1. (a) This section applies only in
40 a county containing a consolidated city. If the requirements of
41 subsection (g) are satisfied, The following fire departments of the
42 following are consolidated into the fire department of a the**

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1 consolidated city (referred to as "the consolidated fire department") on
2 **January 1, 2009:**

3 (1) **The fire department of a township for which the**
4 **consolidation is approved by the township legislative body and**
5 **trustee and the legislative body and mayor of the located in the**
6 **county containing the consolidated city, regardless of whether**
7 **the fire department is operated by the township or by another**
8 **political subdivision.**

9 (2) **The fire department of any fire protection territory**
10 **established under IC 36-8-19 that is located in a township**
11 **described in subdivision (1).**

12 (b) ~~If the requirements of subsection (g) are satisfied; After~~
13 **December 31, 2008, the consolidated fire department shall provide fire**
14 **protection services within an entity described in subsection (a)(1) or**
15 **(a)(2) in which the requirements of subsection (g) are satisfied on the**
16 **date agreed to in the resolution of the township legislative body and the**
17 **ordinance of the legislative body of the consolidated city: the county**
18 **(excluding any excluded city).**

19 (c) ~~If the requirements of subsection (g) are satisfied and the fire~~
20 **department of an entity listed in subsection (a) is consolidated into the**
21 **fire department of the consolidated city; All of the property, equipment,**
22 **records, rights, and contracts of the each department consolidated into**
23 **the fire department of the consolidated city are:**

- 24 (1) transferred to; or
- 25 (2) assumed by;

26 the consolidated city on the effective date of the consolidation.
27 However, real property other than real property used as a fire station
28 may be transferred only on terms mutually agreed to by the legislative
29 body and mayor of the consolidated city and the trustee and legislative
30 body of the township in which that real property is located. **Any funds**
31 **transferred under this subsection to the consolidated city that**
32 **represent balances in a cumulative building and equipment fund**
33 **for fire protection and related services established under**
34 **IC 36-8-14 shall be deposited to the consolidated city's cumulative**
35 **building and equipment fund for fire protection and related**
36 **services and shall be used by the consolidated city for funding land,**
37 **buildings, and equipment for fire protection and emergency**
38 **medical services as provided under IC 36-8-14.**

39 (d) ~~If the requirements of subsection (g) are satisfied and the fire~~
40 **department of an entity listed in subsection (a) is consolidated into the**
41 **fire department of the consolidated city; The employees of the a fire**
42 **department listed in subsection (a) that is consolidated into the fire**

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1 department of the consolidated city cease employment with the
 2 department of the entity listed in subsection (a) and become employees
 3 of the consolidated fire department on the effective date of the
 4 consolidation. The consolidated city shall assume all agreements with
 5 labor organizations that:

- 6 (1) are in effect on the effective date of the consolidation; and
 7 (2) apply to employees of the department consolidated into the
 8 fire department of the consolidated city who become employees
 9 of the consolidated fire department.

10 (e) ~~If the requirements of subsection (g) are satisfied and the fire~~
 11 ~~department of an entity listed in subsection (a) is consolidated into the~~
 12 ~~fire department of a consolidated city, the~~ Indebtedness related to fire
 13 protection services incurred before the effective date of the
 14 consolidation by ~~the an entity whose fire department is consolidated~~
 15 **into the consolidated fire department under subsection (a)**, or a
 16 building, holding, or leasing corporation on behalf of the entity, ~~whose~~
 17 ~~fire department is consolidated into the consolidated fire department~~
 18 ~~under subsection (a) shall remain the debt of the entity and does not~~
 19 ~~become and may not be assumed, defeased, paid, or refunded by the~~
 20 consolidated city. Indebtedness related to fire protection services that
 21 is incurred by the consolidated city before the effective date of the
 22 consolidation shall remain the debt of the consolidated city and
 23 property taxes levied to pay the debt may only be levied by the fire
 24 special service district.

25 (f) **Notwithstanding any other law, to assume, defease, pay, or**
 26 **refund all or part of an indebtedness described in subsection (e),**
 27 **the consolidated city is not required to comply with any other**
 28 **statutory procedures or approvals that apply when a unit incurs**
 29 **indebtedness.**

30 (g) **Notwithstanding subsections (e) and (f), the consolidated city**
 31 **may not assume all or a part of an indebtedness described in**
 32 **subsection (e) that will exceed the limitations on the amount of**
 33 **indebtedness that the consolidated city may incur.**

34 (h) **The rights of trustees and bondholders with respect to any:**
 35 **(1) bonds or other indebtedness described in subsection (e); or**
 36 **(2) bond resolution, trust agreement or indenture, security**
 37 **agreement, purchase agreement, or other undertaking with**
 38 **respect to indebtedness described in subsection (e);**
 39 **remain the same, although the powers, duties, agreements, and**
 40 **liabilities of the entities listed in subsection (a) have been**
 41 **transferred to the consolidated city, and the consolidated city shall**
 42 **be considered to have assumed all those powers, duties,**

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1 **agreements, and liabilities.**

2 (f) If the requirements of subsection (g) are satisfied and the fire
3 department of an entity listed in subsection (a) is consolidated into the
4 fire department of a consolidated city; (i) The merit board and the merit
5 system of ~~the~~ **each** fire department that is consolidated **into the fire**
6 **department of the consolidated city** are dissolved on the effective
7 date of the consolidation, and the duties of the merit board are
8 transferred to and assumed by the merit board for the consolidated fire
9 department on the effective date of the consolidation.

