April 12, 2011

ENGROSSED
SENATE BILL No. 526

DIGEST OF SB 526 (Updated April 12, 2011 2:55 pm - DI 87)

Citations Affected: IC 3-10; IC 3-11; IC 6-1.1; IC 6-3.5; IC 12-20; IC 15-16; IC 23-14; IC 32-26; IC 33-34; IC 34-30; IC 36-1; IC 36-3; IC 36-6; IC 36-7; IC 36-8; IC 36-9; IC 36-12; noncode.

Synopsis: Government matters. Amends the fire consolidation statutes (effective January 1, 2013) applicable to Marion County to provide for consolidation if: (1) the legislative body of the consolidated city adopts an ordinance to consolidate a township fire department into the fire department of the consolidated city; and (2) the trustee of that township and the mayor approve the ordinance. Specifies that trustees in townships in Marion County that have not consolidated fire departments retain the duty to provide fire protection. Authorizes the consolidation of an excluded city's fire department into the fire department of the consolidated city if: (1) the legislative body of the excluded city, after approval by the executive of the excluded city, adopts an ordinance approving the consolidation; and (2) the legislative body of the consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation. Specifies

(Continued next page)

Effective: Upon passage; July 1, 2011; January 1, 2012; January 1, 2013; January 1, 2015.

Merritt, Miller
(HOUSE SPONSOR — HINKLE)

January 18, 2011, read first time and referred to Committee on Local Government.
February 10, 2011, amended, reported favorably — Do Pass.
February 21, 2011, read second time, amended, ordered engrossed.
February 22, 2011, engrossed. Read third time, passed. Yeas 28, nays 21.

HOUSE ACTION

March 28, 2011, read first time and referred to Committee on Government and Regulatory Reform.
April 12, 2011, amended, reported — Do Pass.

C o p y

that the consolidated fire department and the consolidated law enforcement department are divisions of the department of public safety. Provides that for a firefighter who, after the consolidation, becomes a firefighter employed by the consolidated fire department: (1) the time served by such an individual as a firefighter with the consolidated fire department shall also include the total time served by the individual as a firefighter with the township fire department in which the individual was serving at the time of the consolidation; and (2) the hire date of such an individual is the date the individual was hired as a firefighter by the township department in which the individual was serving at the time of consolidation. Requires a township or fire protection territory that has not consolidated into the consolidated fire department to coordinate with the consolidated fire department: (1) to ensure sufficient fire protection coverage throughout the consolidated city; and (2) to achieve savings through joint purchasing. Provides that the maximum property tax levy of a consolidated city for property taxes first due and payable in the year following a fire department consolidation shall be increased by an amount equal to the combined maximum property tax levies of each consolidating entity for property taxes first due and payable for fire protection and related services in the year in which the fire department consolidation occurs. Provides that for three years after a consolidation of a fire department, the consolidated city may levy a tax above the maximum property tax levy for the fire special service district in each township or excluded city that is necessary to phase out borrowing for fire and emergency services, and that thereafter the tax rate for the consolidated fire department must be uniform within the entire service area served by the consolidated fire department. Provides that (in the case of a township that does not consolidate its fire department): (1) the township trustee (and not any county official or employee) remains responsible for and retains the powers and duties related to hiring, supervising, disciplining, and firing those employees; and (2) the assets, debts, property rights, equipment, records, and contracts of the township related to providing fire protection are not transferred to the county. Provides for the following transfers of township offices and functions to city and county government in Marion County: (1) The operations of the township constables and township small claims courts shall be accounted for in the county budget beginning January 1, 2012. Provides that the township trustee prepares the trustee and small claims court budgets. (2) The township duties and responsibilities concerning weed control and parks and recreation are transferred to the consolidated city on January 1, 2013. (3) Township trustees shall administer township assistance and maintain township cemeteries after December 31, 2013. (4) Township boards are abolished on January 1, 2013, with the county legislative body as their successor. (5) Township government is abolished on January 1, 2013, and statutes related to township government in a county having a consolidated city are repealed. Specifies that after abolition of a township government, the territory of the township comprises a taxing district for the payment of township indebtedness existing at the time of the abolition. Exempts from the property tax levy limits any amounts imposed by the consolidated city or the county to fund former township indebtedness. Provides that a transfer of duties between the townships and the county results in the transfer of property, equipment, personnel, records, rights, contracts, and indebtedness. Specifies that beginning July 1, 2011, the weed control board in a county having a consolidated city is the board of code enforcement. Adjusts the maximum property tax levy for the county to account for the transfer of other township powers and duties. Provides that each constable and deputy constable must successfully complete certain training courses. Specifies that beginning July 1, 2011, the police powers of a constable are to: (1) make arrests under a court order; (2) keep the peace in the court during court proceedings;

(Continued next page)

C o p y

(3) carry out the orders of the court; and (4) to take any police action for which the constable has received law enforcement training. Provides that money budgeted for a particular township's township assistance expenses and obligations shall, as provided in the budget adopted by the county fiscal body, be distributed to a township account established for that township and administered by that township's trustee. Specifies that township assistance expenses and obligations shall be paid by the township trustee from the amounts in the township's account. Provides that the city-county council may, by ordinance, establish standards for the provision of township assistance. Provides that before September 1, 2011, a township may not expend or encumber more than 5% of any fund without the written approval of the controller of the consolidated city. Requires township trustees and constables in a county having a consolidated city to file an economic statement of interest form in the same manner required by the county legislative body for elected county officials. Provides that the city-county council may establish by ordinance other requirements for trustees and constables in the same manner as requirements for other elected county officials are established. Specifies that in a county having a consolidated city, the annual operating budget of a building authority is subject to review and approval by the city-county legislative body. Specifies that the consolidated law enforcement department is under the direction and control of the mayor. Specifies that: (1) the small claims courts operate independently from the circuit and superior courts; and (2) except for adopting the budget and approving salaries, the city county council does not have authority over a small claims court judge and the operations of a small claims court. Provides that the executive committee of the superior court does not have authority over a small claims court judge and the operations of a small claims court. Provides that if any funds remain from the county's share of small claims court administration fees after the payment of expenses of operating the small claims court, the remaining funds may be used to fund public safety programs in the county as set forth in an ordinance or resolution adopted by the city-county council. Specifies that in the case of a township that has not consolidated the township's fire department, the township's fire merit board after the township board is abolished shall consist of three members appointed by the township trustee and two members selected by the members of the fire department. Abolishes the Marion County board of commissioners effective January 1, 2015. Deletes references to township assessors in statutes applicable to Marion County. Deletes provisions specifying that in a county having a consolidated city, an ordinance or resolution of the legislative body approving or modifying the budget of a political subdivision that the legislative body is permitted by statute to review; is not subject to veto. Specifies that in a county having a consolidated city, a property tax levy appeal by a civil taxing unit, other than an excluded city, is subject to the review and approval of the county legislative body and is subject to veto by the county executive. Allows county option income tax (COIT) to be appropriated by the city-county council to any public library in Marion County. Changes the membership of a library board serving a library district that is partly or fully within the boundaries of a consolidated city and fully within the boundaries of one county. Requires the DLGF to adjust maximum permissible property tax levies and property tax rates as necessary to account for transfers of duties, powers, and obligations. Provides that: (1) the county treasurer (instead of the county executive) is the approving authority for the disposal of property obtained by tax default; and (2) the county executive is the approval authority for disposal of all other property. Provides that the seven members of the Indianapolis-Marion County public library board are appointed as follows: (1) The mayor of the consolidated city appoints three members, of which not more than two may be of the same political party. (2) The minority

(Continued next page)

C o p y

Digest Continued

leader of the city-county council appoints two members. (3) The majority leader of the city-county council appoints two members. Provides that in all townships (including townships in Marion County and outside Marion County), the part of the total township tax rate that is not related to providing fire protection services or paying bonds, loans, and leases related to fire protection services may not exceed 5% of the total tax rate imposed for the year on a person's property within a taxing district. Requires the department of local government finance to determine whether, with regard to a township in Marion County that does not operate a fire department or participate in a fire protection territory, the balance in a township's rainy day fund in addition to the township's other funds (other than debt service funds) exceeds the amount needed by the township to carry out the purposes of the fund. Provides for transfer of 90% of the excess fund amounts to a dedicated fund for each township to satisfy township debt obligations and, if no debt remains, reduce property taxes of the taxpayers of that township. Provides that in a consolidated city, the administering department and the enforcement authority of the unsafe building law is the department authorized by ordinance. Provides that if work is done under an order to: (1) seal an unsafe building; (2) exterminate vermin; or (3) remove trash and debris; the work may be performed by a contractor awarded a contract to perform the work for the enforcement authority. Provides that bids may be solicited and a contract awarded for work on more than one property if the bid and contract include an allocation of the costs among the various unsafe premises in proportion to the work to be accomplished.

C o p y

April 12, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

C o p y

ENGROSSED
SENATE BILL No. 526

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:

SECTION 1. IC 3-10-1-19, AS AMENDED BY P.L.146-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting

systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

[] (1) AB_____

[] (2) CD_____

[] (3) EF _____

[] (4) GH_____

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

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

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

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

(C) Judge of the probate court.

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

(E) Prosecuting attorney.

(F) Circuit court clerk.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner.

(I) County council member.

(5) Township offices:

(A) Township assessor (only in a township referred to in

Copy

IC 36-6-5-1(d)).
(B) Township trustee.
(C) Township board member. **This clause does not apply to elections in 2012 and thereafter in a county having a consolidated city.**
(D) Judge of the small claims court.
(E) Constable of the small claims court.
(6) City offices:
(A) Mayor.
(B) Clerk or clerk-treasurer.
(C) Judge of the city court.
(D) City-county council member or common council member.
(7) Town offices:
(A) Clerk-treasurer.
(B) Judge of the town court.
(C) Town council member.

(c) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (b):
(1) Precinct committeeman.
(2) State convention delegate.

(d) The following offices and public questions shall be placed on the primary election ballot in the following order after the offices described in subsection (c):
(1) School board offices to be elected at the primary election.
(2) Other local offices to be elected at the primary election.
(3) Local public questions.

(e) The offices and public questions described in subsection (d) shall be placed:
(1) in a separate column on the ballot if voting is by paper ballot;
(2) after the offices described in subsection (c) in the form specified in IC 3-11-13-11 if voting is by ballot card; or
(3) either:
(A) on a separate screen for each office or public question; or
(B) after the offices described in subsection (c) in the form specified in IC 3-11-14-3.5;
if voting is by an electronic voting system.

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

(The explanatory text for the public question,
if required by law.)
"Shall (insert public question)?"

C o p y

[] YES
[] NO

SECTION 2. IC 3-10-2-13, AS AMENDED BY P.L.146-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

(1) Clerk of the circuit court.
(2) County auditor.
(3) County recorder.
(4) County treasurer.
(5) County sheriff.
(6) County coroner.
(7) County surveyor.
(8) County assessor.
(9) County commissioner.
(10) County council member.
(11) Township trustee.
(12) Township board member. **This subdivision does not apply to elections in 2012 and thereafter in a county having a consolidated city.**
(13) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
(14) Judge of a small claims court.
(15) Constable of a small claims court.

SECTION 3. IC 3-11-2-12, AS AMENDED BY P.L.146-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. The following offices shall be placed on the general election ballot in the following order:

(1) Federal and state offices:
(A) President and Vice President of the United States.
(B) United States Senator.
(C) Governor and lieutenant governor.
(D) Secretary of state.
(E) Auditor of state.
(F) Treasurer of state.
(G) Attorney general.
(H) Superintendent of public instruction.
(I) United States Representative.
(2) Legislative offices:
(A) State senator.
(B) State representative.

C o p y

(3) Circuit offices and county judicial offices:
(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
(C) Judge of the probate court.
(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.
(E) Prosecuting attorney.
(F) Clerk of the circuit court.
(4) County offices:
(A) County auditor.
(B) County recorder.
(C) County treasurer.
(D) County sheriff.
(E) County coroner.
(F) County surveyor.
(G) County assessor.
(H) County commissioner.
(I) County council member.
(5) Township offices:
(A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
(B) Township trustee.
(C) Township board member. **This clause does not apply to elections in 2012 and thereafter in a county having a consolidated city.**
(D) Judge of the small claims court.
(E) Constable of the small claims court.
(6) City offices:
(A) Mayor.
(B) Clerk or clerk-treasurer.
(C) Judge of the city court.
(D) City-county council member or common council member.
(7) Town offices:
(A) Clerk-treasurer.
(B) Judge of the town court.
(C) Town council member.

SECTION 4. IC 6-1.1-17-3, AS AMENDED BY P.L.182-2009(ss), SECTION 114, IS AMENDED TO READ AS FOLLOWS

C o p y

[EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision shall give notice by publication to taxpayers of:

(1) the estimated budget;

(2) the estimated maximum permissible levy;

(3) the current and proposed tax levies of each fund; and

(4) the amounts of excessive levy appeals to be requested.

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. The notice shall be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. Beginning in 2009, the duties required by this subsection must be completed before September 10 of the calendar year.

(b) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

(1) in any county of the solid waste management district; and

(2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(c) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

~~(d) This subsection expires January 1, 2009. A county shall adopt with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:~~

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

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

~~A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county board of tax adjustment that is less than the levy necessary to pay the costs described in subdivision (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under~~

C o p y

~~section 11 of this chapter.~~

(d) This subsection applies to taxes first due and payable after 2013. In a county having a consolidated city:

(1) the county shall estimate the amount necessary to meet the cost of township assistance in the county for the ensuing calendar year; and

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

The taxes collected as a result of the tax rate adopted under this subsection shall be credited to the county's township assistance fund established under IC 12-20-1-6.

SECTION 5. IC 6-1.1-18-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. (a) Each township executive shall, not later than fifteen (15) days after the township's tax rate is determined under IC 6-1.1-17, certify to the department of local government finance and to the county auditor:**

(1) the part of the total township tax rate that is related to:

(A) providing fire protection services; or

(B) paying bonds, loans, and leases related to fire protection services; and

(2) the part of the total township tax rate that is not related to:

(A) providing fire protection services; or

(B) paying bonds, loans, and leases related to fire protection services.

(b) The department of local government finance shall, before July 1, 2011, issue guidelines that must be used in making determinations under subsection (a).

(c) Notwithstanding any other law, for property taxes first due and payable in 2012 and in each year thereafter, the part of the total township tax rate described in subsection (a)(2) (before the application of any credit under IC 6-1.1-20.6) that is imposed for the year on a person's property within the taxing district may not exceed five percent (5%) of the total tax rate (before the application of any credit under IC 6-1.1-20.6) imposed for the year on the person's property within the taxing district.

(d) The limitation in this section is in addition to any other property tax limit under this chapter, IC 6-1.1-18.5, or any other law.

SECTION 6. IC 6-1.1-18.5-12, AS AMENDED BY

C o p y

P.L.182-2009(ss), SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) Any civil taxing unit that determines that it cannot carry out its governmental functions for an ensuing calendar year under the levy limitations imposed by section 3 of this chapter may:

(1) before October 20 of the calendar year immediately preceding the ensuing calendar year; or

(2) in the case of a request described in section 16 of this chapter, before December 31 of the calendar year immediately preceding the ensuing calendar year;

appeal to the department of local government finance for relief from those levy limitations. In the appeal the civil taxing unit must state that it will be unable to carry out the governmental functions committed to it by law unless it is given the authority that it is petitioning for. The civil taxing unit must support these allegations by reasonably detailed statements of fact.

(b) The department of local government finance shall immediately proceed to the examination and consideration of the merits of the civil taxing unit's appeal.

(c) In considering an appeal, the department of local government finance has the power to conduct hearings, require any officer or member of the appealing civil taxing unit to appear before it, or require any officer or member of the appealing civil taxing unit to provide the department with any relevant records or books.

(d) If an officer or member:

(1) fails to appear at a hearing after having been given written notice requiring that person's attendance; or

(2) fails to produce the books and records that the department by written notice required the officer or member to produce;

then the department may file an affidavit in the circuit court in the jurisdiction in which the officer or member may be found setting forth the facts of the failure.

(e) Upon the filing of an affidavit under subsection (d), the circuit court shall promptly issue a summons, and the sheriff of the county within which the circuit court is sitting shall serve the summons. The summons must command the officer or member to appear before the department to provide information to the department or to produce books and records for the department's use, as the case may be. Disobedience of the summons constitutes, and is punishable as, a contempt of the circuit court that issued the summons.

(f) All expenses incident to the filing of an affidavit under subsection (d) and the issuance and service of a summons shall be

C o p y

charged to the officer or member against whom the summons is issued, unless the circuit court finds that the officer or member was acting in good faith and with reasonable cause. If the circuit court finds that the officer or member was acting in good faith and with reasonable cause or if an affidavit is filed and no summons is issued, the expenses shall be charged against the county in which the affidavit was filed and shall be allowed by the proper fiscal officers of that county.

(g) The fiscal officer of a civil taxing unit that appeals under section 16 of this chapter for relief from levy limitations shall immediately file a copy of the appeal petition with the county auditor and the county treasurer of the county in which the unit is located. **In a county having a consolidated city, the fiscal officer of a civil taxing unit, other than an excluded city, shall also file a copy of the appeal petition with the clerk of the county legislative body and the controller of the consolidated city.**

(h) The appeal by a civil taxing unit, other than an excluded city, within a county having a consolidated city is subject to the review and approval of the county legislative body and is subject to veto by the county executive.

SECTION 7. IC 6-1.1-18.5-16, AS AMENDED BY P.L.182-2009(ss), SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) A civil taxing unit may request permission from the department to impose an ad valorem property tax levy that exceeds the limits imposed by section 3 of this chapter if:

(1) the civil taxing unit experienced a property tax revenue shortfall that resulted from erroneous assessed valuation figures being provided to the civil taxing unit;

(2) the erroneous assessed valuation figures were used by the civil taxing unit in determining its total property tax rate; and

(3) the error in the assessed valuation figures was found after the civil taxing unit's property tax levy resulting from that total rate was finally approved by the department of local government finance.

