
SENATE BILL No. 526

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-10; IC 3-11-2-12; IC 3-11-1.5-32.5; IC 6-1.1; IC 6-3.5-6; IC 12-20-1-6; IC 15-16; IC 23-14; IC 32-26; IC 33-34; IC 34-30-2-58; IC 36-1-8-17; IC 36-3; IC 36-6; IC 36-7-15.1-16; IC 36-8; IC 36-9-4-42; IC 36-12-2.

Synopsis: Marion County government. Provides that on a date set by the mayor of the consolidated city and not later than January 1, 2013, the fire departments of all of the following are consolidated into the fire department of the consolidated city: (1) The townships in the county having the consolidated city. (2) A fire protection territory in the county having the consolidated city. 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 that the consolidated fire department and the consolidated law enforcement department are divisions of the department of public safety. Provides that the maximum property tax levy of a consolidated city for property taxes first due and payable in 2012 shall be increased by an amount equal to the combined maximum property tax levies of each township and fire protection district for property taxes first due and payable in 2011 for fire protection and related services. 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

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

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January 18, 2011, read first time and referred to Committee on Local Government.

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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 for the following transfers of township offices and functions to city and county government in a county having a consolidated city: (1) The operations of the township constables and township small claims courts shall be accounted for in the county budget beginning January 1, 2012. (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 or to maintain order in the court; (2) keep the peace in the court during court proceedings; and (3) carry out the orders of the court. Provides that the city-county council may, by ordinance, establish uniform standards for the provision of township assistance by each trustee throughout the county having a 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. Requires the department of local government finance (DLGF) to determine whether the balance in each fund (other than a debt service fund) of a township in a county having a consolidated city exceeds the amount needed by the township to carry out the purposes of the fund. Specifies the factors to be considered by the DLGF in making the determination. Requires a township to transfer 90% of any excess amounts to the county treasurer for deposit in a fund that is administered by the controller of the consolidated city. Provides that excluded cities are entitled to a part of the excess amounts that would otherwise be administered by the controller. Specifies that money transferred from the townships may be used by the consolidated city or excluded city only upon appropriation by that municipality's fiscal body. 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

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consolidated law enforcement department is under the direction and control of the mayor. Provides that the city-county council may adopt an ordinance to transfer the sheriff's responsibilities for emergency communications a division of the department of public safety. Abolishes the Marion County board of commissioners effective July 1, 2011. Deletes provisions specifying that in a county having a consolidated city, an ordinance or resolution of the legislative body: (1) appropriating money for a constitutional office or officer or for a judicial office or officer; or (2) approving or modifying the budget of a political subdivision that the legislative body is permitted by statute to review; is not subject to veto. Provides that the city-county council may adopt an ordinance to increase or decrease any maximum property tax levies otherwise determined for the county having a consolidated city, the consolidated city, a special service district, the airport authority, a public library (excluding a public library that is located entirely within an excluded city), the public transportation corporation, or the health and hospital corporation. Specifies that the total amount by which any maximum property tax levies are increased must be equal to the total amount by which other maximum property tax levies are decreased. Allows the city-county council to elect to provide revenue to the public library from the certified distribution of county option income tax (COIT) revenue. Provides that in a county having a consolidated city, the tax revenue received from a levy freeze LOIT or property tax credit LOIT that would otherwise be distributed proportionately to municipal corporations and special taxing districts in the county may instead be distributed as specified by the county fiscal body. Provides that this flexibility concerning distribution of this LOIT tax revenue does not apply to the LOIT tax revenue that would be distributed to townships, included towns, excluded cities, and school corporations. 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. Provides that the members 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 shall be appointed as follows: (1) Four members appointed by the executive of the county in which the library district is located. (2) Two members appointed by the majority leader of the fiscal body of the county in which the library district is located. (3) One member appointed by the minority leader of the fiscal body of the county in which the library district is located. 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.

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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.