10 (g) A township legislative body, after approval by the township
11 trustee, may adopt a resolution approving the consolidation of the
12 township's fire department with the fire department of the consolidated
13 city. A township legislative body may adopt a resolution under this
14 subsection only after the township legislative body has held a public
15 hearing concerning the proposed consolidation. The township
16 legislative body shall hold the hearing not earlier than thirty (30) days
17 after the date the resolution is introduced. The hearing shall be
18 conducted in accordance with IC 5-14-1.5 and notice of the hearing
19 shall be published in accordance with IC 5-3-1. If the township
20 legislative body has adopted a resolution under this subsection, the
21 township legislative body shall, after approval from the township
22 trustee, forward the resolution to the legislative body of the
23 consolidated city. If such a resolution is forwarded to the legislative
24 body of the consolidated city and the legislative body of the
25 consolidated city adopts an ordinance, approved by the mayor of the
26 consolidated city, approving the consolidation of the fire department of
27 the township into the fire department of the consolidated city, the
28 requirements of this subsection are satisfied. The consolidation shall
29 take effect on the date agreed to by the township legislative body in its
30 resolution and by the legislative body of the consolidated city in its
31 ordinance approving the consolidation.

32 (h) (j) The following apply if the requirements of subsection (g) are
33 satisfied: **after a fire department listed in subsection (a) is**
34 **consolidated into the fire department of the consolidated city:**

35 (1) The consolidation of the fire department of that township is
36 effective on the date agreed to by the township legislative body in
37 the resolution and by the legislative body of the consolidated city
38 in its ordinance approving the consolidation.

39 (2) (1) Notwithstanding any other provision, a firefighter:

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

42 (B) who, after the consolidation, becomes an employee of the

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1 fire department of a consolidated city under this section;
 2 remains a member of the 1977 fund without being required to
 3 meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The
 4 firefighter shall receive credit for any service as a member of the
 5 1977 fund before the consolidation to determine the firefighter's
 6 eligibility for benefits under IC 36-8-8.

7 ~~(3)~~ (2) Notwithstanding any other provision, a firefighter:

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

10 (B) who, after the consolidation, becomes an employee of the
 11 fire department of a consolidated city under this section;
 12 remains a member of the 1937 fund. The firefighter shall receive
 13 credit for any service as a member of the 1937 fund before the
 14 consolidation to determine the firefighter's eligibility for benefits
 15 under IC 36-8-7.

16 ~~(4)~~ (3) For property taxes first due and payable in the **first**
 17 **calendar** year in which **property taxes are first due and**
 18 **payable based on** the consolidation, is ~~effective~~; the maximum
 19 permissible ad valorem property tax levy under IC 6-1.1-18.5 **for:**

20 (A) ~~is increased~~ for the consolidated city; by an amount equal
 21 to the maximum permissible ad valorem property tax levy in
 22 the year preceding the year in which the consolidation is
 23 effective for fire protection and related services by the
 24 township whose fire department is consolidated into the fire
 25 department of the consolidated city under this section; and

26 (B) ~~is reduced~~ for the **township entity** whose fire department
 27 is consolidated into the fire department of the consolidated city
 28 under this section; by the amount equal to the maximum
 29 permissible ad valorem property tax levy in the year preceding
 30 the year in which the consolidation is effective for fire
 31 protection and related services for the township.

32 **is determined under IC 6-1.1-18.5-22.**

33 ~~(5)~~ (4) The amount levied in the year preceding the year in which
 34 the consolidation is effective by the township whose fire
 35 department is consolidated into the fire department of the
 36 consolidated city for **balance in** the township's cumulative
 37 building and equipment fund for fire protection and related
 38 **services of a township whose fire department is consolidated**
 39 **into the fire department of the consolidated city** is transferred
 40 on the effective date of the consolidation to the consolidated city's
 41 cumulative building and equipment fund for fire protection and
 42 related services; which is hereby established. The consolidated

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city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services: **as provided in subsection (c).**

~~(6)~~ **(5)** The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of ~~the township~~ **an entity whose fire department is consolidated into the fire department of the consolidated city** are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

~~(7)~~ **(6)** The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax ~~levy limit area served by the consolidated fire department~~ to provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within **or that directly benefit** the territory of the fire special service district. ~~Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the fire department of the consolidated city~~

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1 on the effective date of the consolidation may be levied by the
2 consolidated city within the city's maximum permissible ad
3 valorem property tax levy. However, these taxes may be levied
4 only within the fire special service district and any townships that
5 have consolidated fire departments under this section.