(b) A civil taxing unit may request permission from the department to impose an ad valorem property tax levy that exceeds the limits imposed by section 3 of this chapter if the civil taxing unit experienced a property tax revenue shortfall because of the payment of refunds that resulted from appeals under this article and IC 6-1.5.

(c) If the department determines that a shortfall described in subsection (a) or (b) has occurred, the department of local government finance may find that the civil taxing unit should be allowed to impose

C o p y

a property tax levy exceeding the limit imposed by section 3 of this chapter. However, the maximum amount by which the civil taxing unit's levy may be increased over the limits imposed by section 3 of this chapter equals the remainder of the civil taxing unit's property tax levy for the particular calendar year as finally approved by the department of local government finance minus the actual property tax levy collected by the civil taxing unit for that particular calendar year.

(d) Any property taxes collected by a civil taxing unit over the limits imposed by section 3 of this chapter under the authority of this section may not be treated as a part of the civil taxing unit's maximum permissible ad valorem property tax levy for purposes of determining its maximum permissible ad valorem property tax levy for future years.

(e) If the department of local government finance authorizes an excess tax levy under this section, it shall take appropriate steps to insure that the proceeds are first used to repay any loan made to the civil taxing unit for the purpose of meeting its current expenses.

(f) A request under this section by a civil taxing unit, other than an excluded city, within a county having a consolidated city is subject to the review and approval of the county legislative body and, if approved by the county legislative body, is subject to veto by the county executive.

SECTION 8. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 22. (a) The ad valorem property tax levy limits imposed by this chapter 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 IC 36-3-1-6.1 or IC 36-3-1-6.4.**

(b) For purposes of this section:

(1) "consolidating entity" means:

(A) a township;

(B) a fire protection territory; or

(C) an excluded city;

whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.4; and

(2) "maximum levy" means the maximum permissible ad valorem property tax levy under section 3 of this chapter.

(c) The maximum levy of a consolidated city for property taxes first due and payable in the year following a consolidation under IC 36-3-1-6.1 or IC 36-3-1-6.4 shall be increased by an amount equal to the combined maximum permissible ad valorem property

C o p y

tax levies of each consolidating entity for property taxes first due and payable for fire protection and related services in the year during which the consolidation under IC 36-3-1-6.1 or IC 36-3-1-6.4 occurs.

(d) For not more than three (3) years after a consolidation under IC 36-3-1-6.1 or IC 36-3-1-6.4, the consolidated city may levy a tax above the maximum permissible ad valorem property tax levy for the fire special service district in each township or excluded city that is necessary to phase out that consolidating entity's borrowing for fire and emergency services.

SECTION 9. IC 6-1.1-24-6.8, AS ADDED BY P.L.98-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6.8. (a) For purposes of this section, in a county containing a consolidated city "county executive" refers to:

(1) before January 1, 2015, the board of commissioners of the county as provided in IC 36-3-3-10; **and**

(2) after December 31, 2014, the county treasurer.

(b) As used in this section, "vacant parcel" refers to a parcel that satisfies all the following:

(1) A lien has been acquired on the parcel under section 6(a) of this chapter.

(2) The parcel is unimproved on the date the parcel is offered for sale under this chapter.

(3) The construction of a structure intended for residential use on the parcel is permitted by law.

(4) On the date the parcel is offered for sale under this chapter, the parcel is contiguous to one (1) or more parcels that satisfy the following:

(A) One (1) or more of the following are located on the contiguous parcel:

(i) A structure occupied for residential use.

(ii) A structure used in conjunction with a structure occupied for residential use.

(B) The contiguous parcel is eligible for the standard deduction under IC 6-1.1-12-37.

(c) The county legislative body may, by ordinance, establish criteria for the identification of vacant parcels to be offered for sale under this section. The criteria may include the following:

(1) Limitations on the use of the parcel under local zoning and land use requirements.

(2) Minimum parcel area sufficient for construction of improvements.

C o p y

(3) Any other factor considered appropriate by the county legislative body.

In a county containing a consolidated city, the county legislative body may adopt an ordinance under this subsection only upon recommendation by, **before January 1, 2015,** the board of commissioners provided in IC 36-3-3-10 **and (after December 31, 2014) the county treasurer.**

(d) If the county legislative body adopts an ordinance under subsection (c), the county executive shall for each tax sale:

(1) by resolution, identify each vacant parcel that the county executive desires to sell under this section; and

(2) subject to subsection (e), give written notice to the owner of record of each parcel referred to in subsection (b)(4) that is contiguous to the vacant parcel.

(e) The notice under subsection (d)(2) with respect to each vacant parcel must include at least the following:

(1) A description of the vacant parcel by:

(A) legal description; and

(B) parcel number or street address, or both.

(2) Notice that the county executive will accept written applications from owners of parcels described in subsection (b)(4) as provided in subsection (f).

(3) Notice of the deadline for applications referred to in subdivision (2) and of the information to be included in the applications.

(4) Notice that the vacant parcel will be sold to the successful applicant for one dollar ($1).

(5) Notice of the exemption provisions of subsection (l).

(f) To be eligible to purchase a vacant parcel under this section, the owner of a contiguous parcel referred to in subsection (b)(4) must file a written application with the county executive. The application must:

(1) identify the vacant parcel that the applicant desires to purchase; and

(2) include any other information required by the county executive.

(g) If more than one (1) application to purchase a single vacant parcel is filed with the county executive, the county executive shall conduct a drawing between or among the applicants in which each applicant has an equal chance to be selected as the transferee of the vacant parcel.

(h) The county executive shall by resolution make a final determination concerning the vacant parcels that are to be sold under

C o p y

this section.

(i) After the final determination of vacant parcels to be sold under subsection (h), the county executive shall:

(1) on behalf of the county, cause all delinquent taxes, special assessments, penalties, interest, and costs of sale with respect to the vacant parcels to be removed from the tax duplicate;

(2) give notice of the final determination to:

(A) the successful applicant;

(B) the county auditor; and

(C) the township assessor, or the county assessor if there is no township assessor for the township.

(j) Upon receipt of notice under subsection (i)(2):

(1) the county auditor shall:

(A) collect the purchase price from each successful applicant; and

(B) subject to subsection (k), prepare a deed transferring each vacant parcel to the successful applicant; and

(2) the township assessor or county assessor shall consolidate each vacant parcel sold and the contiguous parcel owned by the successful applicant into a single parcel.

(k) The county auditor shall include in the deed prepared under subsection (j)(1)(B) reference to the exemption under subsection (l).

(l) Except as provided in subsection (m), each consolidated parcel referred to in subsection (j)(2) is entitled to an exemption from property taxation beginning on the assessment date that next succeeds the consolidation in the amount of the assessed value at the time of consolidation of the vacant parcel that was subject to the consolidation.

(m) The exemption under subsection (l) is terminated as of the assessment date that next succeeds the earlier of the following:

(1) Five (5) years after the transfer of title to the successful applicant.

(2) The first transfer of title to the consolidated parcel that occurs after the consolidation.

SECTION 10. IC 6-3.5-6-18, AS AMENDED BY P.L.182-2009(ss), SECTION 222, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 18. (a) The revenue a county auditor receives under this chapter shall be used to:

(1) replace the amount, if any, of property tax revenue lost due to the allowance of an increased homestead credit within the county;

(2) fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b);

C o p y

(3) fund the operation of a public transportation corporation as provided in an election, if any, made by the county fiscal body under IC 36-9-4-42;

(4) fund the operation of any public library in a county having a consolidated city as provided in an election, if any, made by the county fiscal body under IC 36-3-7-6;

~~(4)~~ **(5)** make payments permitted under IC 36-7-14-25.5 or IC 36-7-15.1-17.5;

~~(5)~~ **(6)** make payments permitted under subsection (i);

~~(6)~~ **(7)** make distributions of distributive shares to the civil taxing units of a county; and

~~(7)~~ **(8)** make the distributions permitted under sections 27, 28, 29, 30, 31, 32, and 33 of this chapter.

(b) The county auditor shall retain from the payments of the county's certified distribution an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. This money shall be distributed to the civil taxing units and school corporations of the county as though they were property tax collections and in such a manner that no civil taxing unit or school corporation shall suffer a net revenue loss due to the allowance of an increased homestead credit.

(c) The county auditor shall retain:

(1) the amount, if any, specified by the county fiscal body for a particular calendar year under subsection (i), **IC 36-3-7-6,** IC 36-7-14-25.5, IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the county's certified distribution for that same calendar year; and

(2) the amount of an additional tax rate imposed under section 27, 28, 29, 30, 31, 32, or 33 of this chapter.

The county auditor shall distribute amounts retained under this subsection to the county.

(d) All certified distribution revenues that are not retained and distributed under subsections (b) and (c) shall be distributed to the civil taxing units of the county as distributive shares.

(e) The amount of distributive shares that each civil taxing unit in a county is entitled to receive during a month equals the product of the following:

(1) The amount of revenue that is to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the allocation amount for the civil taxing unit for the calendar year in which the month falls. The denominator of the fraction equals the sum of the allocation amounts of all the civil taxing units of the county for

C o p y

the calendar year in which the month falls.

(f) The department of local government finance shall provide each county auditor with the fractional amount of distributive shares that each civil taxing unit in the auditor's county is entitled to receive monthly under this section.

(g) Notwithstanding subsection (e), if a civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which distributive shares are being distributed under this section, that civil taxing unit is entitled to receive a part of the revenue to be distributed as distributive shares under this section within the county. The fractional amount such a civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

(1) The amount to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the budget of that civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all civil taxing units of that county for that calendar year.

(h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by subsection (g), then the formula used in subsection (e) to determine all other civil taxing units' distributive shares shall be changed each month for that same year by reducing the amount to be distributed as distributive shares under subsection (e) by the amount of distributive shares allocated under subsection (g) for that same month. The department of local government finance shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

(i) Notwithstanding any other law, a county fiscal body may pledge revenues received under this chapter (other than revenues attributable to a tax rate imposed under section 30, 31, or 32 of this chapter) to the payment of bonds or lease rentals to finance a qualified economic development tax project under IC 36-7-27 in that county or in any other county if the county fiscal body determines that the project will promote significant opportunities for the gainful employment or retention of employment of the county's residents.

SECTION 11. IC 6-3.5-6-18.5, AS AMENDED BY P.L.146-2008, SECTION 339, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: 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

C o p y

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:~~ **The distribution ratio for 2013 and thereafter is the following:**

~~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
Beech Grove	.00845
Southport	.00025
Speedway	.00722
Indianapolis/Marion County	~~.86409~~ **.97550**

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

~~Center Township~~	~~$1,898,145~~
~~Decatur Township~~	~~$164,103~~
~~Franklin Township~~	~~$173,934~~
~~Lawrence Township~~	~~$890,086~~
~~Perry Township~~	~~$854,544~~
~~Pike Township~~	~~$1,410,375~~
~~Warren Township~~	~~$1,027,721~~
~~Washington Township~~	~~$1,017,890~~
~~Wayne Township~~	~~$988,397~~
Lawrence-City	$648,848
Beech Grove	$639,017
Southport	$18,906
Speedway	$546,000

(3) For each year after ~~1995,~~ **2012,** calculate the total amount of revenues that are to be distributed as distributive shares during that month as follows:

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

C o p y

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

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

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

STEP FIVE: Determine the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 for each civil taxing unit for the calendar year in which the month falls, plus, for a county, the welfare allocation amount; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the welfare allocation amount.

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 **distribution** 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 **distribution** 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 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the welfare allocation amount; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the welfare allocation amount.

(c) The welfare allocation amount is an amount equal to the sum of

Copy

the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund and the property taxes imposed by the county in 2008 for the county's county medical assistance to wards fund, family and children's fund, children's psychiatric residential treatment services fund, county hospital care for the indigent fund, children with special health care needs county fund, plus, in the case of Marion County, thirty-five million dollars ($35,000,000).

SECTION 12. IC 12-20-1-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 6. (a) This section applies:**

(1) only after December 31, 2012; and

(2) only to a county having a consolidated city.

(b) The county shall establish a township assistance fund for the county.

(c) The fund must 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.

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

(e) The following shall be paid into the county's 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.

(f) The fund is available for the purpose of paying expenses and obligations set forth in the annual budget. Money budgeted for a particular township's township assistance expenses and obligations shall, as provided in the budget adopted by the county fiscal body, be distributed to a township account established for that township and administered by that township's trustee. Township assistance expenses and obligations shall be paid by the township trustee from the amounts in the township's account.

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

(h) The maximum permissible property tax levy of the county for property taxes first due and payable in 2013 shall be increased as provided in IC 36-6-1.1-11.

SECTION 13. IC 15-16-7-4, AS ADDED BY P.L.2-2008,

C o p y

SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The weed control board **in a county not having a consolidated city** consists of the following members to be appointed by the authorizing body:

(1) One (1) township trustee of the county.

(2) One (1) soil and water conservation district supervisor.

(3) One (1) representative from the agricultural community of the county.

(4) One (1) representative from the county highway department or an appointee of the county commissioners.

(5) One (1) cooperative extension service agent from the county to serve in a nonvoting advisory capacity.

(b) Each board member shall be appointed for a term of four (4) years. All vacancies in the membership of the board shall be filled for the unexpired term in the same manner as initial appointments.

(c) The board shall elect a chairperson and a secretary. The members of the board are not entitled to receive any compensation, but are entitled to any traveling and other expenses that are necessary in the discharge of the members' duties.

SECTION 14. IC 15-16-7-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 4.5. In a county having a consolidated city and subject to IC 36-3-4-23, the board of code enforcement is the weed control board. A cooperative extension service agent from the county shall advise the board in a nonvoting capacity.**

SECTION 15. IC 15-16-7-5, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. The weed control board **in a county not having a consolidated city** may:

(1) appoint an executive director; and

(2) employ necessary technical, professional, and other assistants.

The board shall fix the qualifications, duties, and salaries of these employees subject to the approval of the county council.

SECTION 16. IC 15-16-7-6, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. **(a)** The county highway supervisor and the soil and water conservation district supervisor or employee serving ~~the~~ **a** county **not having a consolidated city** shall:

(1) serve as inspectors for the weed control board;

(2) make periodic inspections; and

(3) report their findings to the board and the executive director, if

C o p y

any.

(b) In a county having a consolidated city and subject to IC 36-3-4-23, the department of code enforcement shall make periodic inspections and report its findings to the board of code enforcement.

SECTION 17. IC 15-16-7-9, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) The weed control board shall require persons who own:

(1) real estate; or

(2) easements, rights-of-way, or other similar interests in real estate;

in the county to control and contain noxious weeds growing on the real estate.

(b) A five (5) day written notice to remove any noxious weeds shall be issued by the board. The notice may be served:

(1) by certified or registered mail addressed to the latest address of the person or to the person's resident agent; or

(2) personally by the sheriff.

(c) **In a county not having a consolidated city,** the weed control board shall notify the township trustee when the board has sent a notice to a person to remove noxious weeds growing on real estate in the township.

SECTION 18. IC 15-16-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 0.5. (a) The powers and duties established by this chapter are conferred and imposed:**

(1) in a county having a consolidated city, on the county with respect to property in the county; and

(2) in all other counties, on the township trustee with respect to property in the township.

(b) As used in this chapter, "county official" means the official of a county having a consolidated city who is designated under IC 36-3-5-4 as responsible for administering this chapter for the county after December 31, 2012.

(c) Any reference to "township trustee" in this chapter is considered in the case of a county having a consolidated city to be a reference to the county official for purposes of administering this chapter.

(d) Any reference to "township fund" in this chapter is considered in the case of a county having a consolidated city to be a reference to the appropriate county fund designated by

C o p y

ordinance of the county legislative body.

(e) In a county having a consolidated city, the county fiscal body (rather than the township board) shall take any actions required under section 5(c) of this chapter.

(f) In a county having a consolidated city, the estimate under section 5(d) of this chapter must be submitted to the controller of the consolidated city (rather than to the township board).

SECTION 19. IC 15-16-8-10, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. **(a)** When the annual township budget is prepared, a sufficient amount shall be appropriated to enable the township ~~officials~~ **trustees** to comply with this chapter.

(b) In a county having a consolidated city, when the annual county budget is prepared for 2013 and each year thereafter, a sufficient amount shall be appropriated to enable the county official to comply with this chapter.

SECTION 20. IC 23-14-33-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 3.5. (a) In a county having a consolidated city, the county (rather than the township) may levy the cemetery tax under IC 23-14-68-4.**

(b) In a county having a consolidated city, the county fiscal body (rather than the township legislative body) may approve a purchase under IC 23-14-69-5.

SECTION 21. IC 23-14-75-1, AS AMENDED BY P.L.163-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. This chapter applies to a city, town, ~~or~~ township, **or county having a consolidated city** that:

(1) owns a cemetery that has been in existence for at least thirty (30) years; or

(2) desires to own a public cemetery.

SECTION 22. IC 23-14-75-2, AS AMENDED BY P.L.163-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. If land has not been appropriated or set apart by the owners by platting for a public cemetery and it is necessary to purchase real estate for the cemetery:

(1) the legislative body of the city, ~~or~~ town, **or county having a consolidated city;** or

(2) the executive of the township;

has the power of eminent domain to condemn and appropriate the land for cemetery purposes under proceedings provided by statute.

SECTION 23. IC 32-26-4-2 IS AMENDED TO READ AS

C o p y

FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. **(a) As used in this section, "county official" means the official designated under IC 36-3-5-2 as responsible for administering this chapter. In a county having a consolidated city, the county official (rather than the township trustee) is responsible for administering this chapter after December 31, 2012.**

~~(a)~~ **(b)** The trustee of each township, **the county official,** the county highway superintendent, the Indiana department of transportation, or other officer in control of the maintenance of a highway shall between January 1 and April 1 of each year, examine all hedges, live fences, natural growths along highways, and other obstructions described in section 1 of this chapter in their respective jurisdictions. If there are hedges, live fences, other growths, or obstructions along the highways that have not been cut, trimmed down, and maintained in accordance with this chapter, the owner shall be given written notice to cut or trim the hedge or live fence and to burn the brush trimmed from the hedge or live fence and remove any other obstructions or growths.