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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:

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

OFFICIAL PRIMARY BALLOT

6
7 _____ Party
8 For paper ballots, print: To vote for a person, make a voting mark
9 (X or ✓) on or in the box before the person's name in the proper
10 column. For optical scan ballots, print: To vote for a person, darken or
11 shade in the circle, oval, or square (or draw a line to connect the arrow)
12 that precedes the person's name in the proper column. For optical scan
13 ballots that do not contain a candidate's name, print: To vote for a
14 person, darken or shade in the oval that precedes the number assigned
15 to the person's name in the proper column. For electronic voting



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

3 Vote for one (1) only

4 Representative in Congress

5 (1) AB _____

6 (2) CD _____

7 (3) EF _____

8 (4) GH _____

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

11 (1) Federal and state offices:

12 (A) President of the United States.

13 (B) United States Senator.

14 (C) Governor.

15 (D) United States Representative.

16 (2) Legislative offices:

17 (A) State senator.

18 (B) State representative.

19 (3) Circuit offices and county judicial offices:

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

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

26 (C) Judge of the probate court.

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

29 (E) Prosecuting attorney.

30 (F) Circuit court clerk.

31 (4) County offices:

32 (A) County auditor.

33 (B) County recorder.

34 (C) County treasurer.

35 (D) County sheriff.

36 (E) County coroner.

37 (F) County surveyor.

38 (G) County assessor.

39 (H) County commissioner.

40 (I) County council member.

41 (5) Township offices:

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

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- 1 IC 36-6-5-1(d)).
- 2 (B) Township trustee.
- 3 (C) Township board member. **This clause does not apply to**
- 4 **elections in 2012 and thereafter in a county having a**
- 5 **consolidated city.**
- 6 (D) Judge of the small claims court.
- 7 (E) Constable of the small claims court.
- 8 (6) City offices:
- 9 (A) Mayor.
- 10 (B) Clerk or clerk-treasurer.
- 11 (C) Judge of the city court.
- 12 (D) City-county council member or common council member.
- 13 (7) Town offices:
- 14 (A) Clerk-treasurer.
- 15 (B) Judge of the town court.
- 16 (C) Town council member.
- 17 (c) The political party offices with candidates for election shall be
- 18 placed on the primary election ballot in the following order after the
- 19 offices described in subsection (b):
- 20 (1) Precinct committeeman.
- 21 (2) State convention delegate.
- 22 (d) The following offices and public questions shall be placed on the
- 23 primary election ballot in the following order after the offices described
- 24 in subsection (c):
- 25 (1) School board offices to be elected at the primary election.
- 26 (2) Other local offices to be elected at the primary election.
- 27 (3) Local public questions.
- 28 (e) The offices and public questions described in subsection (d)
- 29 shall be placed:
- 30 (1) in a separate column on the ballot if voting is by paper ballot;
- 31 (2) after the offices described in subsection (c) in the form
- 32 specified in IC 3-11-13-11 if voting is by ballot card; or
- 33 (3) either:
- 34 (A) on a separate screen for each office or public question; or
- 35 (B) after the offices described in subsection (c) in the form
- 36 specified in IC 3-11-14-3.5;
- 37 if voting is by an electronic voting system.
- 38 (f) A public question shall be placed on the primary election ballot
- 39 in the following form:
- 40 (The explanatory text for the public question,
- 41 if required by law.)
- 42 "Shall (insert public question)?"

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1 YES

2 NO

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

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

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

- 30 (1) Federal and state offices:
 - 31 (A) President and Vice President of the United States.
 - 32 (B) United States Senator.
 - 33 (C) Governor and lieutenant governor.
 - 34 (D) Secretary of state.
 - 35 (E) Auditor of state.
 - 36 (F) Treasurer of state.
 - 37 (G) Attorney general.
 - 38 (H) Superintendent of public instruction.
 - 39 (I) United States Representative.
- 40 (2) Legislative offices:
 - 41 (A) State senator.
 - 42 (B) State representative.