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

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

12 (B) any tax shifts among taxpayers;
13 that result from the consolidation. The independent evaluation
14 and performance audit must be provided to the legislative council
15 in an electronic format under IC 5-14-6 and to the state budget
16 committee.

17 (k) For a township that consolidated its fire department into the
18 fire department of the consolidated city before July 1, 2008, this
19 section and IC 6-3.5-6-18.5 apply to the consolidation to the extent
20 this section and IC 6-3.5-6-18.5 do not conflict with:

21 (1) the consolidation ordinances adopted by the consolidated
22 city and the township; or

23 (2) any consolidation agreement between the consolidated city
24 and the township.

25 (l) Before January 1, 2009, the consolidated fire department
26 shall develop a strategic plan to determine resource requirements
27 and resource deployments for the consolidated fire department.
28 The consolidated fire department shall determine the resource
29 requirements and resource deployments based on the risk
30 assessment models promulgated by the Center for Public Safety
31 Excellence, Inc., or a successor entity. The consolidated fire
32 department must:

33 (1) update the strategic plan at least once every three (3)
34 years; and

35 (2) annually report to the legislative body of the consolidated
36 city concerning the implementation of the strategic plan.

37 SECTION 45. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005,
38 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2008]: Sec. 6.2. (a) If a ~~consolidated~~ fire department is
40 established **consolidated** under section 6.1 of this chapter, the
41 consolidated city, through the consolidated fire department, shall after
42 the consolidation establish, operate, and maintain emergency

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1 ambulance services (as defined in IC 16-18-2-107) in the fire special
2 service district and in those townships in the county that are
3 consolidated under section 6.1 of this chapter.

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

7 SECTION 46. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2008]: **Sec. 6.4. (a) The executive of the consolidated city shall
10 establish a professional standards board with responsibility after
11 December 31, 2008, for establishing, validating, and maintaining
12 emergency responder certification and credentialing requirements
13 and procedures. The emergency responder certification and
14 credentialing requirements and procedures must be in accordance
15 with the National Incident Management System and appropriate
16 national professional standards and certification organizations and
17 boards.**

18 (b) **The professional standards board shall before January 1,
19 2009, establish the following for each emergency responder
20 position within the consolidated fire department:**

- 21 (1) **Minimum initial certification and credentialing**
- 22 **requirements.**
- 23 (2) **Experience and competency requirements.**
- 24 (3) **Continuing education requirements.**
- 25 (4) **Performance criteria.**
- 26 (5) **Recertification requirements.**

27 (c) **After December 31, 2008, a subcommittee of the professional
28 standards board, under the direction of a board certified
29 emergency physician, is responsible for certification and
30 credentialing of emergency medical responders.**

31 SECTION 47. IC 36-3-3-2 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 2. (a) A mayor, who is
33 the executive of both the consolidated city and the county, shall be
34 elected under IC 3-10-6 by the voters of the whole county.**

35 (b) **To be eligible to serve as the executive, a person must ~~meet the~~
36 qualifications prescribed by ~~IC 3-8-1-24~~. **have resided in the city for
37 at least five (5) years before the date of taking office.****

38 (c) **The term of office of an executive is four (4) years, beginning at
39 noon on January 1 after election and continuing until a successor is
40 elected and qualified.**

41 SECTION 48. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE
42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1 1, 2008]: **Sec. 6. Notwithstanding any other law, the consolidated**
 2 **city may issue obligations to refund obligations issued before the**
 3 **effective date of a consolidation under IC 36-3-1-6.1 in the name of:**
 4 **(1) a township;**
 5 **(2) a fire protection territory; or**
 6 **(3) a building, holding, or leasing corporation on behalf of a**
 7 **township or a fire protection territory;**
 8 **to satisfy the requirements of IC 36-3-1-6.1(e), IC 36-3-1-6.1(f), and**
 9 **IC 36-3-1-6.1(g).**

10 SECTION 49. IC 36-3-8 IS ADDED TO THE INDIANA CODE AS
 11 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 12 1, 2008]:

13 **Chapter 8. Abolishment of Certain Governmental Entities in**
 14 **Marion County**

15 **Sec. 1. As used in this chapter, "city-county council" means the**
 16 **legislative body of a consolidated city.**

17 **Sec. 2. (a) The city-county council may adopt an ordinance,**
 18 **approved by the mayor of the consolidated city, to abolish any of**
 19 **the following entities and transfer the duties and powers of an**
 20 **abolished entity to the consolidated city:**

21 **(1) One (1) or more included towns (as described in**
 22 **IC 36-3-1-7).**

23 **(2) The Ben Davis conservancy district.**

24 **(b) An ordinance adopted under this section to abolish an entity**
 25 **listed in subsection (a) must specify the following:**

26 **(1) The date on which the entity is abolished.**

27 **(2) The department or agency of the consolidated city that**
 28 **shall assume the duties and powers of the entity.**