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

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

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

(1) cause the fences to be cut and trimmed or obstructions or growths removed in accordance with this chapter; and

(2) burn the brush trimmed from the fences.

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

~~(e)~~ **(f)** The township trustee, county highway superintendent, ~~or~~ Indiana department of transportation, **or county official** having charge of the work performed under subsection ~~(d)~~ **(e)** shall prepare an itemized statement of the total cost of the work of removing the

Copy

obstructions or growths and shall sign and certify the statement to the county auditor of the county in which the land is located. The county auditor shall place the statement on the tax duplicates. The county treasurer shall collect the costs entered on the duplicates at the same time and in the same manner as road taxes are collected. The treasurer may not issue a receipt for road taxes unless the costs entered on the duplicates are paid in full at the same time the road taxes are paid. If the costs are not paid when due, the costs shall become delinquent, bear the same interest, be subject to the same penalties, and be collected at the same time and in the same manner as other unpaid and delinquent taxes.

SECTION 24. IC 32-26-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. The prosecuting attorney shall prosecute a suit under section ~~2(c)~~ **2(f)** of this chapter in the name of the state on relation of the supervisor or county highway superintendent. The prosecuting attorney shall receive a fee of ten dollars ($10), collected as a part of the costs of the suit, for bringing a suit under this section.

SECTION 25. IC 32-26-9-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 0.6. (a) As used in this chapter, "county official" means the official designated under IC 36-3-5-4 as responsible for administering this chapter. In a county having a consolidated city, the county official (rather than the township trustee) is responsible for administering this chapter after December 31, 2012.**

(b) In a county having a consolidated city, a reference in this chapter to "township" is considered a reference to the county.

(c) In a county having a consolidated city, a reference in this chapter to "township trustee" is considered a reference to the county official.

SECTION 26. IC 33-34-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 2. (a) There are established township small claims courts in each county containing a consolidated city.

(b) The name of each court shall be the "_____ Township of Marion County Small Claims Court" (insert the name of the township in the blank).

(c) Except as provided by state law, the small claims courts established under this chapter operate independently from the circuit and superior courts.

(d) Except for adopting the budget and approving salaries, the

C o p y

city-county council does not have authority over a small claims court judge and the operations of a small claims court.

(e) The executive committee of the superior court does not have authority over a small claims court judge and the operations of a small claims court.

SECTION 27. IC 33-34-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 6. A division of the small claims court must be a full-time division or a part-time division as determined by the ~~individual township boards~~ **city-county council** following a hearing conducted under section 7 of this chapter.

SECTION 28. IC 33-34-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 8. The ~~township trustee~~ **clerk of the city-county council** shall give ten (10) days notice of all hearings held under section 7 of this chapter in one (1) or more newspapers of general circulation in the county.

SECTION 29. IC 33-34-1-9, AS AMENDED BY P.L.174-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 9. Not more than ~~two (2)~~ **six (6)** weeks after a hearing is conducted under section 7 of this chapter, the ~~township board~~ **city-county council** shall, after considering the evidence, opinions, advice, and suggestions presented at the hearing, enter an order concerning:

(1) whether a small claims court shall be established or abolished in the township if the township has a population of less than fifteen thousand (15,000) persons;

(2) whether the small claims court if any, shall function full time or part time;

(3) the location of the small claims court courtroom and offices under IC 33-34-6-1; and

(4) other relevant matters.

SECTION 30. IC 33-34-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 5. (a) The salary of a judge who serves full time must be in an amount ~~determined by the township board of the township in which the small claims court is located~~ **established by ordinance of the city-county council.**

(b) The salary of each judge who serves part time must be in an amount ~~determined by the township board and approved~~ **established** by **ordinance of** the city-county council.

(c) The salary of a judge may not be reduced during the judge's term of office.

(d) At any other time, salaries of any full-time or part-time judge may be increased or decreased by ~~the township board of the township~~

C o p y

~~in which the small claims court is located~~ **ordinance of the city-county council.**

SECTION 31. IC 33-34-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 6. (a) The annual salary of a judge shall be paid in ~~twelve (12) equal monthly installments by the township trustee~~ **the same installments as other elected county officials.**

(b) The judge may not receive remuneration other than a salary set under section 5 of this chapter for the performance of the judge's official duties except payments for performing marriage ceremonies.

SECTION 32. IC 33-34-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 14. (a) The resignation of a judge shall be delivered to the clerk of the circuit court. The clerk shall advise the circuit court. ~~and appropriate township board.~~

(b) A vacancy occurring in a judgeship must be filled under IC 3-13-10.

SECTION 33. IC 33-34-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 3. ~~Each township~~ **The county** shall provide ~~an appropriate and competitive salary of at least five thousand six hundred dollars ($5,600) for the number of~~ clerks for the small claims court sufficient to:

(1) operate efficiently; and

(2) adequately serve the citizens doing business with the court.

SECTION 34. IC 33-34-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The voters of each township having a small claims court shall elect a constable for the small claims court at the general election every four (4) years for a term of office of four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified. The ballot must state the:

(1) name of the candidate; and

(2) court for which the candidate is to serve.

(b) Each small claims court shall have a constable who:

(1) acts as the bailiff of the court;

(2) serves the court's personal service of process;

(3) has police powers to:

(A) make arrests **under a court order;**

(B) keep the peace **in the court during court proceedings;** ~~and~~

(C) carry out the orders of the court; **and**

(D) take any other police action for which the constable has

C o p y

received training by the law enforcement training board established by IC 5-2-1-3;

(4) must meet the qualifications prescribed by IC 3-8-1-31;

(5) is compensated for each process that is delivered to effect personal service when serving as the bailiff for the court;

(6) is responsible for:

(A) the preparation and mailing of all registered or certified service and is compensated for each process served by mail; and

(B) all the official acts of the deputies;

(7) is compensated solely from the service of process fees collected under IC 33-34-8-1; ~~and~~

(8) may require a deputy to give a bond for the proper discharge of the deputy's duties for an amount fixed by the constable;

(9) must file an economic statement of interest form in the same manner required by the city-county council for elected county officials and is subject to any other requirements the city-county council establishes by ordinance for the constable in the same manner as requirements for other elected county officials are established; and

(10) must satisfy the training requirements prescribed by section 5 of this chapter.

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

(1) perform all the official duties required to be performed by the constable;

(2) possess the same statutory ~~and common law~~ powers and authority as the constable;

(3) must take the same oath required of the constable;

(4) are compensated solely from the service of process fees collected under IC 33-34-8-1; ~~and~~

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

(6) if the deputy constable is a full-time deputy constable, must file an economic statement of interest form in the same manner required by the city-county council for county officials; and

(7) must satisfy the training requirements prescribed by section 5 of this chapter.

(d) If there is an:

(1) emergency; or

C o p y

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

(e) Upon taking the oath of office, a constable or deputy constable shall provide written notice of the following to the county sheriff and the law enforcement training board established by IC 5-2-1-3:

(1) The constable's or deputy constable's full name.

(2) The constable's or deputy constable's law enforcement identification card number.

(3) The date upon which the constable or deputy constable was sworn in by the clerk of the circuit court.

(4) That the constable or deputy constable has been issued an official badge to perform the duties of a constable.

SECTION 35. IC 33-34-6-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 5. (a) Except as provided in subsection (f), each constable must successfully complete the training course offered under section 6(a) of this chapter within six (6) months after taking office.**

(b) Each deputy constable must successfully complete the training course offered under section 6(a) of this chapter within six (6) months after becoming a deputy constable.

(c) Each constable and each deputy constable must successfully complete the annual training course offered under section 6(b) of this chapter each year after the year in which the constable or deputy constable receives training under section 6(a) of this chapter.

(d) The law enforcement training board established by IC 5-2-1-3 shall keep a log of all constables and deputy constables who have been trained and who have been issued badges.

(e) If a constable or deputy constable fails to successfully complete the training required by this chapter, the constable or deputy constable is prohibited from performing any official function of the office or from wearing or otherwise displaying a badge or other regalia to give the impression of police powers.

(f) An individual who is serving as an elected constable on July 1, 2011, is not required to complete the training required by subsection (a) if the law enforcement training board established by IC 5-2-1-3 determines that the individual has recently received training substantially similar to the training that would have been provided to the individual under subsection (a).

C o p y

SECTION 36. IC 33-34-6-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 6. (a) The law enforcement training board established by IC 5-2-1-3 shall create and offer a training course for constables and deputy constables. The training course must include at least forty (40) hours of instruction, with one (1) of those forty (40) hours addressing ethics.**

(b) The law enforcement training board established by IC 5-2-1-3 shall create and offer an annual training course for constables and deputy constables. The annual training course must include at least seven (7) hours of instruction, with one (1) of those seven (7) hours addressing ethics.

SECTION 37. IC 33-34-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 3. The judge of the circuit court, with the assistance of the clerk of the circuit court, the judges of the small claims courts, and the state board of accounts, shall, at the expense of the ~~townships.~~ **county:**

(1) provide the forms, blanks, court calendar books, judgment dockets, and fee books; and

(2) make rules and instructions to direct the judges in keeping records and making reports.

The clerk of the circuit court shall keep full and permanent records and reports of each judge's past and current proceedings, indexed and available for reference as a public record.

SECTION 38. IC 33-34-8-3, AS AMENDED BY P.L.182-2009(ss), SECTION 391, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 3. (a) Payment for all costs made as a result of proceedings in a small claims court shall be to the _____ Township of Marion County Small Claims Court (with the name of the township inserted). The court shall issue a receipt for all money received on a form numbered serially in duplicate. All township docket fees and late fees received by the court shall be paid to the ~~township trustee~~ **county** at the close of each month.

(b) The ~~court~~ **county auditor** shall:

(1) semiannually distribute to the auditor of state:

(A) all automated record keeping fees (IC 33-37-5-21) received by the court for deposit in the homeowner protection unit account established by IC 4-6-12-9 and the state user fee fund established under IC 33-37-9;

(B) all public defense administration fees collected by the court under IC 33-37-5-21.2 for deposit in the state general fund;

C o p y

(C) sixty percent (60%) of all court administration fees collected by the court under IC 33-37-5-27 for deposit in the state general fund;

(D) all judicial insurance adjustment fees collected by the court under IC 33-37-5-25 for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2; and

(E) seventy-five percent (75%) of all judicial salaries fees collected by the court under IC 33-37-5-26 for deposit in the state general fund; and

(2) distribute monthly to the county auditor all document storage fees received by the court.

The remaining twenty-five percent (25%) of the judicial salaries fees described in subdivision (1)(E) shall be deposited monthly in the ~~township~~ **county** general fund ~~of the township in which the court is located.~~ **and credited to the small claims court account described in section 5 of this chapter.** The county auditor shall deposit fees distributed under subdivision (2) into the clerk's record perpetuation fund under IC 33-37-5-2.

(c) ~~The court semiannually shall pay to the township trustee of the township in which the court is located~~ The remaining forty percent (40%) of the court administration fees described under subsection (b)(1)(C) **shall be:**

(1) deposited in the county general fund and credited to the small claims court account described in section 5 of this chapter;

(2) used by the county to fund the operations of the small claims court; ~~in the trustee's township.~~ **and**

(3) if any funds remain during a fiscal year after the payment of expenses under subdivision (2), used to fund public safety programs in the county as set forth in an ordinance or resolution adopted by the city-county council of the consolidated city.

SECTION 39. IC 33-34-8-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: **Sec. 5. Fees and costs paid and collected under sections 1 and 3 of this chapter shall be deposited in the county general fund and credited to separate accounts established for each township small claims court.**

SECTION 40. IC 34-30-2-58, AS AMENDED BY P.L.2-2008, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 58. IC 15-16-8-4 (Concerning township

C o p y

trustees, **county officials in a county having a consolidated city,** or persons hired by them for the removal of detrimental plants upon another person's real property).

SECTION 41. IC 36-1-8-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17. (a) This section applies to all townships in a county having a consolidated city, except those townships that operate a fire department or participate in a fire protection territory.**

(b) Before September 1, 2011, a township may not expend or encumber more than five percent (5%) of any fund without the written approval of the controller of the consolidated city.

(c) Not later than thirty (30) days after this section is enacted into law, the department of local government finance shall determine whether the balance in each fund (other than a debt service fund) of a township (including the township's rainy day fund) exceeds the amount needed by the township to carry out the purposes of the fund. In making the determination of whether there is an excess balance in a fund, the department of local government finance shall consider the balance in the fund relative to:

(1) the current and past budgeted expenditures from the fund;

(2) the fund balance that must be maintained by the township on account of actual or anticipated delayed property tax billing, collection, or distribution;

(3) the amount of tax anticipation notes or warrants or other obligations incurred by the township on account of delayed property tax billing, collection, or distribution; and

(4) the anticipated effects on the township from the application of the circuit breaker credits under IC 6-1.1-20.6.

(d) Not later than fourteen (14) days after the department of local government finance makes a determination under subsection (c) concerning a particular township fund, the township executive shall transfer ninety percent (90%) of the excess amounts (as determined by the department of local government finance) to the county treasurer to be deposited into a dedicated fund for each township. The dedicated fund for each township shall be designated as the _____ (insert name of township) excess reserves fund.

(e) Money in a township excess reserves fund may be expended only:

(1) upon appropriation of the county fiscal body; and

C o p y

(2) to benefit the taxpayers of the township from which the funds were derived.

(f) The county fiscal body shall appropriate all funds in a township excess reserves fund:

(1) to satisfy debt obligations that would have otherwise been borne by the taxpayers of that township; or

(2) if no debt described in subdivision (1) remains, to reduce property taxes of the taxpayers of that township.

SECTION 42. IC 36-1-11-3, AS AMENDED BY P.L.27-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) This section does not apply to the disposal of real property under section 5, 5.5, 5.9, or 8 of this chapter.

(b) Disposal of real property under this chapter is subject to the approval of **the following:**

(1) The executive of the political subdivision or agency ~~or~~ **in a county not having a consolidated city.**

(2) In a county having a consolidated city:

(A) the county treasurer with respect to real property obtained by tax default under IC 6-1.1-24 and IC 6-1.1-25; and

(B) the county executive with respect to all other property.

~~(2)~~ **(3)** The fiscal body of the political subdivision or agency, if there is no executive.

The executive, **county treasurer of a county having a consolidated city,** or fiscal body may not approve a disposal of property without conducting a public hearing after giving notice under IC 5-3-1. However, in a municipality the executive shall designate a board or commission of the municipality to give notice, conduct the hearing, and notify the executive of its recommendation.

(c) Except as provided in section 3.2 of this chapter, in addition, the fiscal body of a unit must approve:

(1) every sale of real property having an appraised value of fifty thousand dollars ($50,000) or more;

(2) every lease of real property for which the total annual rental payments will be twenty-five thousand dollars ($25,000) or more; and

(3) every transfer of real property under section 14 or 15 of this chapter.

SECTION 43. IC 36-3-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) When a first class city becomes a consolidated city, the officers who become the executive and legislative body of the consolidated city under section

C o p y

4(c) of this chapter also become the executive and legislative body of the county.

(b) The members of the board of commissioners of the county are entitled to remain in office until their terms expire, although the board is no longer the executive of the county.

(c) As ~~their~~ **members of the board of commissioners'** terms expire or their positions become vacant, they shall be replaced by the following officers in the following order:

(1) The county treasurer.

(2) The county auditor.

(3) The county assessor.

These three (3) officers then serve ex officio as commissioners under IC 36-3-3-10. **This subsection expires January 1, 2015.**

SECTION 44. IC 36-3-1-5.1, AS AMENDED BY P.L.182-2009(ss), SECTION 400, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5.1. (a) Except for those duties that are reserved by law to the county sheriff in this section, the city-county legislative body may by majority vote adopt an ordinance, approved by the mayor, to consolidate the police department of the consolidated city and the county sheriff's department **into the consolidated law enforcement department, which must be a division of the department of public safety.**

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

(1) holds a public hearing on the proposed consolidation; and

(2) determines that:

(A) reasonable and adequate police protection can be provided through the consolidation; and

(B) the consolidation is in the public interest.

(c) If an ordinance is adopted under this section, the consolidation shall take effect on the date specified in the ordinance.

(d) Notwithstanding any other law, an ordinance adopted under this section must provide that the county sheriff's department shall be responsible for all the following for the consolidated city and the county under the direction and control of the sheriff:

(1) County jail operations and facilities.

(2) Emergency communications.

(3) Security for buildings and property owned by:

(A) the consolidated city;

(B) the county; or

(C) both the consolidated city and county.

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

C o p y

warrants.

(5) Sex and violent offender registration.

(e) The following apply if an ordinance is adopted under this section:

(1) The department of local government finance shall adjust the maximum permissible ad valorem property tax levy of the consolidated city and the county for property taxes first due and payable in the year a consolidation takes effect under this section. When added together, the adjustments under this subdivision must total zero (0).

(2) The ordinance must specify which law enforcement officers of the police department and which law enforcement officers of the county sheriff's department shall be law enforcement officers of the consolidated law enforcement department.

(3) The ordinance may not prohibit the providing of law enforcement services for an excluded city under an interlocal agreement under IC 36-1-7.

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

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

(B) after the consolidation becomes a law enforcement officer of the consolidated law enforcement department;

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

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

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

(B) after the consolidation becomes a law enforcement officer of the consolidated law enforcement department;

remains a member of the 1953 fund or the 1977 fund. The member retains, after the consolidation, credit in the 1953 fund or the 1977 fund for service earned while a member of the police department of the consolidated city and continues to earn service credit in the 1953 fund or the 1977 fund as a member of the consolidated law enforcement department for purposes of

C o p y

determining the member's benefits from the 1953 fund or the 1977 fund.

(6) The ordinance must designate the merit system that shall apply to the law enforcement officers of the consolidated law enforcement department.

(7) The ordinance must designate who shall serve as a coapplicant for a warrant or an extension of a warrant under IC 35-33.5-2.