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- 1 (3) Circuit offices and county judicial offices:
- 2 (A) Judge of the circuit court, and unless otherwise specified
- 3 under IC 33, with each division separate if there is more than
- 4 one (1) judge of the circuit court.
- 5 (B) Judge of the superior court, and unless otherwise specified
- 6 under IC 33, with each division separate if there is more than
- 7 one (1) judge of the superior court.
- 8 (C) Judge of the probate court.
- 9 (D) Judge of the county court, with each division separate, as
- 10 required by IC 33-30-3-3.
- 11 (E) Prosecuting attorney.
- 12 (F) Clerk of the circuit court.
- 13 (4) County offices:
- 14 (A) County auditor.
- 15 (B) County recorder.
- 16 (C) County treasurer.
- 17 (D) County sheriff.
- 18 (E) County coroner.
- 19 (F) County surveyor.
- 20 (G) County assessor.
- 21 (H) County commissioner.
- 22 (I) County council member.
- 23 (5) Township offices:
- 24 (A) Township assessor (only in a township referred to in
- 25 IC 36-6-5-1(d)).
- 26 (B) Township trustee.
- 27 (C) Township board member. **This clause does not apply to**
- 28 **elections in 2012 and thereafter in a county having a**
- 29 **consolidated city.**
- 30 (D) Judge of the small claims court.
- 31 (E) Constable of the small claims court.
- 32 (6) City offices:
- 33 (A) Mayor.
- 34 (B) Clerk or clerk-treasurer.
- 35 (C) Judge of the city court.
- 36 (D) City-county council member or common council member.
- 37 (7) Town offices:
- 38 (A) Clerk-treasurer.
- 39 (B) Judge of the town court.
- 40 (C) Town council member.

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

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

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

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

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

- 20 (1) in any county of the solid waste management district; and
 21 (2) in accordance with the annual notice of meetings published
 22 under IC 13-21-5-2.

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

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

- 34 ~~(1) The cost of child services (as defined in IC 12-19-7-1) of the~~
 35 ~~county payable from the family and children's fund;~~
 36 ~~(2) The cost of children's psychiatric residential treatment~~
 37 ~~services (as defined in IC 12-19-7.5-1) of the county payable from~~
 38 ~~the children's psychiatric residential treatment services fund;~~

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

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~~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 6-1.1-18.5-3, AS AMENDED BY P.L.146-2008, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) A civil taxing unit that is treated as not being located in an adopting county under section 4 of this chapter may not impose an ad valorem property tax levy for an ensuing calendar year that exceeds the amount determined in the last STEP of the following STEPS:

STEP ONE: Add the civil taxing unit's maximum permissible ad valorem property tax levy for the preceding calendar year to the part of the civil taxing unit's certified share, if any, that was used to reduce the civil taxing unit's ad valorem property tax levy under STEP EIGHT of subsection (b) for that preceding calendar year. STEP TWO: Multiply the amount determined in STEP ONE by the amount determined in the last STEP of section 2(b) of this chapter.

STEP THREE: Determine the lesser of one and fifteen hundredths (1.15) or the quotient (rounded to the nearest ten-thousandth (0.0001)), of the assessed value of all taxable property subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year, divided by the assessed value of all taxable property that is subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year and that is contained within the geographic area that was subject to the civil taxing unit's ad valorem property tax levy in the preceding calendar year.

STEP FOUR: Determine the greater of the amount determined in STEP THREE or one (1).

STEP FIVE: Multiply the amount determined in STEP TWO by the amount determined in STEP FOUR.