29 **(c) If the city-county council adopts an ordinance to abolish an**
 30 **entity listed in subsection (a) that is located partly within the**
 31 **county containing a consolidated city and partly outside the county**
 32 **containing a consolidated city, only the part of the entity within the**
 33 **county containing a consolidated city is abolished.**

34 **Sec. 3. If the city-county council adopts an ordinance to abolish**
 35 **an entity listed in section 2 of this chapter, the entity is abolished,**
 36 **and the entity's duties and powers are transferred to the**
 37 **consolidated city on the later of:**

38 **(1) the date specified in the ordinance for the abolishing of the**
 39 **entity; or**

40 **(2) January 1 of the year following the year in which the**
 41 **ordinance is adopted.**

42 **Sec. 4. (a) This chapter contains full and complete authority for**

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the city-county council to take any action necessary to:

- (1) abolish one (1) or more of the entities listed in section 2 of this chapter; and
- (2) transfer the duties and powers of an entity that is abolished to the consolidated city.

(b) This chapter shall be liberally construed to carry out the purposes of this article.

Sec. 5. The clerk of the city-county council shall submit a certified copy of any ordinance adopted under this chapter to the secretary of state, the department of local government finance, the department of state revenue, and the state board of accounts.

Sec. 6. The following apply if an entity listed in section 2 of this chapter is abolished under this chapter:

- (1) Except as otherwise provided, all of the property, assets, funds, equipment, records, rights, contracts, obligations, and liabilities of the entity are transferred to or assumed by the consolidated city on the date the entity is abolished.
- (2) The employees of the entity become employees of the consolidated city on the date the entity is abolished. The consolidated city shall assume all agreements with labor organizations that:
 - (A) are in effect on the date the entity is abolished; and
 - (B) apply to employees of the entity who become employees of the consolidated city.
- (3) The indebtedness incurred by the entity (or by a building, holding, or leasing corporation on behalf of the entity) before the date the entity is abolished shall be assumed, defeased, paid, or refunded by the consolidated city. Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness described in this subdivision, the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness. The rights of the trustee and the bondholders with respect to any of the entity's bonds or other indebtedness, bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness remain the same although the powers, duties, agreements, and liabilities of the entity have been transferred to the consolidated city, and the consolidated city is considered to have assumed all those powers, duties, agreements, and liabilities. However, the consolidated city may not assume all or a part of the

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indebtedness described in this subdivision that will exceed the limitations on the amount of indebtedness that the consolidated city may incur. To the extent that the consolidated city may not assume all or a part of the indebtedness described in this subdivision, the entity is not abolished and continues to exist as a taxing unit only for the purpose of levying property taxes necessary to pay the indebtedness that is not assumed by the consolidated city. After the indebtedness not assumed by the consolidated city has been paid, the entity is abolished. The ad valorem property tax levy limits imposed by IC 6-1.1-18.5 do not apply to ad valorem property taxes imposed by a consolidated city to pay or fund any indebtedness assumed, defeased, paid, or refunded under this chapter.

(4) The department of local government finance shall adjust the maximum permissible property tax levies, maximum permissible property tax rates, and budget of the consolidated city to take into account the transfer of duties and powers of the abolished entity to the consolidated city.

(5) After the date on which the entity is abolished, the consolidated city is entitled to receive any monthly distributive shares of county option income taxes under IC 6-3.5-6 that the abolished entity was entitled to receive before it was abolished.

(6) Notwithstanding any other provision, a person:
(A) who, as of the date that the entity is abolished, is:
(i) employed as a firefighter or police officer by the entity; and
(ii) a member of the 1925 police pension fund under IC 36-8-6, the 1937 firefighters' pension fund under IC 36-8-7, or the 1977 police officers' and firefighters' pension and disability fund under IC 36-8-8; and
(B) who, after the entity is abolished becomes a firefighter with the fire department of the consolidated city or a law enforcement officer of the consolidated law enforcement department of the consolidated city;

remains a member of the same pension fund in which the person was a member on the date the entity is abolished. For purposes of determining the person's eligibility for benefits, the person retains any pension service credit earned before the date that the entity is abolished.

(7) The terms of office of any elected officer of the abolished

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entity terminate on the date the entity is abolished.
SECTION 50. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 1.1. Transfer of Township Services

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

Sec. 2. The functions, duties, and responsibilities of the township trustee and township board with respect to providing fire protection and related services are transferred to the county on January 1, 2009.

Sec. 3. The balance on January 1, 2009, in a debt service fund of a township that relates to debt incurred for firefighting purposes:

- (1) is transferred to the county in which the township is located; and**
- (2) shall be used by the county to pay indebtedness or lease rentals for which the fund was established.**

Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made is transferred to the county general fund.

Sec. 4. (a) The balance on January 1, 2009, in a township's firefighting fund:

- (1) is transferred to the consolidated city; and**
- (2) shall be deposited in the general fund of the consolidated city.**

(b) The department of local government finance shall determine the amounts to be transferred under this section.

(c) IC 36-1-8-5 does not apply to a balance referred to in this section.