(8) The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit to provide for the payment of the expenses for the operation of the consolidated law enforcement department. The police special service district established under section 6 of this chapter may levy property taxes to provide for the payment of expenses for the operation of the consolidated law enforcement department within the territory of the police special service district. Property taxes to fund the pension obligation under IC 36-8-7.5 may be levied only by the police special service district within the police special service district. The consolidated city may not levy property taxes to fund the pension obligation under IC 36-8-7.5. 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 police department of the consolidated city on the effective date of the consolidation may be levied only by the police special service district within the police special service district. Property taxes to fund the pension obligation under IC 36-8-10 for members of the sheriff's pension trust and under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the police department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the consolidated city's maximum permissible ad valorem property tax levy. The assets of the consolidated city's 1953 fund and the assets of the sheriff's pension trust may not be pledged after the effective date of the consolidation as collateral for any loan.

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

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

~~(B) any tax shifts among taxpayers;~~

C o p y

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

SECTION 45. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006, SECTION 560, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6.1. (a) This section applies only in a county containing a consolidated city.

(b) If:

(1) the legislative body of the consolidated city adopts an ordinance to consolidate a township fire department into the fire department of the consolidated city (referred to as "the consolidated fire department"), which is a division of the department of public safety; and

(2) the trustee of that township and the mayor approve the ordinance, the requirements of this subsection are satisfied.

(c) The following apply if the requirements of subsection ~~(g)~~ **(b)** are satisfied:

(1) The fire ~~departments~~ **department** of the following are, **on the effective date of the consolidation,** consolidated into the **consolidated** fire department: ~~of a consolidated city (referred to as "the consolidated fire department").~~

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

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

~~(b)~~ **(2)** ~~If the requirements of subsection (g) are satisfied,~~ The consolidated fire department shall, **on the effective date of the consolidation,** provide fire protection services within an entity described in ~~subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city.~~ **subdivision (1)(A) or (1)(B).**

~~(c)~~ **(3)** ~~If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city,~~ All of the property, equipment, records, rights, and contracts of the department consolidated into the fire department of the consolidated city are:

Copy

~~(1)~~ **(A)** transferred to; or

~~(2)~~ **(B)** assumed by;

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

~~(d)~~ **(4)** ~~If the requirements of subsection (g) are satisfied and~~ The fire department of an entity listed in ~~subsection (a)~~ **subdivision (1)** is consolidated into the **consolidated** fire department, ~~of the consolidated city,~~ the ~~employees~~ **firefighters** of the fire department consolidated into the **consolidated** fire department ~~of the consolidated city~~ **who meet the minimum standards of the consolidated fire department** cease employment with the department of the entity listed in ~~subsection (a)~~ **subdivision (1)** and become employees of the consolidated fire department on the effective date of the consolidation. ~~The consolidated city shall assume all agreements with labor organizations that:~~

~~(1) are in effect on the effective date of the consolidation; and~~

~~(2) apply to employees of the department consolidated into the fire department of the consolidated city who become employees of the consolidated fire department.~~

~~(e)~~ **(5)** ~~If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city,~~ The indebtedness related to fire protection services incurred before the effective date of the consolidation by the entity or a building, holding, or leasing corporation on behalf of the entity whose fire department is consolidated into the consolidated fire department under ~~subsection (a)~~ **subdivision (1)** shall remain the debt of the entity and does not become and may not be assumed by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district.

~~(f)~~ **(6)** ~~If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city,~~ The merit board and the merit system of the fire department **of an entity described in subdivision (1)** that is consolidated **into the**

C o p y

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

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

~~(h)~~ **(7)** ~~The following apply if the requirements of subsection (g) are satisfied:~~

~~(1)~~ The consolidation of the fire department of ~~that township~~ **an entity described in subdivision (1)** is effective on the date ~~agreed to by the township legislative body in the resolution and by the legislative body of the consolidated city in its~~ **specified in the** ordinance approving the consolidation.

~~(2)~~ **(8)** Notwithstanding any other provision, a firefighter:

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

(B) who, after the consolidation, becomes an employee of the **consolidated** fire department ~~of a consolidated city~~ under this section;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The

C o p y

firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

~~(3)~~ **(9)** Notwithstanding any other provision, a firefighter:

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

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

~~(4)~~ **(10)** For property taxes first due and payable in the year in which the consolidation is effective, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

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

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

~~(5)~~ **(11)** The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for the township's cumulative building and equipment fund for fire protection and related services is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated 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.

~~(6)~~ **(12)** The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the township are dissolved, and their services

C o p y

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)~~ **(13)** The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit 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 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 on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section.

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

~~(A) the amount of any cost savings, operational efficiencies, or~~

Copy

~~improved service levels; and~~

~~(B) any tax shifts among taxpayers;~~

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

(14) For a firefighter who, after the consolidation, becomes a firefighter employed by the consolidated fire department:

(A) the time served by such an individual as a firefighter with the consolidated fire department shall also include the total time served by the individual as a firefighter with the township fire department in which the individual was serving at the time of the consolidation; and

(B) the hire date of such an individual is the date the individual was hired as a firefighter by the township department in which the individual was serving at the time of consolidation.

SECTION 46. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.2. (a) ~~If a consolidated fire department is established under section 6.1 of this chapter,~~ The consolidated city ~~through the consolidated fire department,~~ shall ~~after the consolidation~~ establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the fire special service district. ~~and in those townships in the county that are consolidated under section 6.1 of this chapter.~~

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

SECTION 47. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.4. (a) This section applies only in a county having a consolidated city.**

(b) The legislative body of an excluded city, after approval by the executive (as defined in IC 36-1-2-5) of the excluded city, may adopt an ordinance approving the consolidation of the excluded city's fire department with the fire department of the consolidated city (referred to in this section as "the consolidated fire department"). If the legislative body of the excluded city adopts an ordinance under this subsection, the legislative body shall forward the ordinance to the clerk of the legislative body of the consolidated city. If the legislative body of the consolidated city adopts the

C o p y

ordinance approving the consolidation of the fire department of the excluded city into the consolidated fire department and the ordinance is approved by the mayor of the consolidated city, the requirements of this subsection are satisfied.

(c) The following apply if the requirements of subsection (b) are satisfied:

(1) The fire department of the excluded city is consolidated into the consolidated fire department. The consolidation takes effect on the date agreed to by the legislative body of the excluded city in its ordinance and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(2) The consolidated fire department shall provide fire protection services within the excluded city on the date agreed to in the ordinance of the legislative body of the excluded city and the ordinance of the legislative body of the consolidated city.

(3) All property, equipment, records, and rights of the fire department of the excluded city are:

(A) transferred to; or

(B) assumed by;

the consolidated city on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the executive and legislative body of the excluded city in which the real property is located.

(4) Each firefighter of the fire department of the excluded city ceases employment with the fire department of the excluded city and, if the firefighter meets the minimum standards of the consolidated fire department, becomes an employee of the consolidated fire department on the effective date of the consolidation.

(5) The indebtedness of the fire department of the excluded city related to fire protection services incurred before the effective date of the consolidation by the entity or a building, holding, or leasing corporation on behalf of the fire department of the excluded city remains the debt of the entity and is not and may not be assumed by the consolidated city. Indebtedness related to fire protection services incurred by the consolidated city before the effective date of the consolidation remains the debt of the consolidated city, and

C o p y

property taxes levied to pay the debt may be levied only by the fire special service district.

(6) The merit board and the merit system of the fire department of the excluded city are dissolved on the effective date of the consolidation, and the duties of the merit board are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

(7) Notwithstanding any other provision, a firefighter:

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

(B) who, after the consolidation, becomes an employee of the consolidated fire department under this section;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter is entitled to receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

(8) Notwithstanding any other provision, a firefighter:

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

(B) who, after the consolidation, becomes an employee of the consolidated fire department under this section;

remains a member of the 1937 fund. The firefighter is entitled to receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

(9) For property taxes first due and payable in the year in which the consolidation is effective, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(A) is increased for the consolidated city by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the excluded city whose fire department is consolidated into the consolidated fire department under this section; and

(B) is reduced for the excluded city whose fire department is consolidated into the consolidated fire department under this section by the amount equal to the maximum permissible ad valorem property tax levy in the year

C o p y

preceding the year in which the consolidation is effective for fire protection and related services for the excluded city.

(10) The amount levied in the year preceding the year in which the consolidation is effective by the excluded city whose fire department is consolidated into the consolidated fire department for the excluded city's cumulative building and equipment fund for fire protection and related services is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 6-1.1-41 and IC 36-8-14 regarding establishment of the cumulative building and equipment fund for fire protection and related services.

(11) The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the excluded 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 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 law, 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.

(12) For a firefighter who, after the consolidation, becomes a firefighter employed by the consolidated fire department:

(A) the time served by such an individual as a firefighter with the consolidated fire department shall also include the total time served by the individual as a firefighter with the excluded city fire department in which the individual was serving at the time of the consolidation; and

(B) the hire date of such an individual is the date the individual was hired as a firefighter by the excluded city department in which the individual was serving at the time of consolidation.

(d) The fire special service district shall be expanded to include any area of an excluded city that is served by the consolidated fire department.

SECTION 48. IC 36-3-1-13 IS ADDED TO THE INDIANA CODE

C o p y

AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 13. The general assembly finds the following:**

(1) A county having a consolidated city faces unique operational and financial challenges due to its size and dense population. These challenges include the following:

(A) Serving as the seat of state government.

(B) Managing a large number of tax exempt properties.

(C) Operating across the boundaries of numerous local government territories.

(D) Protecting a very large amount of governmental property and providing appropriate public safety resources to support its role as the state capital and a center for local, state, national, and international sporting, tourism, and cultural events.

(2) The challenges described in subdivision (1) as well as other challenges result in operational inefficiencies, inconsistent delivery of services, entities performing governmental services without proper oversight by the city-county legislative body, and untapped economies of scale. Streamlining township, city, and county services and operations into city-county government serves the following purposes:

(A) Increasing transparency, accountability, and oversight by the city-county council.

(B) Reducing layers of government bureaucracy.

(C) Providing better coordinated, more uniform, and more effective delivery of services.

(3) The public purpose of the legislation enacted in 2011 concerning the county having a consolidated city is to provide a county having a consolidated city the means to perform essential governmental services in a more effective, transparent, and accountable manner. Doing this is of high public utility and benefit.

SECTION 49. IC 36-3-2-10, AS AMENDED BY P.L.146-2008, SECTION 701, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) The general assembly finds the following:

(1) That the tax base of the consolidated city and the county have been significantly eroded through the ownership of tangible property by separate municipal corporations and other public entities that operate as private enterprises yet are exempt or whose property is exempt from property taxation.

C o p y

(2) That to restore this tax base and provide a proper allocation of the cost of providing governmental services the legislative body of the consolidated city and county should be authorized to collect payments in lieu of taxes from these public entities.

(3) That the appropriate maximum payments in lieu of taxes would be the amount of the property taxes that would be paid if the tangible property were not subject to an exemption.

(b) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

(1) Assessed value.

(2) Exemption.

(3) Owner.

(4) Person.

(5) Personal property.

(6) Property taxation.

(7) Tangible property.

(8) ~~Township~~ **County** assessor.

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

(d) As used in this section, "public entity" means any of the following government entities in the county:

(1) An airport authority operating under IC 8-22-3.

(2) A capital improvement board of managers under IC 36-10-9.

(3) A building authority operating under IC 36-9-13.

(4) A wastewater treatment facility.

(e) The legislative body of the consolidated city may adopt an ordinance to require a public entity to pay PILOTS at times set forth in the ordinance with respect to:

(1) tangible property of which the public entity is the owner or the lessee and that is subject to an exemption;

(2) tangible property of which the owner is a person other than a public entity and that is subject to an exemption under IC 8-22-3; or

(3) both.

The ordinance remains in full force and effect until repealed or modified by the legislative body.

(f) The PILOTS must be calculated so that the PILOTS may be in any amount that does not exceed the amount of property taxes that would have been levied by the legislative body for the consolidated city and county upon the tangible property described in subsection (e) if the property were not subject to an exemption from property taxation.

(g) PILOTS shall be imposed as are property taxes and shall be

C o p y

based on the assessed value of the tangible property described in subsection (e). Except as provided in subsection (l), the ~~township assessor, or the~~ county assessor ~~if there is no township assessor for the township,~~ shall assess the tangible property described in subsection (e) as though the property were not subject to an exemption. The public entity shall report the value of personal property in a manner consistent with IC 6-1.1-3.

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

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

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

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

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

~~(l) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.~~

SECTION 50. IC 36-3-2-11, AS AMENDED BY P.L.146-2008, SECTION 702, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

(1) Assessed value.
(2) Exemption.
(3) Owner.
(4) Person.
(5) Property taxation.
(6) Real property.

C o p y

(7) ~~Township~~ **County** assessor.

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

(c) As used in this section, "property owner" means the owner of real property described in IC 6-1.1-10-16.7 that is located in a county with a consolidated city.

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

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

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

(2) a percentage of the property taxes that would have been levied by the legislative body for the consolidated city and the county upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation; and

(3) not more than the amount of property taxes that would have been levied by the legislative body for the consolidated city and county upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation.

(f) PILOTS shall be imposed as are property taxes and shall be based on the assessed value of the real property described in subsection (d). Except as provided in subsection (i), the ~~township assessor, or the~~ county assessor ~~if there is no township assessor for the township,~~ shall assess the real property described in subsection (d) as though the property were not subject to an exemption.

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

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

~~(i) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.~~

C o p y

SECTION 51. IC 36-3-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. The executive shall perform the duties and exercise the powers prescribed for the board of commissioners of the county by statutes, ~~other than this title,~~ except for ~~the following:~~

~~(1)~~ duties and powers vested in the city-county legislative body by IC 36-3-4.

~~(2) Duties and powers retained by the board of commissioners of the county under section 10 of this chapter.~~

SECTION 52. IC 36-3-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) The board of commissioners of the county is composed of the county treasurer, the county auditor, and the county assessor. These officers shall serve ex officio as commissioners without additional compensation for performing the duties of the board.

(b) The board of commissioners:

(1) shall make the appointments required by statute to be made by the board of commissioners of a county;

(2) shall perform the duties and exercise the powers prescribed by statutes pertaining to the issuance and payment of bonds of the county and the expenditure of the unexpended proceeds of those bonds; and

(3) may exercise the powers granted it by Article 9, Section 3 of the Constitution of the State of Indiana and by IC 12-30-3.

(c) This section expires January 1, 2015.

SECTION 53. IC 36-3-4-14, AS AMENDED BY P.L.78-2009, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) An ordinance or resolution passed by a legislative body is considered adopted when it is:

(1) signed by the presiding officer; and

(2) if subject to veto, either approved by the executive or passed over the executive's veto by the legislative body, under section 16 of this chapter.

(b) All ordinances and resolutions of a legislative body are subject to veto, except the following:

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

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

C o p y

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) The legislative body shall:

(1) subject to subsection (h), give written notice to the department of environmental management not later than sixty (60) days before amendment or repeal of an environmental restrictive ordinance; and

(2) give written notice to the department of environmental management not later than thirty (30) days after passage, amendment, or repeal of an environmental restrictive ordinance.

(h) Upon written request by the legislative body, the department of

C o p y

environmental management may waive the notice requirement of subsection (g)(1).

(i) An environmental restrictive ordinance passed or amended after 2009 by the legislative body must state the notice requirements of subsection (g).

(j) The failure of an environmental restrictive ordinance to comply with subsection (i) does not void the ordinance.

SECTION 54. IC 36-3-5-2.8, AS ADDED BY P.L.227-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2.8. (a) Except as provided in subsections (b) and (c), the controller:

(1) has all the powers; and

(2) performs all the duties;

of the county auditor under law.

(b) The controller:

(1) does not have the powers; and

(2) may not perform the duties;

of the county auditor under IC 36-2-9.5 and IC 36-3-6. ~~or as a member of the board of commissioners of the county under IC 36-3-3-10.~~

(c) Notwithstanding subsection (a) or any other law, the executive, with the approval of the legislative body, may allocate the duties of the county auditor, except the duties referred to in subsection (b), among:

(1) the controller;

(2) the county assessor;

(3) the county auditor; or

(4) other appropriate city or county officials.

SECTION 55. IC 36-3-5-4, AS AMENDED BY P.L.227-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The following executive departments of the consolidated city are established, subject to IC 36-3-4-23:

(1) Department of ~~administration and equal opportunity.~~ **code enforcement.**

(2) Department of metropolitan development.

(3) Department of public safety.

(4) Department of public works.

~~(5) Department of transportation.~~

~~(6)~~ **(5)** Department of parks and recreation.

These departments and their divisions have all the powers, duties, functions, and obligations prescribed by law for them as of August 31, 1981, subject to IC 36-3-4-23.

(b) The department of public utilities established under IC 8-1-11.1 continues as an agency of the consolidated city, which is the successor

C o p y

trustee of a public charitable trust created under Acts 1929, c. 78. The department of public utilities is governed under IC 8-1-11.1 and is not subject to this article.

(c) Subject to IC 36-3-4-23, the director of the department of code enforcement is the county official for purposes of IC 15-16-8 and IC 32-26-9.

SECTION 56. IC 36-3-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) Administrative boards are established in the departments listed in ~~sections~~ **section 4(a)(1),** 4(a)(3), 4(a)(4), **and** 4(a)(5) ~~and 4(a)(6)~~ of this chapter, to be known respectively as **the board of code enforcement,** the board of public safety, the board of public works, ~~the board of transportation,~~ and the board of parks and recreation. These boards have all the powers, duties, functions, and obligations prescribed by law for them as of August 31, 1981, subject to IC 36-3-4-23. In addition, the metropolitan development commission, which is established in the department of metropolitan development by IC 36-7-4-202, has all the powers, duties, functions, and obligations prescribed by law for it as of August 31, 1981, subject to IC 36-3-4-23.

(b) Each board established under this section is composed of five (5) members as follows:

(1) The director of its department, who serves as presiding officer of the board.