STEP SIX: Add the amount determined under STEP TWO to the

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1 amount determined under subsection (c).
 2 STEP SEVEN: Determine the greater of the amount determined
 3 under STEP FIVE or the amount determined under STEP SIX.
 4 (b) Except as otherwise provided in this chapter, a civil taxing unit
 5 that is treated as being located in an adopting county under section 4 of
 6 this chapter may not impose an ad valorem property tax levy for an
 7 ensuing calendar year that exceeds the amount determined in ~~the last~~
 8 **STEP EIGHT or STEP NINE (as appropriate)** of the following
 9 STEPS:
 10 STEP ONE: Add the civil taxing unit's maximum permissible ad
 11 valorem property tax levy for the preceding calendar year to the
 12 part of the civil taxing unit's certified share, if any, used to reduce
 13 the civil taxing unit's ad valorem property tax levy under STEP
 14 EIGHT of this subsection for that preceding calendar year.
 15 STEP TWO: Multiply the amount determined in STEP ONE by
 16 the amount determined in the last STEP of section 2(b) of this
 17 chapter.
 18 STEP THREE: Determine the lesser of one and fifteen hundredths
 19 (1.15) or the quotient of the assessed value of all taxable property
 20 subject to the civil taxing unit's ad valorem property tax levy for
 21 the ensuing calendar year divided by the assessed value of all
 22 taxable property that is subject to the civil taxing unit's ad
 23 valorem property tax levy for the ensuing calendar year and that
 24 is contained within the geographic area that was subject to the
 25 civil taxing unit's ad valorem property tax levy in the preceding
 26 calendar year.
 27 STEP FOUR: Determine the greater of the amount determined in
 28 STEP THREE or one (1).
 29 STEP FIVE: Multiply the amount determined in STEP TWO by
 30 the amount determined in STEP FOUR.
 31 STEP SIX: Add the amount determined under STEP TWO to the
 32 amount determined under subsection (c).
 33 STEP SEVEN: Determine the greater of the amount determined
 34 under STEP FIVE or the amount determined under STEP SIX.
 35 STEP EIGHT: Subtract the amount determined under STEP FIVE
 36 of subsection (e) from the amount determined under STEP
 37 SEVEN of this subsection.
 38 **STEP NINE: For a civil taxing unit in a county having a**
 39 **consolidated city, add or subtract (as appropriate) the amount**
 40 **of any adjustment made to the civil taxing unit's maximum**
 41 **permissible ad valorem property tax under section 3.5 of this**
 42 **chapter for the ensuing calendar year.**

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1 (c) The amount to be entered under STEP SIX of subsection (a) or
 2 STEP SIX of subsection (b), as applicable, equals the sum of the
 3 following:

4 (1) If a civil taxing unit in the immediately preceding calendar
 5 year provided an area outside its boundaries with services on a
 6 contractual basis and in the ensuing calendar year that area has
 7 been annexed by the civil taxing unit, the amount paid by the
 8 annexed area during the immediately preceding calendar year for
 9 services that the civil taxing unit must provide to that area during
 10 the ensuing calendar year as a result of the annexation.

11 (2) If the civil taxing unit has had an excessive levy appeal
 12 approved under section 13(a)(1) of this chapter for the ensuing
 13 calendar year, an amount determined by the civil taxing unit for
 14 the ensuing calendar year that does not exceed the amount of that
 15 excessive levy.

16 In all other cases, the amount to be entered under STEP SIX of
 17 subsection (a) or STEP SIX of subsection (b), as the case may be,
 18 equals zero (0).

19 (d) This subsection applies only to civil taxing units located in a
 20 county having a county adjusted gross income tax rate for resident
 21 county taxpayers (as defined in IC 6-3.5-1.1-1) of one percent (1%) as
 22 of January 1 of the ensuing calendar year. For each civil taxing unit, the
 23 amount to be added to the amount determined in subsection (e), STEP
 24 FOUR, is determined using the following formula:

25 STEP ONE: Multiply the civil taxing unit's maximum permissible
 26 ad valorem property tax levy for the preceding calendar year by
 27 two percent (2%).

28 STEP TWO: For the determination year, the amount to be used as
 29 the STEP TWO amount is the amount determined in subsection
 30 (f) for the civil taxing unit. For each year following the
 31 determination year the STEP TWO amount is the lesser of:

32 (A) the amount determined in STEP ONE; or

33 (B) the amount determined in subsection (f) for the civil taxing
 34 unit.