Sec. 5. The maximum permissible ad valorem property tax levy of the township, the consolidated city, and the county are adjusted under IC 6-1.1-18.5-22 to reflect the transfers under this chapter.

SECTION 51. IC 36-6-1.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 1.2. Abolishment of Township Government in Marion County

Sec. 1. As used in this chapter, "city-county council" means the legislative body of a consolidated city.

Sec. 2. (a) The city-county council may adopt an ordinance, approved by the mayor of the consolidated city, to abolish all township governments in the county and transfer the duties and

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1 powers of the township governments to the consolidated city and
2 county on January 1, 2011. An ordinance adopted under this
3 chapter does not affect the following:

- 4 (1) The office of township assessor.
- 5 (2) Transfer of the duties and responsibilities of the township
6 trustee and township board with regard to fire protection and
7 related services to the county.
- 8 (3) Abolishment of township small claims courts.

9 (b) An ordinance adopted under this chapter to abolish
10 township governments must specify the departments or agencies of
11 the consolidated city that shall assume the duties and powers of the
12 townships.

13 Sec. 3. The clerk of the city-county council shall submit a
14 certified copy of any ordinance adopted under this chapter to the
15 secretary of state, the department of local government finance, the
16 department of state revenue, and the state board of accounts.

17 Sec. 4. The following occur on January 1, 2011, if township
18 governments are abolished under this chapter:

- 19 (1) The office of township trustee of the township is abolished.
- 20 (2) The township board of the township is abolished.
- 21 (3) The functions, duties, and responsibilities of the township
22 trustee, other than the functions, duties, and responsibilities
23 of the township trustee and of the township board of the
24 township that are transferred under IC 36-6-1.1 or another
25 statute, are transferred to the county.

26 Sec. 5. Except as provided in IC 36-6-1.1 or another statute, all:

- 27 (A) assets;
- 28 (B) property rights;
- 29 (C) equipment;
- 30 (D) records;
- 31 (E) personnel (except as otherwise provided by statute);
- 32 and
- 33 (F) contracts;

34 connected with the operations of a township are transferred to the
35 county on January 1, 2011, if an ordinance is adopted under this
36 chapter.

37 Sec. 6. Beginning January 1, 2011, notwithstanding any other
38 law to the contrary, if an ordinance is adopted under this chapter,
39 a township's monthly distributive share of any county option
40 income taxes is reduced to zero (0), and those county option income
41 taxes shall instead be distributed as additional distributive shares
42 to the county.

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1 **Sec. 7. If an ordinance is adopted under this chapter, the**
2 **balance on January 1, 2011, in a debt service fund of a township:**
3 **(1) is transferred to the county in which the township is**
4 **located; and**
5 **(2) shall be used by the county to pay indebtedness or lease**
6 **rentals for which the fund was established.**
7 **Any balance remaining in the fund after all payments for**
8 **indebtedness or lease rentals required under this section have been**
9 **made is transferred to the county general fund.**
10 **Sec. 8. (a) If an ordinance is adopted under this chapter, on**
11 **January 1, 2011, the balance in a township's general fund**
12 **attributable to the duties of the township trustee under IC 36-6-4-3,**
13 **other than the duties transferred under IC 36-6-1.1, is transferred**
14 **to the county.**
15 **(b) The department of local government finance shall determine**
16 **the amounts to be transferred under subsection (a).**
17 **(c) IC 36-1-8-5 does not apply to a balance referred to in**
18 **subsection (a).**
19 **Sec. 9. (a) If an ordinance is adopted under this chapter, the**
20 **balance in a township's township assistance fund attributable to**
21 **the duties of the township trustee on January 1, 2011:**
22 **(1) is transferred to the county; and**
23 **(2) shall be deposited in the county township assistance fund**
24 **established under IC 12-14-30.**
25 **(b) The department of local government finance shall determine**
26 **the amounts to be transferred under this section.**
27 **(c) IC 36-1-8-5 does not apply to a balance referred to in this**
28 **section.**
29 **Sec. 10. If an ordinance is adopted under this chapter, the**
30 **county containing a consolidated city shall assume, defease, pay, or**
31 **refund all indebtedness of the township other than indebtedness**
32 **related to fire protection services:**
33 **(1) using the same procedures; and**
34 **(2) subject to the same restrictions;**
35 **that apply to a consolidated city assuming, defeasing, paying, or**
36 **refunding under IC 36-3-1-6.1(e) all indebtedness of the township**
37 **related to fire protection services.**
38 **Sec. 11. If an ordinance is adopted under this chapter, the**
39 **maximum permissible ad valorem property tax levy of the**
40 **township, the consolidated city, and the county are adjusted under**
41 **IC 6-1.1-18.5-22.**
42 **SECTION 52. IC 36-6-4-3, AS AMENDED BY P.L.1-2006,**

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1 SECTION 562, IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2008]: Sec. 3. The executive shall do the
3 following:

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

28 SECTION 53. IC 36-6-4-8 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) The executive
30 may use the township's share of state, county, and township tax
31 revenues and federal revenue sharing funds for all categories of
32 community services, if these funds are appropriated for these services
33 by the township legislative body. The executive may use these funds
34 for both operating and capital expenditures.