(2) Two (2) members appointed by the executive.

(3) Two (2) members appointed by the city-county legislative body.

A member appointed under subdivision (2) or (3) is appointed for a term of one (1) year and until ~~his~~ **the member's** successor is appointed and qualified, but serves at the pleasure of the appointing authority.

SECTION 57. IC 36-3-6-4, AS AMENDED BY P.L.146-2008, SECTION 704, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) Before the Wednesday after the first Monday in July each year, the consolidated city and county shall prepare budget estimates for the ensuing budget year under this section.

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

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

(2) Each township ~~assessor (if any),~~ **trustee (after June 30, 2012), township constable,** elected county officer, ~~or~~ **and** head

C o p y

of a county agency.

(3) The county clerk, for each court the clerk serves.

(4) Each township trustee, for each small claims court.

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

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

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

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

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

SECTION 58. IC 36-3-6-9, AS AMENDED BY P.L.182-2009(ss), SECTION 401, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) Except as provided in subsection (d), the city-county legislative body shall review the proposed operating and maintenance budgets and tax levies and adopt final operating and maintenance budgets and tax levies for each of the following entities in the county:

(1) An airport authority operating under IC 8-22-3.

(2) A public library operating under IC 36-12.

(3) A capital improvement board of managers operating under IC 36-10.

(4) A public transportation corporation operating under IC 36-9-4.

(5) A health and hospital corporation established under IC 16-22-8.

(6) A building authority established under IC 36-9-13.

~~(6)~~ **(7)** Any other taxing unit (as defined in IC 6-1.1-1-21) that is located in the county and has a governing body that is not comprised of a majority of officials who are elected to serve on the governing body.

Except as provided in subsection (c), the city-county legislative body may reduce or modify but not increase a proposed operating and maintenance budget or tax levy under this section.

(b) The board of each entity listed in subsection (a) shall, after

C o p y

adoption of its proposed budget and tax levies, submit them, along with detailed accounts, to the city clerk before the first day of September of each year.

(c) The city-county legislative body or, when subsection (d) applies, the fiscal body of an excluded city or town shall review the issuance of bonds of an entity listed in subsection (a). Approval of the city-county legislative body or, when subsection (d) applies, the fiscal body of an excluded city or town is required for the issuance of bonds. The city-county legislative body or the fiscal body of an excluded city or town may not reduce or modify a budget or tax levy of an entity listed in subsection (a) in a manner that would:

(1) limit or restrict the rights vested in the entity to fulfill the terms of any agreement made with the holders of the entity's bonds; or

(2) in any way impair the rights or remedies of the holders of the entity's bonds.

(d) If the assessed valuation of a taxing unit is entirely contained within an excluded city or town (as described in IC 36-3-1-7) that is located in a county having a consolidated city, the governing body of the taxing unit shall submit its proposed operating and maintenance budget and tax levies to the city or town fiscal body for approval and not the city-county legislative body. Except as provided in subsection (c), the fiscal body of the excluded city or town may reduce or modify but not increase a proposed operating and maintenance budget or tax levy under this section.

SECTION 59. IC 36-3-7-5, AS AMENDED BY P.L.146-2008, SECTION 706, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) Liens for taxes levied by the consolidated city are perfected when evidenced on the tax duplicate in the office of the treasurer of the county.

(b) Liens created when the city enters upon property to make improvements to bring it into compliance with a city ordinance, and liens created upon failure to pay charges assessed by the city for services shall be certified to the auditor, after the adoption of a resolution confirming the incurred expense by the appropriate city department, board, or other agency. In addition, the resolution must state the name of the owner as it appears on the ~~township assessor's or~~ county assessor's record and a description of the property.

(c) The amount of a lien shall be placed on the tax duplicate by the auditor in the nature of a delinquent tax subject to enforcement and collection as otherwise provided under IC 6-1.1-22, IC 6-1.1-24, and IC 6-1.1-25.

C o p y

SECTION 60. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 6. The governing body of a public library located in the county may recommend and the county fiscal body may elect to provide revenue to the public library from part of the certified distribution, if any, that the county is to receive during that same year under IC 6-3.5-6-17. To make the election, the county fiscal body must adopt an ordinance before November 1 of the preceding year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to provide revenue to the public library. If such an ordinance is adopted, the county fiscal body shall immediately send a copy of the ordinance to the county auditor.**

SECTION 61. IC 36-3-8 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]:

Chapter 8. Township Trustees in Marion County

Sec. 1. (a) This chapter applies to all townships in a county having a consolidated city.

(b) IC 36-6, except for IC 36-6-1.1, does not apply to townships in a county having a consolidated city.

Sec. 2. (a) Each township is known as _____ Township of _____ County, according to the name of the township and the county in which it is located.

(b) Within the geographic area of each township in the county, the trustee shall:

(1) administer township assistance under IC 12-20 and IC 12-30-4;

(2) provide and maintain cemeteries under IC 23-14; and

(3) provide fire protection under IC 36-8, except in a township that consolidated the township's fire department under IC 36-3-1-6.1.

(c) In the case of a township that has not consolidated the township's fire department under IC 36-3-1-6.1, the township's fire merit board after the township board is abolished must consist of three (3) members appointed by the township trustee (not more than two (2) of whom may be members of the same political party) and two (2) members selected by the members of the fire department (who may not be members of the same political party).

Sec. 3. (a) A trustee shall be elected under IC 3-10-2-13 by the voters of each township.

(b) The trustee must reside within the township as provided in

C o p y

Article 6, Section 6 of the Constitution of the State of Indiana. The trustee forfeits office if the trustee ceases to be a resident of the township.

(c) The term of office of a trustee is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

Sec. 4. (a) For purposes of IC 12-20, IC 12-30-4, and IC 23-14, the county legislative body has the powers and performs the duties of the township board.

(b) The county legislative body shall include, as part of its annual county budget, a budget for each trustee to perform the duties assigned to the trustee under section 2 of this chapter.

Sec. 5. (a) The county legislative body may, by ordinance, establish standards applicable throughout the county for the provision of township assistance by each trustee throughout the county consistent with the requirements of IC 12-20-5.5.

(b) Until the county legislative body has adopted an ordinance under subsection (a), each trustee shall establish standards for the provision of township assistance under IC 12-20-5.5.

Sec. 6. (a) The county executive shall appoint, subject to the approval of the county legislative body, a resident of the county to administer appeals under IC 12-20-15.

(b) The appointee serves at the pleasure of the county executive and shall serve until a successor is appointed and qualified.

(c) The county legislative body may, by ordinance, provide for the compensation of the appointee, and such compensation shall be payable from the county township assistance fund.

(d) Appeals administered under this section must be administered at the office of the trustee in the township from which the appeal arises.

Sec. 7. (a) This section applies only to a township or fire protection territory that has not consolidated into the consolidated fire department under IC 36-3-1-6.1.

(b) The township fire department and its fire protection territory, if any, shall coordinate with the consolidated fire department:

(1) to ensure sufficient fire protection coverage throughout the consolidated city; and

(2) to achieve savings through joint purchasing.

Sec. 8. (a) When twenty-five (25) or more resident freeholders of a township file a petition with the circuit court of the county alleging that the trustee is incapable of performing the trustee's

C o p y

duties due to mental or physical incapacity, the clerk of the court shall issue a summons to be served on the trustee. The summons is returnable not less than ten (10) days from its date of issue.

(b) Immediately following the return date set out on the summons, the circuit court shall hold a hearing on the matter alleged in the petition. After hearing the evidence and being fully advised, the court shall enter its findings and judgment.

(c) If the court finds the trustee incapable of performing the duties of office, the clerk of the court shall certify a copy of the judgment to the county executive, who shall, within five (5) days, appoint a resident of the township as acting trustee during the incapacity of the executive.

(d) The acting trustee shall execute and file a bond in an amount fixed by the controller of the consolidated city. After taking the oath of office, the acting trustee has all the powers and duties of the trustee.

(e) Except as provided in section 12 of this chapter, the acting trustee is entitled to the salary and benefits provided for the trustee.

(f) When an incapacitated trustee files a petition with the circuit court of the county alleging that the trustee is restored to mental or physical ability to perform the duties of office, the court shall immediately hold a hearing on the matters alleged. After hearing the evidence and being fully advised, the court shall enter its findings and judgment.

(g) If the court finds the trustee capable of resuming duties, the clerk of the court shall certify a copy of the judgment to the county executive, who shall, within five (5) days, revoke the appointment of the acting trustee.

Sec. 9. (a) A trustee is entitled to receive the following:

(1) The trustee's salary, as set by the county legislative body.

(2) Reimbursement for expenses approved by the county legislative body for reimbursement.

(b) The trustee may not make any other personal use of township assistance or cemetery funds without prior approval by the county legislative body.

Sec. 10. (a) Within thirty (30) days after taking office, the trustee shall designate a person who shall perform the trustee's duties whenever the trustee is incapable of performing the trustee's functions because the trustee:

(1) is absent from the township; or

(2) becomes incapacitated.

C o p y

(b) The trustee shall give notice of the designation to the clerk of the county legislative body.

(c) Except as provided in section 12 of this chapter, the designee has all the powers of the trustee.

(d) The designee shall perform the trustee's duties until:

(1) the trustee is no longer absent from the township; or

(2) an acting trustee is appointed by the county executive under section 8 of this chapter.

(e) The trustee is responsible for all acts of the designee.

(f) The trustee may change the designee under this section at any time.

Sec. 11. (a) The trustee must file an economic statement of interest form in the same manner required by the county legislative body for county officials.

(b) The county legislative body may, by ordinance, establish other requirements for the trustee in the same manner as requirements for other elected county officials are established.

Sec. 12. (a) If the office of township trustee becomes vacant, the office shall be filled as provided in IC 3-13-10 or IC 3-13-11.

(b) An acting trustee, a designee appointed under this section, or an individual chosen under IC 3-13-10 or IC 3-13-11 to fill a vacancy in the office of township trustee may not approve the consolidation of the township's fire department into the consolidated fire department under IC 36-3-1-6.1 or any other law.

SECTION 62. IC 36-6-1-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 1.5. This article, except for IC 36-6-1.1, does not apply to townships in a county having a consolidated city.**

SECTION 63. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 1.1. Dissolution of Township Governments in Marion County

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

Sec. 2. (a) Beginning July 1, 2011, a designee of the county executive shall meet monthly with a designee of each township trustee, constable, and small claims court judge to effectuate the proper transition of the duties, obligations, and responsibilities of the township to the county and consolidated city, as provided in this chapter.

(b) The county executive's designee shall, for each township,

C o p y

prepare and maintain a report regarding the transition. The report must be made available to the public upon request and must be posted on the Internet web site maintained by the county executive.

Sec. 3. (a) Effective January 1, 2012, the operations of the township constables and small claims courts are operations of county government and must be accounted for in the county budget.

(b) Effective January 1, 2012, employees of the township supporting the constable or the small claims court judge become employees of the county, reporting to the constable or small claims court judge, as appropriate, of the township by which they were employed on December 31, 2011.

Sec. 4. (a) On January 1, 2013, all:

(1) assets;
(2) debts;
(3) property rights;
(4) equipment;
(5) records;
(6) personnel; and
(7) contracts;

connected with the operations of township parks and township weed control are transferred to the consolidated city.

(b) Except as provided in subsections (c) and (d), on January 1, 2013, all:

(1) assets;
(2) debts;
(3) property rights;
(4) equipment;
(5) records;
(6) personnel; and
(7) contracts;

connected with operations of a township that have not otherwise transferred are transferred to the county.

(c) This subsection applies only to a township that does not consolidate its fire department under IC 36-3-1-6.1. In the case of employees of the township fire department who become county employees under this section, the township trustee (and not any county official or employee) remains responsible for and retains the powers and duties related to hiring, supervising, disciplining, and firing those employees.

(d) This subsection applies only to a township that does not consolidate its fire department under IC 36-3-1-6.1. The assets,

Copy

debts, property rights, equipment, records, and contracts of the township related to providing fire protection are not transferred to the county.

(e) Effective January 1, 2013, all remaining employees of the township become employees of the county, reporting to the trustee of the township by which they were employed on December 31, 2012.

(f) Effective January 1, 2013, the operations of the township trustees and any other remaining function performed by township government are operations of county government and shall be accounted for in the county budget.

Sec. 5. (a) Notwithstanding any other law, the term of each township board member elected at the November 2008 election expires January 1, 2013.

(b) Notwithstanding this article or any other law, on January 1, 2013:

(1) each township board is abolished; and

(2) the city-county council is the successor to the township boards.

Sec. 6. (a) Effective January 1, 2013, all township governments in the county are, except to the extent provided in section 4(c) and 4(d) of this chapter, abolished, and the duties and powers of the township governments that have not previously transferred to the county or consolidated city are transferred to the county or consolidated city as provided in this chapter.

(b) Each township shall retain its geographical boundaries and its name, and each trustee, constable, and small claims court judge shall continue to serve within the jurisdiction of the township in which the trustee, constable, and small claims court judge were elected.

(c) The term of each township trustee, township constable, and township small claims court judge is not affected by this chapter.

Sec. 7. The balance on January 1, 2013, in a debt service fund of a township:

(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. 8. (a) On January 1, 2013, the balance in a township's

Copy

general fund attributable to the duties of the township trustee under IC 36-6-4-3, other than the duties concerning fire protection transferred under IC 36-3-1-6.1, is transferred to the county.

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

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

Sec. 9. (a) The balance in a township's township assistance fund attributable to the duties of the township trustee on January 1, 2013:

(1) is transferred to the county; and

(2) shall be deposited in the township assistance fund established under IC 12-20-1-6.

(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. 10. (a) The department of local government finance shall increase the county's maximum permissible property tax levy for taxes first due and payable in 2012 by an amount equal to the total combined maximum permissible property tax levies for all townships in the county for property taxes first due and payable in 2011 (excluding any township property taxes considered in making an adjustment to the maximum permissible property tax levy of the consolidated city under IC 6-1.1-18.5-22 and any property taxes described in subsection (b)).

(b) The department of local government finance shall increase the county's maximum permissible property tax levy for taxes first due and payable in 2013 by an amount equal to the total combined maximum permissible property tax levies for all townships in the county for township assistance purposes for property taxes first due and payable in 2012.

(c) The department of local government finance shall adjust the maximum permissible property tax levies and property tax rates of units of local government as necessary to account for transfers of duties, powers, and obligations of governmental functions in a county having a consolidated city, as enacted into law in 2011.

Sec. 11. (a) If after abolition of a township government there exists any remaining indebtedness of the township, the territory of that township comprises a taxing district for the payment of the township's indebtedness existing at the time of the abolition. Once the indebtedness is paid, the taxing district is abolished.

C o p y

(b) After abolition of a township government, the controller shall determine the rate of taxation necessary to pay the township indebtedness existing at the time the township was abolished. The controller shall place the tax rate on the tax duplicate for the abolished township government, collect the tax, and pay it over to the proper creditors.

SECTION 64. IC 36-6-4-3, AS AMENDED BY P.L.1-2009, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. The executive shall do the following:

(1) Keep a written record of official proceedings.

(2) Manage all township property interests.

(3) Keep township records open for public inspection.

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

(5) Receive and pay out township funds.

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

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

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

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

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

~~(A) is located in a county having a consolidated city; and~~

~~(B) consolidated the township's fire department under IC 36-3-1-6.1.~~

(11) File an annual personnel report under IC 5-11-13.

(12) Provide and maintain township parks and community centers under IC 36-10.

(13) Destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-16-8.

(14) Provide insulin to the poor under IC 12-20-16.

(15) Perform other duties prescribed by statute.

SECTION 65. IC 36-6-4-16, AS AMENDED BY P.L.1-2010, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 16. (a) When twenty-five (25) or more resident freeholders of a township file a petition with the circuit court of the county, alleging that the township executive is incapable of performing ~~his~~ **the executive's** duties due to mental or physical incapacity, the clerk of the court shall issue a summons to be served on the executive. The summons is returnable not less than ten (10) days from its date of issue.

C o p y

(b) Immediately following the return date set out on the summons, the circuit court shall hold a hearing on the matter alleged in the petition. After hearing the evidence and being fully advised, the court shall enter its findings and judgment.

(c) If the court finds the executive incapable of performing the duties of office, the clerk of the court shall certify a copy of the judgment to the county executive, which shall, within five (5) days, appoint a resident of the township as acting executive of the township during the incapacity of the executive.

(d) The acting executive shall execute and file a bond in an amount fixed by the county auditor. After taking the oath of office, the acting executive has all the powers and duties of the executive.

(e) The acting executive is entitled to the salary and benefits provided by this article for the executive.

(f) When an incapacitated executive files a petition with the circuit court of the county alleging that the executive is restored to mental or physical ability to perform the duties of office, the court shall immediately hold a hearing on the matters alleged. After hearing the evidence and being fully advised, the court shall enter its findings and judgment.

(g) If the court finds the executive capable of resuming duties, the clerk of the court shall certify a copy of the judgment to the county executive, which shall, within five (5) days, revoke the appointment of the acting executive.

~~(h) For purposes of this section, the board of county commissioners is considered the executive of a county having a consolidated city.~~

SECTION 66. IC 36-6-6-2, AS AMENDED BY P.L.240-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. (a) Except as provided in ~~subsection (b) and~~ section 2.1 of this chapter, a three (3) member township board shall be elected under IC 3-10-2-13 by the voters of each township.

~~(b) The township board in a county containing a consolidated city shall consist of seven (7) members elected under IC 3-10-2-13 by the voters of each township.~~

~~(c)~~ **(b)** The township board is the township legislative body.

~~(d)~~ **(c)** The term of office of a township board member is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

SECTION 67. IC 36-6-6-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2.2. ~~(a) This subsection applies to townships in a county containing a consolidated city. The voters of each legislative body district established under~~

Copy

~~section 2.5 of this chapter shall elect one (1) member of the township board.~~

~~(b) This subsection applies to townships not included in subsection (a).~~ The voters of each township shall elect all the members of the township board.