35 (b) With the consent of the township legislative body, the executive
36 may contract with corporations for health and community services not
37 specifically provided by another governmental entity.

38 (c) **Except in a township that is located in a county having a**
39 **consolidated city and whose fire department has been consolidated**
40 **under IC 36-3-1-6.1**, the executive may contract with a private person
41 to provide regular or emergency ambulance service within the
42 township. The contract may provide for the imposition and collection

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of fees for this service.

(d) **Except in a township that is located in a county having a consolidated city and whose fire department has been consolidated under IC 36-3-1-6.1**, the township legislative body may adopt a resolution to provide for the imposition and collection of fees for ambulance services provided by the township police or fire department.

SECTION 54. IC 36-7-4-504.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]:
Sec. 504.5. (a) In preparing or revising a comprehensive plan for a township, the legislative body of the consolidated city shall adopt an ordinance requiring the plan commission to establish an advisory committee of citizens interested in problems of planning and zoning for that township, a majority of whom shall be nominated by the township legislative body.

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

(c) If an ordinance is adopted under IC 36-6-1.2-2, the legislative body of the consolidated city in preparing or revising a comprehensive plan for a township shall adopt an ordinance requiring the plan commission to establish an advisory committee of citizens interested in problems of planning and zoning for each individual township.

SECTION 55. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

- (1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.
- (2) **Except as provided in subdivision (3)**, for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.
- (3) For a unit that established a 1937 fund for its firefighters and consolidates its fire department into the fire department of a consolidated city under IC 36-3-1-6.1:**
 - (A) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and**
 - (B) on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.**

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

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1 ~~(4)~~ **(5)** For a unit, other than a consolidated city, that did not
2 establish a 1925 fund for its police officers or a 1937 fund for its
3 firefighters, the local board described in subsection (b) or (c).

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

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

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

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

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

23 SECTION 56. IC 36-8-8-7, AS AMENDED BY P.L.1-2006,
24 SECTION 575, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) Except as provided in
26 subsections (d), (e), (f), (g), (h), (k), (l), and (m):

- 27 (1) a police officer; or
- 28 (2) a firefighter;

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

33 (b) A police officer or firefighter with service before May 1, 1977,
34 who is hired or rehired after April 30, 1977, may receive credit under
35 this chapter for service as a police officer or firefighter prior to entry
36 into the 1977 fund if the employer who rehires the police officer or
37 firefighter chooses to contribute to the 1977 fund the amount necessary
38 to amortize the police officer's or firefighter's prior service liability over
39 a period of not more than forty (40) years, the amount and the period
40 to be determined by the PERF board. If the employer chooses to make
41 the contributions, the police officer or firefighter is entitled to receive
42 credit for the police officer's or firefighter's prior years of service

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1 without making contributions to the 1977 fund for that prior service. In
 2 no event may a police officer or firefighter receive credit for prior years
 3 of service if the police officer or firefighter is receiving a benefit or is
 4 entitled to receive a benefit in the future from any other public pension
 5 plan with respect to the prior years of service.

6 (c) Except as provided in section 18 of this chapter, a police officer
 7 or firefighter is entitled to credit for all years of service after April 30,
 8 1977, with the police or fire department of an employer covered by this
 9 chapter.

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

13 (1) was hired before May 1, 1977;

14 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
 15 of which were repealed September 1, 1981); and

16 (3) is rehired after April 30, 1977, by the same employer.

17 (e) A police officer or firefighter does not become a member of the
 18 1977 fund and is not covered by this chapter if the police officer or
 19 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);

23 (3) was rehired after April 30, 1977, but before February 1, 1979;
 24 and

25 (4) was made, before February 1, 1979, a member of a 1925,
 26 1937, or 1953 fund.

27 (f) A police officer or firefighter does not become a member of the
 28 1977 fund and is not covered by this chapter if the police officer or
 29 firefighter:

30 (1) was hired by the police or fire department of a unit before May
 31 1, 1977;

32 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
 33 of which were repealed September 1, 1981);

34 (3) is rehired by the police or fire department of another unit after
 35 December 31, 1981; and

36 (4) is made, by the fiscal body of the other unit after December
 37 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
 38 unit.

39 If the police officer or firefighter is made a member of a 1925, 1937, or
 40 1953 fund, the police officer or firefighter is entitled to receive credit
 41 for all the police officer's or firefighter's years of service, including
 42 years before January 1, 1982.

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

- 4 (1) is employed by a unit that is participating in the 1977 fund;
- 5 (2) was employed as an emergency medical technician by a
6 political subdivision wholly or partially within the department's
7 jurisdiction;
- 8 (3) was a member of the public employees' retirement fund during
9 the employment described in subdivision (2); and
- 10 (4) ceased employment with the political subdivision and was
11 hired by the unit's fire department due to the reorganization of

12 emergency medical services within the department's jurisdiction;
13 shall participate in the 1977 fund. A firefighter who participates in the
14 1977 fund under this subsection is subject to sections 18 and 21 of this
15 chapter.

16 (h) A police officer or firefighter does not become a member of the
17 1977 fund and is not covered by this chapter if the individual was
18 appointed as:

- 19 (1) a fire chief under a waiver under IC 36-8-4-6(c); or
- 20 (2) a police chief under a waiver under IC 36-8-4-6.5(c);

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

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

27 (j) A park ranger who:

- 28 (1) completed at least the number of weeks of training at the
29 Indiana law enforcement academy or a comparable law
30 enforcement academy in another state that were required at the
31 time the park ranger attended the Indiana law enforcement
32 academy or the law enforcement academy in another state;
- 33 (2) graduated from the Indiana law enforcement academy or a
34 comparable law enforcement academy in another state; and
- 35 (3) is employed by the parks department of a city having a
36 population of more than one hundred twenty thousand (120,000)
37 but less than one hundred fifty thousand (150,000);

38 is a member of the fund.

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

- 41 (1) who is a member of the 1977 fund before a consolidation
42 under IC 36-3-1-5.1 or IC 36-3-1-6.1;

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- 1 (2) whose employer is consolidated into the consolidated law
- 2 enforcement department or the fire department of a consolidated
- 3 city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and
- 4 (3) who, after the consolidation, becomes an employee of the
- 5 consolidated law enforcement department or the consolidated fire
- 6 department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

7 is a member of the 1977 fund without meeting the requirements under
 8 sections 19 and 21 of this chapter.

- 9 (l) Notwithstanding any other provision of this chapter, if:
- 10 (1) before a consolidation under IC 8-22-3-11.6, a police officer
- 11 or firefighter provides law enforcement services or fire protection
- 12 services for an entity in a consolidated city;

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

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

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

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

- 24 (1) may not be:
- 25 (1) (A) retired for purposes of section 10 of this chapter; or
- 26 (2) (B) disabled for purposes of section 12 of this chapter;
- 27 solely because of a change in employer under the consolidation;
- 28 **and**
- 29 (2) **shall receive credit for all years of service as a member of**
- 30 **the 1977 fund before the consolidation described in subsection**
- 31 **(k) or (l).**

32 SECTION 57. THE FOLLOWING ARE REPEALED [EFFECTIVE
 33 JANUARY 1, 2011]: IC 3-8-1-30; IC 3-8-1-31; IC 3-13-10-5;
 34 IC 33-34; IC 33-41-1-7.

35 SECTION 58. [EFFECTIVE JULY 1, 2008] **The general assembly**
 36 **finds the following:**

- 37 (1) **A consolidated city faces unique budget challenges due to**
- 38 **a high demand for services combined with the large number**
- 39 **of tax exempt properties located in a consolidated city as the**
- 40 **seat of state government, home to several institutions of**
- 41 **higher education, and home to numerous national, state, and**
- 42 **regional nonprofit corporations.**

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

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

(4) By virtue of its size, population, absence of unincorporated areas, overlapping territories, and development to and across the boundaries of contiguous governmental territories, there is less need for differentiation of local governmental services within the separate governmental territories located within a county having a consolidated city, but rather the local governmental service needs are similar and more uniform within and across a county having a consolidated city.

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

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

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

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

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

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

14 SECTION 59. [EFFECTIVE JULY 1, 2008] (a) Any case pending

15 in a township small claims court established under IC 33-34, as

16 repealed by this act, after the close of business on December 31,

17 2010, is transferred on January 1, 2011, to the Marion superior

18 court. A case transferred under this SECTION shall be treated as

19 if the case were filed in the Marion superior court.

20 (b) On January 1, 2011, all property and obligations of a

21 township small claims court established under IC 33-34, as

22 repealed by this act, become the property and obligations of the

23 Marion superior court.

24 (c) This SECTION expires January 2, 2011.

25 SECTION 60. [EFFECTIVE JULY 1, 2008] (a) Notwithstanding

26 the amendment and repeal by this act of provisions in IC 33-33-49

27 and IC 33-34, the term of:

- 28 (1) a judge in office in; or
 - 29 (2) a constable of;
- 30 a township small claims court established under IC 33-34, as
- 31 repealed by this act, does not terminate until the date the term
- 32 would have terminated under the law in effect on July 1, 2008.

33 (b) This SECTION expires January 1, 2011.

34 SECTION 61. [EFFECTIVE JULY 1, 2008] (a) The governor shall

35 appoint four (4) persons under IC 3-13-6-1(f) to serve as the

36 thirty-seventh, thirty-eighth, thirty-ninth, and fortieth judges of

37 the Marion superior court added by IC 33-33-49-6, as amended by

38 this act. Not more than two (2) persons appointed as judges under

39 this subsection may be members of the same political party. The

40 term of a judge appointed under this subsection begins January 1,

41 2011, and ends December 31, 2014.