SECTION 68. IC 36-6-6-3, AS AMENDED BY P.L.240-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. ~~(a) This subsection applies to townships in a county containing a consolidated city. One (1) member of the legislative body must reside within each legislative body district. If a member of the legislative body ceases to be a resident of the district from which the member was elected, the office becomes vacant.~~

~~(b)~~ **(a)** This subsection applies to townships not included in subsection ~~(a) or (c).~~ **(b).** A member of the legislative body must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. If a member of the legislative body ceases to be a resident of the township, the office becomes vacant.

~~(c)~~ **(b)** This subsection applies to a township government that:

(1) is created by a merger of township governments under IC 36-6-1.5; and

(2) elects a township board under section 2.1 of this chapter.

One (1) member of the legislative body must reside within the boundaries of each of the former townships that merged. If a member of the legislative body ceases to be a resident of that former township, the office becomes vacant.

SECTION 69. IC 36-6-6-4, AS AMENDED BY P.L.240-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. (a) Except as provided in ~~subsections~~ **subsection** (b), ~~and (c),~~ two (2) members of the legislative body constitute a quorum.

~~(b) Four (4) members of the legislative body in a county containing a consolidated city constitute a quorum.~~

~~(c)~~ **(b)** This subsection applies to a township government that:

(1) is created by a merger of township governments under IC 36-6-1.5; and

(2) elects a township board under section 2.1 of this chapter.

A majority of the members of the legislative body constitute a quorum. If a township board has an even number of members, the township executive shall serve as an ex officio member of the township board for the purpose of casting the deciding vote to break a tie.

SECTION 70. IC 36-7-9-2, AS AMENDED BY P.L.73-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

C o p y

JULY 1, 2011]: Sec. 2. As used in this chapter:

"Community organization" means a citizen's group, neighborhood association, neighborhood development corporation, or similar organization that:

(1) has specific geographic boundaries defined in its bylaws or articles of incorporation and contains at least forty (40) households within those boundaries;

(2) is a nonprofit corporation that is representative of at least twenty-five (25) households or twenty percent (20%) of the households in the community, whichever is less;

(3) is operated primarily for the promotion of social welfare and general neighborhood improvement and enhancement;

(4) has been incorporated for at least two (2) years; and

(5) is exempt from taxation under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code.

"Continuous enforcement order" means an order that:

(1) is issued for compliance or abatement and that remains in full force and effect on a property without further requirements to seek additional:

(A) compliance and abatement authority; or

(B) orders for the same or similar violations;

(2) authorizes specific ongoing compliance and enforcement activities if a property requires reinspection or additional periodic abatement;

(3) can be enforced, including assessment of fees and costs, without the need for additional notice or hearing; and

(4) authorizes the enforcement authority to assess and collect ongoing costs for continuous enforcement order activities from any party that is subject to the enforcement authority's order.

"Department" refers to the ~~executive~~ department authorized by ordinance to administer this chapter. ~~In a consolidated city, this department is the department of metropolitan development, subject to IC 36-3-4-23.~~

"Enforcement authority" refers to the chief administrative officer of the department, except in a consolidated city. In a consolidated city, ~~the division of development services is~~ the enforcement authority ~~subject to IC 36-3-4-23.~~ **refers to the department designated by ordinance.**

"Hearing authority" refers to a person or persons designated as such by the executive of a city or county, or by the legislative body of a town. However, in a consolidated city, the director of the department or a person designated by the director is the hearing authority. An employee of the enforcement authority may not be designated as the

C o p y

hearing authority.

"Known or recorded fee interest, life estate interest, or equitable interest of a contract purchaser" means any fee interest, life estate interest, or equitable interest of a contract purchaser held by a person whose identity and address may be determined from:

(1) an instrument recorded in the recorder's office of the county where the unsafe premises is located;

(2) written information or actual knowledge received by the department (or, in the case of a consolidated city, the enforcement authority); or

(3) a review of department (or, in the case of a consolidated city, the enforcement authority) records that is sufficient to identify information that is reasonably ascertainable.

"Known or recorded substantial property interest" means any right in real property, including a fee interest, a life estate interest, a future interest, a mortgage interest, a lien as evidenced by a certificate of sale issued under IC 6-1.1-24, or an equitable interest of a contract purchaser, that:

(1) may be affected in a substantial way by actions authorized by this chapter; and

(2) is held by a person whose identity and address may be determined from:

(A) an instrument recorded in:

(i) the recorder's office of the county where the unsafe premises is located; or

(ii) the office of the county auditor of the county where the unsafe premises are located in the case of a lien evidenced by a certificate of sale issued under IC 6-1.1-24;

(B) written information or actual knowledge received by the department (or, in the case of a consolidated city, the enforcement authority); or

(C) a review of department (or, in the case of a consolidated city, the enforcement authority) records that is sufficient to identify information that is reasonably ascertainable.

"Substantial property interest" means any right in real property that may be affected in a substantial way by actions authorized by this chapter, including a fee interest, a life estate interest, a future interest, a mortgage interest, or an equitable interest of a contract purchaser.

SECTION 71. IC 36-7-9-11, AS AMENDED BY P.L.169-2006, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) The work required by an order of the enforcement authority may be performed in the following manner:

C o p y

(1) If the work is being performed under an order other than an order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, and if the cost of this work is estimated to be less than ten thousand dollars ($10,000), the department, acting through the unit's enforcement authority or other agent, may perform the work by means of the unit's own workers and equipment owned or leased by the unit. Notice that this work is to be performed must be given to all persons with a known or recorded substantial property interest, in the manner prescribed in subsection (c), at least ten (10) days before the date of performance of the work by the enforcement authority. This notice must include a statement that an amount representing a reasonable estimate of the cost incurred by the enforcement authority in processing the matter and performing the work may, if not paid, be recorded after a hearing as a lien against all persons having a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises.

(2) If the work is being performed under an order other than an order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, and if the estimated cost of this work is ten thousand dollars ($10,000) or more, this work must be ~~let at public~~ **awarded by contract after a public** bid **opening** to a contractor licensed and qualified under law. The obligation to pay costs imposed by section 12 of this chapter is based on the condition of the unsafe premises at the time the public bid was accepted. Changes occurring in the condition of the unsafe premises after the public bid was accepted do not eliminate or diminish this obligation.

(3) If the work is being performed under an order issued under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, the work may be performed by a contractor ~~who has been~~ awarded a ~~base bid~~ contract to perform the work for the enforcement authority, or by the department, acting through the unit's enforcement authority or other governmental agency and using the unit's own workers and equipment owned or leased by the unit. Work performed under an order issued under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter may be performed without further notice to the persons holding a fee interest, life estate interest, or equitable interest of a contract purchaser, and these persons are liable for the costs incurred by the enforcement authority in processing the matter and performing the work, as provided by section 12 of this chapter.

(b) Bids may be solicited and ~~accepted~~ **a contract awarded** for

C o p y

work on more than one (1) property if the bid **and contract** ~~reflects~~ **include** an allocation of the ~~bid amount~~ **costs** among the various unsafe premises in proportion to the work to be accomplished. The part of the bid amount attributable to each of the unsafe premises constitutes the basis for calculating the part of the costs described by section 12(a)(1) of this chapter.

(c) All persons who have a known or recorded substantial property interest in the unsafe premises and are subject to an order other than an order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter must be notified about the public bid in the manner prescribed by section 25 of this chapter, by means of a written statement including:

(1) the name of the person to whom the order was issued;

(2) a legal description or address of the unsafe premises that are the subject of the order;

(3) ~~a statement~~ that a ~~contract is to be let at~~ public bid ~~to a licensed contractor to accomplish work to comply with the order,~~ **will be opened;**

(4) a description of work to be accomplished;

(5) ~~a statement~~ that both the bid price of the licensed contractor who accomplishes the work and an amount representing a reasonable estimate of the cost incurred by the enforcement authority in processing the matter of the unsafe premises may, if not paid, be recorded after a hearing as a lien against all persons having a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises;

(6) the time of the bid opening;

(7) the place of the bid opening; and

(8) the name, address, and telephone number of the enforcement authority.

(d) If the notice of the statement that public bids are to be ~~let~~ **opened** is served by publication, the publication must include the information required by subsection (c), except that it need only include a general description of the work to be accomplished. The publication must also state that a copy of the statement of public bid may be obtained from the enforcement authority.

(e) Notice of the statement that public bids are to be ~~let~~ **opened** must be given, at least ten (10) days before the date of the public bid **opening,** to all persons who have a known or recorded substantial property interest in the property and are subject to an order other than an order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter.

(f) If action is being taken under this section on the basis of an order that was served by publication, it is sufficient to serve the statement

C o p y

that public bids are to be ~~let~~ **opened** by publication, unless the enforcement authority has received information in writing that enables the unit to make service under section 25 of this chapter by a method other than publication.

SECTION 72. IC 36-7-15.1-16, AS AMENDED BY P.L.146-2008, SECTION 750, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) For the purpose of raising money to carry out this chapter or IC 36-7-15.3, the city-county legislative body may levy each year a special tax upon all property in the redevelopment district. The tax so levied each year shall be certified to the fiscal officers of the city and the county before ~~September 2~~ **November 1** of each year. The tax shall be estimated and entered upon the tax duplicates by the county auditor, and shall be collected and enforced by the county treasurer in the same manner as state and county taxes are estimated, entered, collected, and enforced.

(b) As the tax is collected by the county treasurer, it shall be accumulated and kept in a separate fund to be known as the redevelopment district fund and shall be expended and applied only for the purposes of this chapter or IC 36-7-15.3.

(c) The amount of the special tax levy shall be based on the budget of the department but may not exceed one and sixty-seven hundredths cents ($0.0167) on each one hundred dollars ($100) of taxable valuation in the redevelopment district, except as otherwise provided in this chapter.

(d) The budgets and tax levies under this chapter are subject to review and modification in the manner prescribed by IC 36-3-6.

SECTION 73. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: 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 consolidated fire department under IC 36-3-1-6.1 or IC 36-3-1-6.4:

(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 described in IC 36-8-7-3 of the consolidated city.

C o p y

~~(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.

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

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

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

(d) If a unit located in a county having a consolidated city did not establish a 1937 fund for its firefighters and consolidates its fire department into the consolidated fire department under IC 36-3-1-6.1 or IC 36-3-1-6.4, the local board is:

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

(2) on and after the effective date of the consolidation, the local board described in IC 36-8-7-3 of the consolidated city.

SECTION 74. IC 36-8-8-7, AS AMENDED BY P.L.1-2006, SECTION 575, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

(1) a police officer; or

(2) a firefighter;

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

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

C o p y

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

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

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

(1) was hired before May 1, 1977;

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

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

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

(1) was hired before May 1, 1977;

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

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

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

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

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

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

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

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

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including

C o p y

years before January 1, 1982.

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

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

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

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

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

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

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

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

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

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

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

(j) A park ranger who:

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

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

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

is a member of the fund.

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

(1) who is a member of the 1977 fund before a consolidation

C o p y

under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.4;**

(2) whose employer is consolidated into the consolidated law enforcement department **under IC 36-3-1-5.1** or the **consolidated** fire department ~~of a consolidated city~~ under ~~IC 36-3-1-5.1 or~~ IC 36-3-1-6.1 **or IC 36-3-1-6.4;** and

(3) who, after the consolidation, becomes an employee of the consolidated law enforcement department **under IC 36-3-1-5.1** or the consolidated fire department under ~~IC 36-3-1-5.1 or~~ IC 36-3-1-6.1 **or IC 36-3-1-6.4;**

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

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

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

(2) the provision of those services is consolidated into the **consolidated** law enforcement department **under IC 36-3-1-5.1** or **the consolidated** fire department ~~of a consolidated city~~ **under IC 36-3-1-6.1 or IC 36-3-1-6.4;** and

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

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

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

(1) may not be:

~~(1)~~ **(A)** retired for purposes of section 10 of this chapter; or

~~(2)~~ **(B)** disabled for purposes of section 12 of this chapter;

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

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

SECTION 75. IC 36-8-15-19, AS AMENDED BY P.L.182-2009(ss), SECTION 440, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 19. (a) This subsection applies to a county that has a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000). For the purpose of raising money to fund the operation of the district, the county fiscal body may impose, for

Copy

property taxes first due and payable during each year after the adoption of an ordinance establishing the district, an ad valorem property tax levy on property within the district. The property tax rate for that levy may not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation.

(b) This subsection applies to a county having a consolidated city. The county fiscal body may elect to fund the operation of the district from part of the certified distribution, if any, that the county is to receive during a particular calendar year under IC 6-3.5-6-17. To make such an election, the county fiscal body must adopt an ordinance before ~~September~~ **November** 1 of the immediately preceding calendar year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to fund the operation of the district. If the county fiscal body adopts such an ordinance, it shall immediately send a copy of the ordinance to the county auditor.

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

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

(e) If a unit by ordinance or resolution withdraws from the district or rescinds its election to have its public safety agencies served by the district, the department of local government finance shall reduce the maximum permissible ad valorem property tax levy of the district for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amounts being levied by the district within that unit. If such an ordinance or resolution is adopted, the unit shall refer its proposed

C o p y

budget, ad valorem property tax levy, and property tax rate for public safety communication services to the department of local government finance, which shall review and set the budget, levy, and rate as though the unit were covered by IC 6-1.1-18.5-7.

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

(g) A county that has adopted an ordinance under section 1(3) of this chapter may not impose an ad valorem property tax levy on property within the district to fund the operation or implementation of the district.

SECTION 76. IC 36-9-4-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 42. (a) A municipality or a public transportation corporation that expends money for the establishment or maintenance of an urban mass transportation system under this chapter may acquire the money for these expenditures:

(1) by issuing bonds under section 43 or 44 of this chapter;

(2) by borrowing money made available for such purposes by any source;

(3) by accepting grants or contributions made available for such purposes by any source;

(4) in the case of a municipality, by appropriation from the general fund of the municipality, or from a special fund that the municipal legislative body includes in the municipality's budget; or

(5) in the case of a public transportation corporation, by levying a tax under section 49 of this chapter or by recommending an election to use revenue from the county option income taxes, as provided in subsection (c).

(b) Money may be acquired under this section for the purpose of exercising any of the powers granted by or incidental to this chapter, including:

(1) studies under section 4, 9, or 11 of this chapter;

(2) grants in aid;

(3) the purchase of buses or real property by a municipality for lease to an urban mass transportation system, including the payment of any amount outstanding under a mortgage, contract of sale, or other security device that may attach to the buses or real property;

(4) the acquisition by a public transportation corporation of property of an urban mass transportation system, including the

Copy

payment of any amount outstanding under a mortgage, contract of sale, or other security device that may attach to the property;

(5) the operation of an urban mass transportation system by a public transportation corporation, including the acquisition of additional property for such a system; and

(6) the retirement of bonds issued and outstanding under this chapter.

(c) This subsection applies only to a public transportation corporation located in a county having a consolidated city. In order to provide revenue to a public transportation corporation during a year, the public transportation corporation board may recommend and the county fiscal body may elect to provide revenue to the corporation from part of the certified distribution, if any, that the county is to receive during that same year under IC 6-3.5-6-17. To make the election, the county fiscal body must adopt an ordinance before ~~September~~ **November** 1 of the preceding year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to provide revenue to the corporation. If such an ordinance is adopted, the county fiscal body shall immediately send a copy of the ordinance to the county auditor.

SECTION 77. IC 36-12-2-16, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: JULY 1, 2011]: Sec. 16. (a) This section applies to the appointment of members to a library board of a public library serving a library district that is:

(1) partly or fully within the boundaries of a consolidated city; and

(2) fully within the boundaries of one (1) county.

(b) Seven (7) members of a library board shall be appointed ~~in the following order as the terms of previously appointed members expire:~~ **as follows:**

(1) ~~One (1) member appointed by the board of county commissioners~~ **Three (3) members, not more than two (2) of whom may be of the same political party, appointed by the executive** of the county in which the library district is located.

(2) ~~One (1) member~~ **Two (2) members** appointed by the **majority leader of the** fiscal body of the county in which the library district is located.

(3) ~~One (1) member~~ **Two (2) members** appointed by the ~~board of county commissioners~~ **minority leader of the fiscal body** of the county in which the library district is located.

~~(4) Two (2) members appointed by the school board of the school~~

Copy

~~corporation in which the principal administrative offices of the public library are located.~~

~~(5) One (1) member appointed by the board of county commissioners of the county in which the library district is located.~~

~~(6) One (1) member appointed by the fiscal body of the county in which the library district is located.~~

(c) Each member shall serve a four (4) year term. However, a member's term continues until a successor has qualified for the office. The terms of the members serving on the board as of December 31, 2011, expire on January 1, 2012. The four (4) year terms of the initial members under this section, as amended in 2011, shall begin January 1, 2012.

(d) A member may be reappointed to successive terms.

(e) A member serves at the pleasure of the appointing authority that appointed the member.

(f) Sections 8, 18, and 20 of this chapter do not apply to a public library described in subsection (a).

SECTION 78. IC 36-12-2-18, AS AMENDED BY P.L.113-2010, SECTION 159, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 18. (a) Subject to subsection (b), the term of a library board member is four (4) years. A member may continue to serve on a library board after the member's term expires until the member's successor is qualified under section 19 of this chapter. The term of the member's successor is not extended by the time that has elapsed before the successor's appointment and qualification. If a member is appointed to fill a vacancy on a library board, the member's term is the unexpired term of the member being replaced.

(b) Except for a library board whose membership is established under section 15 **or 16** of this chapter, for purposes of establishing staggered terms for the members of a library board, the initial members shall serve the following terms:

(1) One (1) year for one (1) member appointed under section 9(1), 9(5), ~~16(b)(1), 16(b)(2),~~ or 17(1) of this chapter.

(2) Two (2) years for one (1) member appointed under section 9(3)(A), 9(4), ~~16(b)(3), 16(b)(4),~~ or 17(2) of this chapter.

(3) Three (3) years for one (1) member appointed under section 9(2), 9(3)(A), ~~16(b)(4), 16(b)(5),~~ or 17(1) of this chapter.