42 (b) The initial elections of the thirty-seventh, thirty-eighth,

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1 thirty-ninth, and fortieth judges of the Marion superior court
 2 added by IC 33-33-49-6, as amended by this act, shall be held at the
 3 general election on November 4, 2014, for terms beginning January
 4 1, 2015, and ending December 31, 2020. At the primary election
 5 held in 2014, a political party may nominate not more than ten (10)
 6 candidates for judge of the court. Other candidates may qualify
 7 under IC 3-8-6 to be voted on at the general election. The
 8 candidates shall be voted on at the general election. At the 2014
 9 general election, persons eligible to vote at the general election may
 10 vote for twenty (20) candidates for judge of the court.

11 (c) This act may not be construed to affect the term of any judge
 12 serving on the Marion superior court on July 1, 2008.

13 (d) This SECTION expires January 2, 2015.

14 SECTION 62. [EFFECTIVE JULY 1, 2008] (a) The legislative
 15 services agency shall prepare legislation for introduction in the
 16 2009 regular session of the general assembly to organize and
 17 correct statutes affected by this act, if necessary.

18 (b) This SECTION expires July 1, 2009.

19 SECTION 63. An emergency is declared for this act.

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill No. 280, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 14, delete "(if any)." and insert ".".
 Page 4, line 30, delete "(if any)." and insert ".".
 Page 5, line 31, delete "(if any)." and insert ".".
 Page 7, delete lines 22 through 42.
 Page 8, delete lines 1 through 17.
 Page 14, delete lines 30 through 42.
 Delete page 15.
 Page 16, delete lines 1 through 20.
 Page 17, delete lines 25 through 42.
 Delete pages 18 through 91.
 Page 92, delete lines 1 through 39.
 Page 95, line 41, after "township;" insert "**or**".
 Page 95, delete line 42.
 Page 96, line 1, delete "(C)" and insert "**(B)**".
 Page 96, line 34, delete "township assessors and".
 Page 97, line 7, delete "the township assessor and".
 Page 97, delete lines 27 through 42.
 Delete pages 98 through 131.
 Page 132, delete lines 1 through 32.
 Page 135, line 4, delete "After" and insert "**If an ordinance is adopted and approved under IC 36-6-1.2-2, after**".
 Page 135, delete lines 8 through 42.
 Delete pages 136 through 138.
 Page 139, delete lines 1 through 37.
 Page 147, delete lines 16 through 42.
 Delete page 148.
 Page 149, delete lines 1 through 14.
 Page 150, delete lines 23 through 42.
 Delete pages 151 through 154.
 Page 155, delete lines 1 through 16.
 Page 165, delete lines 20 through 42.
 Delete pages 166 through 170.
 Page 171, delete lines 1 through 3.
 Page 174, delete line 4.
 Page 174, line 5, delete "(3)" and insert "**(2)**".
 Page 174, line 9, delete "(4)" and insert "**(3)**".

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Page 174, line 11, delete "(5)" and insert "(4)".

Page 174, delete lines 29 through 30.

Page 174, line 37, delete "city that has not consolidated its fire" and insert "**city**".

Page 174, delete line 38.

Page 180, delete lines 27 through 42.

Delete pages 181 through 182.

Page 183, delete lines 1 through 21.

Page 184, delete lines 4 through 42.

Delete pages 185 through 186.

Page 187, delete lines 1 through 12.

Page 187, delete lines 23 through 42.

Page 188, delete lines 1 through 10.

Page 188, line 13, delete "(a)".

Page 188, delete line 18.

Page 188, line 19, delete "(3)" and insert "(2)".

Page 188, line 20, delete "(4)" and insert "(3)".

Page 188, line 21, delete ", an airport authority,".

Page 188, delete lines 24 through 31.

Page 189, delete line 3.

Page 189, line 4, delete "(3)" and insert "(2)".

Page 191, delete lines 25 through 42.

Page 192, delete lines 1 through 9.

Page 192, delete lines 16 through 18.

Page 192, line 19, delete "3." and insert "2.".

Page 192, delete lines 23 through 36.

Page 192, line 37, delete "6." and insert "3.".

Page 193, line 4, delete "7." and insert "4.".

Page 193, line 13, delete "8." and insert "5.".

Page 193, line 28, delete ", which are governed by other" and insert ":",

Page 193, delete line 29.

Page 193, line 30, delete "Abolishment of the" and insert "**The**".

Page 193, line 30, delete "and the" and insert ".".

Page 193, delete lines 31 through 32.

Page 196, delete lines 35 through 42.

Page 197, delete lines 1 through 26.

Page 198, delete lines 3 through 42.

Delete pages 199 through 204.

Page 205, delete lines 1 through 21.

Page 205, line 32, delete "or IC 36-3-1-6.3".

Page 206, line 14, delete "or IC 36-3-1-6.3".

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Page 209, delete lines 29 through 42.

Page 210, delete lines 1 through 10.

Page 212, delete lines 35 through 42.

Page 213, delete lines 1 through 35.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 280 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 5, Nays 3.

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