(4) Four (4) years for one (1) member appointed under section 9(3)(B) ~~16(b)(6),~~ or 17(2) of this chapter.

(c) When an appointing authority appoints members to terms of

Copy

different length under subsection (b), the appointing authority shall designate which member serves each term.

(d) A member may not serve more than four (4) consecutive terms as provided in section 8 of this chapter.

SECTION 79. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2013]: IC 3-11-1.5-32.5; IC 36-6-6-2.5.

SECTION 80. [EFFECTIVE JULY 1, 2011] **(a) The legislative services agency, as directed by the legislative council, shall prepare legislation for introduction in the 2012 regular session of the general assembly to organize and correct statutes affected by this act, if necessary.**

(b) This SECTION expires July 1, 2012.

SECTION 81. **An emergency is declared for this act.**

C o p y

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 526, 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 7, delete lines 13 through 42.

Delete pages 8 through 12.

Page 13, delete lines 1 through 18.

Page 23, delete lines 22 through 42.

Delete pages 24 through 32.

Page 33, delete lines 1 through 21.

Page 41, line 9, delete "or to maintain order" and insert "**;**".

Page 41, delete line 10.

Page 41, line 12, strike "and".

Page 41, line 13, after "court;" insert "**and**

(D) take any other police action for which the constable has received training by the law enforcement training board established by IC 5-2-1-3;".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 526 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 6, Nays 1.

SENATE MOTION

Madam President: I move that Senate Bill 526 be amended to read as follows:

Page 10, line 11, delete "2012" and insert "**the year following a consolidation under IC 36-3-1-6.1 or IC 36-3-1-6.4**".

Page 10, line 14, delete "in 2011".

Page 10, line 14, after "services" delete "." and insert "**in the year during which the consolidation under IC 36-3-1-6.1 or IC 36-3-1-6.4 occurs.**".

Page 10, line 26, delete "auditor." and insert "**treasurer.**".

Page 11, line 15, delete "auditor." and insert "**treasurer.**".

Page 13, line 12, after "of" delete "a" and insert "**any**".

Page 13, line 12, after "in a" insert "**county having a**".

C o p y

Page 13, line 14, delete "IC 36-12-2-16(f);" and insert "**IC 36-3-7-6;**".

Page 13, line 31, after "(i)," insert "**IC 36-3-7-6,**".

Page 17, line 37, after "budget." insert "**Money budgeted for a particular township's township assistance expenses and obligations shall, as provided in the budget adopted by the county fiscal body, be distributed to a township account established for that township and administered by that township's trustee. Township assistance expenses and obligations shall be paid by the township trustee from the amounts in the township's account.**".

Page 22, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 25. IC 33-34-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 2. (a) There are established township small claims courts in each county containing a consolidated city.

(b) The name of each court shall be the "_____ Township of Marion County Small Claims Court" (insert the name of the township in the blank).

(c) Except as provided by state law, the small claims courts established under this chapter operate independently from the circuit and superior courts.

(d) Except for adopting the budget and approving salaries, the city-county council does not have authority over a small claims court judge and the operations of a small claims court.

(e) The executive committee of the superior court does not have authority over a small claims court judge and the operations of a small claims court.".

Page 24, delete lines 3 through 24.

Page 25, line 27, after "established;" insert "**and**".

Page 25, line 29, delete "; and" and insert "**.**".

Page 25, delete line 30.

Page 25, line 38, delete "and be" and insert ";".

Page 25, delete line 39.

Page 29, line 10, delete "only to" and insert "**to all townships in a county having a consolidated city, except those townships that operate a fire department or participate in a fire protection territory.**

(b) Before September 1, 2011, a township may not expend or encumber more than five percent (5%) of any fund without the written approval of the controller of the consolidated city.".

Page 29, delete line 11.

Page 29, line 12, delete "(b)" and insert "**(c)**".

C o p y

Page 29, line 15, delete "described in subsection (a)".

Page 29, line 29, delete "(c)" and insert "**(d)**".

Page 29, line 31, delete "(b)" and insert "**(c)**".

Page 29, line 34, delete "controller of the consolidated city." and insert "**county treasurer to be deposited into a dedicated fund for each township. The dedicated fund for each township shall be designated as the _____ (insert name of township) excess reserves fund.**

(e) Money in a township excess reserves fund may be expended only:

(1) upon appropriation of the county fiscal body; and

(2) to benefit the taxpayers of the township from which the funds were derived.

(f) The county fiscal body shall appropriate all funds in a township excess reserves fund:

(1) to satisfy debt obligations that would have otherwise been borne by the taxpayers of that township; or

(2) if no debt described in subdivision (1) remains, to reduce property taxes of the taxpayers of that township.".

Page 29, delete lines 35 through 42.

Page 30, delete lines 1 through 28.

Page 31, line 1, strike "under".

Page 31, reset in roman line 26.

Page 31, line 27, reset in roman "(3)".

Page 31, line 27, delete "(2)".

Page 31, line 31, reset in roman "(4)".

Page 31, line 31, delete "(3)".

Page 31, line 33, reset in roman "(5)".

Page 31, line 33, delete "(4)".

Page 33, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 45. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006, SECTION 560, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6.1. (a) This section applies only in a county containing a consolidated city.

(b) If:

(1) the legislative body of the consolidated city adopts an ordinance to consolidate a township fire department into the fire department of the consolidated city (referred to as "the consolidated fire department"), which is a division of the department of public safety; and

(2) the trustee of that township and the mayor approve the

C o p y

ordinance, the requirements of this subsection are satisfied.

(c) The following apply if the requirements of subsection ~~(g)~~ **(b)** are satisfied:

(1) The fire ~~departments~~ **department** of the following are, **on the effective date of the consolidation,** consolidated into the **consolidated** fire department: ~~of a consolidated city (referred to as "the consolidated fire department").~~

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

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

~~(b)~~ **(2)** ~~If the requirements of subsection (g) are satisfied,~~ The consolidated fire department shall, **on the effective date of the consolidation,** provide fire protection services within an entity described in ~~subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city.~~ **subdivision (1)(A) or (1)(B).**

~~(c)~~ **(3)** ~~If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city,~~ All of the property, equipment, records, rights, and contracts of the department consolidated into the fire department of the consolidated city are:

~~(1)~~ **(A)** transferred to; or

~~(2)~~ **(B)** assumed by;

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

~~(d)~~ **(4)** ~~If the requirements of subsection (g) are satisfied and~~ The fire department of an entity listed in ~~subsection (a)~~ **subdivision (1)** is consolidated into the **consolidated** fire department, ~~of the consolidated city,~~ the ~~employees~~ **firefighters** of the fire department consolidated into the **consolidated** fire department ~~of the consolidated city~~ **who meet the minimum standards of the consolidated fire department** cease employment with the

C o p y

department of the entity listed in ~~subsection (a)~~ **subdivision (1)** and become employees of the consolidated fire department on the effective date of the consolidation. ~~The consolidated city shall assume all agreements with labor organizations that:~~
~~(1) are in effect on the effective date of the consolidation; and~~
~~(2) apply to employees of the department consolidated into the fire department of the consolidated city who become employees of the consolidated fire department.~~
~~(e)~~ **(5)** ~~If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city,~~ The indebtedness related to fire protection services incurred before the effective date of the consolidation by the entity or a building, holding, or leasing corporation on behalf of the entity whose fire department is consolidated into the consolidated fire department under ~~subsection (a)~~ **subdivision (1)** shall remain the debt of the entity and does not become and may not be assumed by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district.
~~(f)~~ **(6)** ~~If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city,~~ The merit board and the merit system of the fire department **of an entity described in subdivision (1)** that is consolidated **into the consolidated fire department** are dissolved on the effective date of the consolidation, and the duties of the merit board are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.
~~(g) A township legislative body, after approval by the township trustee, may adopt a resolution approving the consolidation of the township's fire department with the fire department of the consolidated city. A township legislative body may adopt a resolution under this subsection only after the township legislative body has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative~~

C o p y

~~body has adopted a resolution under this subsection, the township legislative body shall, after approval from the township trustee, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city and the legislative body of the consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation of the fire department of the township into the fire department of the consolidated city, the requirements of this subsection are satisfied. The consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.~~

~~(h)~~ **(7)** ~~The following apply if the requirements of subsection (g) are satisfied:~~

~~(1)~~ The consolidation of the fire department of ~~that township~~ **an entity described in subdivision (1)** is effective on the date ~~agreed to by the township legislative body in the resolution and by the legislative body of the consolidated city in its~~ **specified in the** ordinance approving the consolidation.

~~(2)~~ **(8)** Notwithstanding any other provision, a firefighter:

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

(B) who, after the consolidation, becomes an employee of the **consolidated** fire department ~~of a consolidated city~~ under this section;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

~~(3)~~ **(9)** Notwithstanding any other provision, a firefighter:

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

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

~~(4)~~ **(10)** For property taxes first due and payable in the year in which the consolidation is effective, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

C o p y

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

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

~~(5)~~ **(11)** The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for the township's cumulative building and equipment fund for fire protection and related services is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated 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.

~~(6)~~ **(12)** The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the township 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)~~ **(13)** The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit 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

C o p y

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

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

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

~~(B) any tax shifts among taxpayers;~~

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

(14) For a firefighter who, after the consolidation, becomes a firefighter employed by the consolidated fire department:

(A) the time served by such an individual as a firefighter with the consolidated fire department shall also include the total time served by the individual as a firefighter with the township fire department in which the individual was serving at the time of the consolidation; and

(B) the hire date of such an individual is the date the individual was hired as a firefighter by the township

C o p y

department in which the individual was serving at the time of consolidation.".

Delete pages 34 through 39.

Page 40, delete lines 1 through 16.

Page 43, between lines 26 and 27, begin a new line block indented and insert:

"**(12) For a firefighter who, after the consolidation, becomes a firefighter employed by the consolidated fire department:**

(A) the time served by such an individual as a firefighter with the consolidated fire department shall also include the total time served by the individual as a firefighter with the excluded city fire department in which the individual was serving at the time of the consolidation; and

(B) the hire date of such an individual is the date the individual was hired as a firefighter by the excluded city department in which the individual was serving at the time of consolidation.".

Page 48, line 8, delete "The controller," and insert "**Each township trustee,**".

Page 49, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 56. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 6. The governing body of a public library located in the county may recommend and the county fiscal body may elect to provide revenue to the public library from part of the certified distribution, if any, that the county is to receive during that same year under IC 6-3.5-6-17. To make the election, the county fiscal body must adopt an ordinance before November 1 of the preceding year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to provide revenue to the public library. If such an ordinance is adopted, the county fiscal body shall immediately send a copy of the ordinance to the county auditor.**".

Page 50, line 3, delete "and".

Page 50, line 4, after "IC 23-14" delete "." and insert "**; and**

(3) provide fire protection under IC 36-8, except in a township that consolidated the township's fire department under IC 36-3-1-6.1.

(c) In the case of a township that has not consolidated the township's fire department under IC 36-3-1-6.1, the township's fire merit board after the township board is abolished must consist of three (3) members appointed by the township trustee (not more

C o p y

than two (2) of whom may be members of the same political party) and two (2) members selected by the members of the fire department (who may not be members of the same political party).".

Page 50, line 18, delete "administer" and insert "**perform the duties assigned to the trustee under section 2 of this chapter.**".

Page 50, delete lines 19 through 20.

Page 50, line 22, delete "uniform".

Page 50, line 22, after "standards" insert "**applicable throughout the county**".

Page 50, between lines 38 and 39, begin a new paragraph and insert:

"**Sec. 7. (a) This section applies only to a township or fire protection territory that has not consolidated into the consolidated fire department under IC 36-3-1-6.1.**

(b) The township fire department and its fire protection territory, if any, shall coordinate with the consolidated fire department:

(1) to ensure sufficient fire protection coverage throughout the consolidated city; and

(2) to achieve savings through joint purchasing.".

Page 50, line 39, delete "7." and insert "**8.**".

Page 51, line 16, delete "The" and insert "**Except as provided in section 12 of this chapter, the**".

Page 51, line 28, delete "8." and insert "**9.**".

Page 51, line 35, delete "9." and insert "**10.**".

Page 52, line 1, delete "The" and insert "**Except as provided in section 12 of this chapter, the**".

Page 52, line 5, delete "7" and insert "**8**".

Page 52, line 9, delete "10." and insert "**11.**".

Page 52, between lines 14 and 15, begin a new paragraph and insert:

"**Sec. 12. (a) If the office of township trustee becomes vacant, the office shall be filled as provided in IC 3-13-10 or IC 3-13-11.**

(b) An acting trustee, a designee appointed under this section, or an individual chosen under IC 3-13-10 or IC 3-13-11 to fill a vacancy in the office of township trustee may not approve the consolidation of the township's fire department into the consolidated fire department under IC 36-3-1-6.1 or any other law.".

Page 53, line 13, delete "On" and insert "**Except as provided in subsections (c) and (d), on**".

Page 53, between lines 22 and 23, begin a new paragraph and insert"

C o p y

"**(c) This subsection applies only to a township that does not consolidate its fire department under IC 36-3-1-6.1. In the case of employees of the township fire department who become county employees under this section, the township trustee (and not any county official or employee) remains responsible for and retains the powers and duties related to hiring, supervising, disciplining, and firing those employees.**

(d) This subsection applies only to a township that does not consolidate its fire department under IC 36-3-1-6.1. The assets, debts, property rights, equipment, records, and contracts of the township related to providing fire protection are not transferred to the county.".

Page 53, line 23, delete "(c)" and insert "**(e)**".

Page 53, line 27, delete "(d)" and insert "**(f)**".

Page 53, line 40, after "are" insert "**, except to the extent provided in section 4(c) and 4(d) of this chapter,**".

Page 65, line 35, delete "JANUARY 1, 2012]:" and insert "JULY 1, 2011]:".

Page 66, line 3, after "members" insert "**, not more than three (3) of whom may be of the same political party,**".

Page 66, line 28, delete "The library board may recommend and the county fiscal" and insert "**Sections 8, 18, and 20 of this chapter do not apply to a public library described in subsection (a).**".

Page 66, delete lines 29 through 38.

Page 66, line 41, delete "JANUARY 1, 2012]:" and insert "JULY 1, 2011]:".

Renumber all SECTIONS consecutively.

(Reference is to SB 526 as printed February 11, 2011.)

YOUNG R MICHAEL

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 526, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 5. IC 6-1.1-18-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. (a) Each township**

C o p y

executive shall, not later than fifteen (15) days after the township's tax rate is determined under IC 6-1.1-17, certify to the department of local government finance and to the county auditor:

(1) the part of the total township tax rate that is related to:

(A) providing fire protection services; or

(B) paying bonds, loans, and leases related to fire protection services; and

(2) the part of the total township tax rate that is not related to:

(A) providing fire protection services; or

(B) paying bonds, loans, and leases related to fire protection services.

(b) The department of local government finance shall, before July 1, 2011, issue guidelines that must be used in making determinations under subsection (a).

(c) Notwithstanding any other law, for property taxes first due and payable in 2012 and in each year thereafter, the part of the total township tax rate described in subsection (a)(2) (before the application of any credit under IC 6-1.1-20.6) that is imposed for the year on a person's property within the taxing district may not exceed five percent (5%) of the total tax rate (before the application of any credit under IC 6-1.1-20.6) imposed for the year on the person's property within the taxing district.

(d) The limitation in this section is in addition to any other property tax limit under this chapter, IC 6-1.1-18.5, or any other law.".

Page 10, delete lines 24 through 42, begin a new paragraph and insert:

"SECTION 8. IC 6-1.1-24-6.8, AS ADDED BY P.L.98-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6.8. (a) For purposes of this section, in a county containing a consolidated city "county executive" refers to:

(1) before January 1, 2015, the board of commissioners of the county as provided in IC 36-3-3-10; **and**

(2) after December 31, 2014, the county treasurer.

(b) As used in this section, "vacant parcel" refers to a parcel that satisfies all the following:

(1) A lien has been acquired on the parcel under section 6(a) of this chapter.

(2) The parcel is unimproved on the date the parcel is offered for sale under this chapter.

(3) The construction of a structure intended for residential use on

C o p y

the parcel is permitted by law.

(4) On the date the parcel is offered for sale under this chapter, the parcel is contiguous to one (1) or more parcels that satisfy the following:

(A) One (1) or more of the following are located on the contiguous parcel:

(i) A structure occupied for residential use.

(ii) A structure used in conjunction with a structure occupied for residential use.

(B) The contiguous parcel is eligible for the standard deduction under IC 6-1.1-12-37.

(c) The county legislative body may, by ordinance, establish criteria for the identification of vacant parcels to be offered for sale under this section. The criteria may include the following:

(1) Limitations on the use of the parcel under local zoning and land use requirements.

(2) Minimum parcel area sufficient for construction of improvements.

(3) Any other factor considered appropriate by the county legislative body.

In a county containing a consolidated city, the county legislative body may adopt an ordinance under this subsection only upon recommendation by, **before January 1, 2015,** the board of commissioners provided in IC 36-3-3-10 **and (after December 31, 2014) the county treasurer.**

(d) If the county legislative body adopts an ordinance under subsection (c), the county executive shall for each tax sale:

(1) by resolution, identify each vacant parcel that the county executive desires to sell under this section; and

(2) subject to subsection (e), give written notice to the owner of record of each parcel referred to in subsection (b)(4) that is contiguous to the vacant parcel.

(e) The notice under subsection (d)(2) with respect to each vacant parcel must include at least the following:

(1) A description of the vacant parcel by:

(A) legal description; and

(B) parcel number or street address, or both.

(2) Notice that the county executive will accept written applications from owners of parcels described in subsection (b)(4) as provided in subsection (f).

(3) Notice of the deadline for applications referred to in subdivision (2) and of the information to be included in the

C o p y

applications.

(4) Notice that the vacant parcel will be sold to the successful applicant for one dollar ($1).

(5) Notice of the exemption provisions of subsection (l).

(f) To be eligible to purchase a vacant parcel under this section, the owner of a contiguous parcel referred to in subsection (b)(4) must file a written application with the county executive. The application must:

(1) identify the vacant parcel that the applicant desires to purchase; and

(2) include any other information required by the county executive.

(g) If more than one (1) application to purchase a single vacant parcel is filed with the county executive, the county executive shall conduct a drawing between or among the applicants in which each applicant has an equal chance to be selected as the transferee of the vacant parcel.

(h) The county executive shall by resolution make a final determination concerning the vacant parcels that are to be sold under this section.

(i) After the final determination of vacant parcels to be sold under subsection (h), the county executive shall:

(1) on behalf of the county, cause all delinquent taxes, special assessments, penalties, interest, and costs of sale with respect to the vacant parcels to be removed from the tax duplicate;

(2) give notice of the final determination to:

(A) the successful applicant;

(B) the county auditor; and

(C) the township assessor, or the county assessor if there is no township assessor for the township.

(j) Upon receipt of notice under subsection (i)(2):

(1) the county auditor shall:

(A) collect the purchase price from each successful applicant; and

(B) subject to subsection (k), prepare a deed transferring each vacant parcel to the successful applicant; and

(2) the township assessor or county assessor shall consolidate each vacant parcel sold and the contiguous parcel owned by the successful applicant into a single parcel.

(k) The county auditor shall include in the deed prepared under subsection (j)(1)(B) reference to the exemption under subsection (l).

(l) Except as provided in subsection (m), each consolidated parcel referred to in subsection (j)(2) is entitled to an exemption from property

C o p y

taxation beginning on the assessment date that next succeeds the consolidation in the amount of the assessed value at the time of consolidation of the vacant parcel that was subject to the consolidation.

(m) The exemption under subsection (l) is terminated as of the assessment date that next succeeds the earlier of the following:

(1) Five (5) years after the transfer of title to the successful applicant.

(2) The first transfer of title to the consolidated parcel that occurs after the consolidation.".

Delete pages 11 through 12.

Page 13, delete lines 1 through 2.

Page 28, line 37, delete "and".

Page 28, line 39, delete "court." and insert "court;".

Page 28, line 39, after "township." insert "**and**".

Page 28, between lines 39 and 40, begin a new line block indented and insert:

"**(3) if any funds remain during a fiscal year after the payment of expenses under subdivision (2), used to fund public safety programs in the county as set forth in an ordinance or resolution adopted by the city-county council of the consolidated city.**".

Page 29, line 22, after "township" insert "**(including the township's rainy day fund)**".

Page 30, delete lines 14 through 29, begin a new paragraph and insert:

"SECTION 42. IC 36-1-11-3, AS AMENDED BY P.L.27-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) This section does not apply to the disposal of real property under section 5, 5.5, 5.9, or 8 of this chapter.

(b) Disposal of real property under this chapter is subject to the approval of **the following:**

(1) The executive of the political subdivision or agency ~~or~~ **in a county not having a consolidated city.**

(2) In a county having a consolidated city:

(A) the county treasurer with respect to real property obtained by tax default under IC 6-1.1-24 and IC 6-1.1-25; and

(B) the county executive with respect to all other property.

~~(2)~~ **(3)** The fiscal body of the political subdivision or agency, if there is no executive.

The executive, **county treasurer of a county having a consolidated city,** or fiscal body may not approve a disposal of property without

C o p y

conducting a public hearing after giving notice under IC 5-3-1. However, in a municipality the executive shall designate a board or commission of the municipality to give notice, conduct the hearing, and notify the executive of its recommendation.

(c) Except as provided in section 3.2 of this chapter, in addition, the fiscal body of a unit must approve:

(1) every sale of real property having an appraised value of fifty thousand dollars ($50,000) or more;

(2) every lease of real property for which the total annual rental payments will be twenty-five thousand dollars ($25,000) or more; and

(3) every transfer of real property under section 14 or 15 of this chapter.

SECTION 43. IC 36-3-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) When a first class city becomes a consolidated city, the officers who become the executive and legislative body of the consolidated city under section 4(c) of this chapter also become the executive and legislative body of the county.

(b) The members of the board of commissioners of the county are entitled to remain in office until their terms expire, although the board is no longer the executive of the county.

(c) As ~~their~~ **members of the board of commissioners'** terms expire or their positions become vacant, they shall be replaced by the following officers in the following order:

(1) The county treasurer.

(2) The county auditor.

(3) The county assessor.

These three (3) officers then serve ex officio as commissioners under IC 36-3-3-10. **This subsection expires January 1, 2015.**".

Page 43, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 47. IC 36-3-2-10, AS AMENDED BY P.L.146-2008, SECTION 701, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) The general assembly finds the following:

(1) That the tax base of the consolidated city and the county have been significantly eroded through the ownership of tangible property by separate municipal corporations and other public entities that operate as private enterprises yet are exempt or whose property is exempt from property taxation.

(2) That to restore this tax base and provide a proper allocation of the cost of providing governmental services the legislative body

C o p y

of the consolidated city and county should be authorized to collect payments in lieu of taxes from these public entities.

(3) That the appropriate maximum payments in lieu of taxes would be the amount of the property taxes that would be paid if the tangible property were not subject to an exemption.

(b) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

(1) Assessed value.

(2) Exemption.

(3) Owner.

(4) Person.

(5) Personal property.

(6) Property taxation.

(7) Tangible property.

(8) ~~Township~~ **County** assessor.

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

(d) As used in this section, "public entity" means any of the following government entities in the county:

(1) An airport authority operating under IC 8-22-3.

(2) A capital improvement board of managers under IC 36-10-9.

(3) A building authority operating under IC 36-9-13.

(4) A wastewater treatment facility.

(e) The legislative body of the consolidated city may adopt an ordinance to require a public entity to pay PILOTS at times set forth in the ordinance with respect to:

(1) tangible property of which the public entity is the owner or the lessee and that is subject to an exemption;

(2) tangible property of which the owner is a person other than a public entity and that is subject to an exemption under IC 8-22-3; or

(3) both.

The ordinance remains in full force and effect until repealed or modified by the legislative body.

(f) The PILOTS must be calculated so that the PILOTS may be in any amount that does not exceed the amount of property taxes that would have been levied by the legislative body for the consolidated city and county upon the tangible property described in subsection (e) if the property were not subject to an exemption from property taxation.

(g) PILOTS shall be imposed as are property taxes and shall be based on the assessed value of the tangible property described in subsection (e). Except as provided in subsection (l), the ~~township~~

C o p y

~~assessor, or the~~ county assessor ~~if there is no township assessor for the township,~~ shall assess the tangible property described in subsection (e) as though the property were not subject to an exemption. The public entity shall report the value of personal property in a manner consistent with IC 6-1.1-3.

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

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

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

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

(1) operating and maintenance expenses;

(2) payment of principal and interest on any bonded indebtedness;

(3) depreciation or replacement fund expenses;

(4) bond and interest sinking fund expenses; and

(5) any other priority fund requirements required by law or by any bond ordinance, resolution, indenture, contract, or similar instrument binding on the facility.

~~(l) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.~~

SECTION 48. IC 36-3-2-11, AS AMENDED BY P.L.146-2008, SECTION 702, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

(1) Assessed value.

(2) Exemption.

(3) Owner.

(4) Person.

(5) Property taxation.

(6) Real property.

(7) ~~Township~~ **County** assessor.

(b) As used in this section, "PILOTS" means payments in lieu of

C o p y

taxes.

(c) As used in this section, "property owner" means the owner of real property described in IC 6-1.1-10-16.7 that is located in a county with a consolidated city.

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

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

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

(2) a percentage of the property taxes that would have been levied by the legislative body for the consolidated city and the county upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation; and

(3) not more than the amount of property taxes that would have been levied by the legislative body for the consolidated city and county upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation.

(f) PILOTS shall be imposed as are property taxes and shall be based on the assessed value of the real property described in subsection (d). Except as provided in subsection (i), the ~~township assessor, or the~~ county assessor ~~if there is no township assessor for the township,~~ shall assess the real property described in subsection (d) as though the property were not subject to an exemption.

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

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

~~(i) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.~~".

Page 43, line 9, delete "[EFFECTIVE JULY 1, 2011]:" and insert "[EFFECTIVE JANUARY 1, 2015]:".

C o p y

Page 43, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 48. IC 36-3-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) The board of commissioners of the county is composed of the county treasurer, the county auditor, and the county assessor. These officers shall serve ex officio as commissioners without additional compensation for performing the duties of the board.

(b) The board of commissioners:

(1) shall make the appointments required by statute to be made by the board of commissioners of a county;

(2) shall perform the duties and exercise the powers prescribed by statutes pertaining to the issuance and payment of bonds of the county and the expenditure of the unexpended proceeds of those bonds; and

(3) may exercise the powers granted it by Article 9, Section 3 of the Constitution of the State of Indiana and by IC 12-30-3.

(c) This section expires January 1, 2015.".

Page 43, reset in roman lines 27 through 30.

Page 43, line 34, delete "(1)" and insert "**(2)**".

Page 43, line 36, delete "(2)" and insert "**(3)**".

Page 43, line 38, delete "(3)" and insert "**(4)**".

Page 43, line 40, delete "(4)" and insert "**(5)**".

Page 44, line 42, delete "[EFFECTIVE" and insert "[EFFECTIVE JANUARY 1, 2015]:".

Page 45, line 1, delete "JULY 1, 2011]:".

Page 48, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 56. IC 36-3-7-5, AS AMENDED BY P.L.146-2008, SECTION 706, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) Liens for taxes levied by the consolidated city are perfected when evidenced on the tax duplicate in the office of the treasurer of the county.

(b) Liens created when the city enters upon property to make improvements to bring it into compliance with a city ordinance, and liens created upon failure to pay charges assessed by the city for services shall be certified to the auditor, after the adoption of a resolution confirming the incurred expense by the appropriate city department, board, or other agency. In addition, the resolution must state the name of the owner as it appears on the ~~township assessor's or~~ county assessor's record and a description of the property.

(c) The amount of a lien shall be placed on the tax duplicate by the auditor in the nature of a delinquent tax subject to enforcement and collection as otherwise provided under IC 6-1.1-22, IC 6-1.1-24, and

C o p y

IC 6-1.1-25.".

Page 58, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 64. IC 36-7-9-2, AS AMENDED BY P.L.73-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. As used in this chapter:

"Community organization" means a citizen's group, neighborhood association, neighborhood development corporation, or similar organization that:

(1) has specific geographic boundaries defined in its bylaws or articles of incorporation and contains at least forty (40) households within those boundaries;

(2) is a nonprofit corporation that is representative of at least twenty-five (25) households or twenty percent (20%) of the households in the community, whichever is less;

(3) is operated primarily for the promotion of social welfare and general neighborhood improvement and enhancement;

(4) has been incorporated for at least two (2) years; and

(5) is exempt from taxation under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code.

"Continuous enforcement order" means an order that:

(1) is issued for compliance or abatement and that remains in full force and effect on a property without further requirements to seek additional:

(A) compliance and abatement authority; or

(B) orders for the same or similar violations;

(2) authorizes specific ongoing compliance and enforcement activities if a property requires reinspection or additional periodic abatement;

(3) can be enforced, including assessment of fees and costs, without the need for additional notice or hearing; and

(4) authorizes the enforcement authority to assess and collect ongoing costs for continuous enforcement order activities from any party that is subject to the enforcement authority's order.

"Department" refers to the ~~executive~~ department authorized by ordinance to administer this chapter. ~~In a consolidated city, this department is the department of metropolitan development, subject to IC 36-3-4-23.~~

"Enforcement authority" refers to the chief administrative officer of the department, except in a consolidated city. In a consolidated city, ~~the division of development services is~~ the enforcement authority ~~subject to IC 36-3-4-23.~~ **refers to the department designated by ordinance.**

"Hearing authority" refers to a person or persons designated as such

C o p y

by the executive of a city or county, or by the legislative body of a town. However, in a consolidated city, the director of the department or a person designated by the director is the hearing authority. An employee of the enforcement authority may not be designated as the hearing authority.

"Known or recorded fee interest, life estate interest, or equitable interest of a contract purchaser" means any fee interest, life estate interest, or equitable interest of a contract purchaser held by a person whose identity and address may be determined from:

(1) an instrument recorded in the recorder's office of the county where the unsafe premises is located;

(2) written information or actual knowledge received by the department (or, in the case of a consolidated city, the enforcement authority); or

(3) a review of department (or, in the case of a consolidated city, the enforcement authority) records that is sufficient to identify information that is reasonably ascertainable.

"Known or recorded substantial property interest" means any right in real property, including a fee interest, a life estate interest, a future interest, a mortgage interest, a lien as evidenced by a certificate of sale issued under IC 6-1.1-24, or an equitable interest of a contract purchaser, that:

(1) may be affected in a substantial way by actions authorized by this chapter; and

(2) is held by a person whose identity and address may be determined from:

(A) an instrument recorded in:

(i) the recorder's office of the county where the unsafe premises is located; or

(ii) the office of the county auditor of the county where the unsafe premises are located in the case of a lien evidenced by a certificate of sale issued under IC 6-1.1-24;

(B) written information or actual knowledge received by the department (or, in the case of a consolidated city, the enforcement authority); or

(C) a review of department (or, in the case of a consolidated city, the enforcement authority) records that is sufficient to identify information that is reasonably ascertainable.

"Substantial property interest" means any right in real property that may be affected in a substantial way by actions authorized by this chapter, including a fee interest, a life estate interest, a future interest, a mortgage interest, or an equitable interest of a contract purchaser.

C o p y

SECTION 65. IC 36-7-9-11, AS AMENDED BY P.L.169-2006, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) The work required by an order of the enforcement authority may be performed in the following manner:

(1) If the work is being performed under an order other than an order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, and if the cost of this work is estimated to be less than ten thousand dollars ($10,000), the department, acting through the unit's enforcement authority or other agent, may perform the work by means of the unit's own workers and equipment owned or leased by the unit. Notice that this work is to be performed must be given to all persons with a known or recorded substantial property interest, in the manner prescribed in subsection (c), at least ten (10) days before the date of performance of the work by the enforcement authority. This notice must include a statement that an amount representing a reasonable estimate of the cost incurred by the enforcement authority in processing the matter and performing the work may, if not paid, be recorded after a hearing as a lien against all persons having a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises.

(2) If the work is being performed under an order other than an order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, and if the estimated cost of this work is ten thousand dollars ($10,000) or more, this work must be ~~let at public~~ **awarded by contract after a public** bid **opening** to a contractor licensed and qualified under law. The obligation to pay costs imposed by section 12 of this chapter is based on the condition of the unsafe premises at the time the public bid was accepted. Changes occurring in the condition of the unsafe premises after the public bid was accepted do not eliminate or diminish this obligation.

(3) If the work is being performed under an order issued under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, the work may be performed by a contractor ~~who has been~~ awarded a ~~base bid~~ contract to perform the work for the enforcement authority, or by the department, acting through the unit's enforcement authority or other governmental agency and using the unit's own workers and equipment owned or leased by the unit. Work performed under an order issued under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter may be performed without further notice to the persons holding a fee interest, life estate interest, or equitable interest of a contract purchaser, and these persons are liable for the costs

C o p y

incurred by the enforcement authority in processing the matter and performing the work, as provided by section 12 of this chapter.

(b) Bids may be solicited and ~~accepted~~ **a contract awarded** for work on more than one (1) property if the bid **and contract** ~~reflects~~ **include** an allocation of the ~~bid amount~~ **costs** among the various unsafe premises in proportion to the work to be accomplished. The part of the bid amount attributable to each of the unsafe premises constitutes the basis for calculating the part of the costs described by section 12(a)(1) of this chapter.

(c) All persons who have a known or recorded substantial property interest in the unsafe premises and are subject to an order other than an order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter must be notified about the public bid in the manner prescribed by section 25 of this chapter, by means of a written statement including:

(1) the name of the person to whom the order was issued;

(2) a legal description or address of the unsafe premises that are the subject of the order;

(3) ~~a statement~~ that a ~~contract is to be let at~~ public bid ~~to a licensed contractor to accomplish work to comply with the order;~~ **will be opened;**

(4) a description of work to be accomplished;

(5) ~~a statement~~ that both the bid price of the licensed contractor who accomplishes the work and an amount representing a reasonable estimate of the cost incurred by the enforcement authority in processing the matter of the unsafe premises may, if not paid, be recorded after a hearing as a lien against all persons having a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises;

(6) the time of the bid opening;

(7) the place of the bid opening; and

(8) the name, address, and telephone number of the enforcement authority.

(d) If the notice of the statement that public bids are to be ~~let~~ **opened** is served by publication, the publication must include the information required by subsection (c), except that it need only include a general description of the work to be accomplished. The publication must also state that a copy of the statement of public bid may be obtained from the enforcement authority.

(e) Notice of the statement that public bids are to be ~~let~~ **opened** must be given, at least ten (10) days before the date of the public bid **opening,** to all persons who have a known or recorded substantial

C o p y

property interest in the property and are subject to an order other than an order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter.

(f) If action is being taken under this section on the basis of an order that was served by publication, it is sufficient to serve the statement that public bids are to be ~~let~~ **opened** by publication, unless the enforcement authority has received information in writing that enables the unit to make service under section 25 of this chapter by a method other than publication.".

Page 65, line 32, delete "[EFFECTIVE" and insert "[EFFECTIVE JANUARY 1, 2015]:".

Page 65, line 33, delete "JULY 1, 2011]:".

Page 66, line 1, delete "Four (4) members, not more than three (3)" and insert "**Three (3) members, not more than two (2)**".

Page 66, line 7, strike "One (1) member" and insert "**Two (2) members**".

Page 66, line 31, delete "[EFFECTIVE JULY 1, 2011]:" and insert "[EFFECTIVE JANUARY 1, 2015]:".

Page 67, delete lines 15 through 16.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 526 as reprinted February 22, 2011.)

HINKLE, Chair

Committee Vote: yeas 10, nays 3.

C o p y