35 STEP THREE: Determine the greater of:

36 (A) zero (0); or

37 (B) the civil taxing unit's certified share for the ensuing
 38 calendar year minus the greater of:

39 (i) the civil taxing unit's certified share for the calendar year
 40 that immediately precedes the ensuing calendar year; or

41 (ii) the civil taxing unit's base year certified share.

42 STEP FOUR: Determine the greater of:

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1 (A) zero (0); or
 2 (B) the amount determined in STEP TWO minus the amount
 3 determined in STEP THREE.
 4 Add the amount determined in STEP FOUR to the amount determined
 5 in subsection (e), STEP THREE, as provided in subsection (e), STEP
 6 FOUR.
 7 (e) For each civil taxing unit, the amount to be subtracted under
 8 subsection (b), STEP EIGHT, is determined using the following
 9 formula:
 10 STEP ONE: Determine the lesser of the civil taxing unit's base
 11 year certified share for the ensuing calendar year, as determined
 12 under section 5 of this chapter, or the civil taxing unit's certified
 13 share for the ensuing calendar year.
 14 STEP TWO: Determine the greater of:
 15 (A) zero (0); or
 16 (B) the remainder of:
 17 (i) the amount of federal revenue sharing money that was
 18 received by the civil taxing unit in 1985; minus
 19 (ii) the amount of federal revenue sharing money that will be
 20 received by the civil taxing unit in the year preceding the
 21 ensuing calendar year.
 22 STEP THREE: Determine the lesser of:
 23 (A) the amount determined in STEP TWO; or
 24 (B) the amount determined in subsection (f) for the civil taxing
 25 unit.
 26 STEP FOUR: Add the amount determined in subsection (d),
 27 STEP FOUR, to the amount determined in STEP THREE.
 28 STEP FIVE: Subtract the amount determined in STEP FOUR
 29 from the amount determined in STEP ONE.
 30 (f) As used in this section, a taxing unit's "determination year"
 31 means the latest of:
 32 (1) calendar year 1987, if the taxing unit is treated as being
 33 located in an adopting county for calendar year 1987 under
 34 section 4 of this chapter;
 35 (2) the taxing unit's base year, as defined in section 5 of this
 36 chapter, if the taxing unit is treated as not being located in an
 37 adopting county for calendar year 1987 under section 4 of this
 38 chapter; or
 39 (3) the ensuing calendar year following the first year that the
 40 taxing unit is located in a county that has a county adjusted gross
 41 income tax rate of more than one-half percent (0.5%) on July 1 of
 42 that year.

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1 The amount to be used in subsections (d) and (e) for a taxing unit
 2 depends upon the taxing unit's certified share for the ensuing calendar
 3 year, the taxing unit's determination year, and the county adjusted gross
 4 income tax rate for resident county taxpayers (as defined in
 5 IC 6-3.5-1.1-1) that is in effect in the taxing unit's county on July 1 of
 6 the year preceding the ensuing calendar year. For the determination
 7 year and the ensuing calendar years following the taxing unit's
 8 determination year, the amount is the taxing unit's certified share for
 9 the ensuing calendar year multiplied by the appropriate factor
 10 prescribed in the following table:

11	COUNTIES WITH A TAX RATE OF 1/2%		
12		Subsection (e)	
13	Year	Factor	
14	For the determination year and each ensuing		
15	calendar year following the determination year	0	
16	COUNTIES WITH A TAX RATE OF 3/4%		
17		Subsection (e)	
18	Year	Factor	
19	For the determination year and each ensuing		
20	calendar year following the determination year	1/2	
21	COUNTIES WITH A TAX RATE OF 1.0%		
22		Subsection (d)	Subsection (e)
23	Year	Factor	Factor
24	For the determination year	1/6	1/3
25	For the ensuing calendar year		
26	following the determination year	1/4	1/3
27	For the ensuing calendar year		
28	following the determination year		
29	by two (2) years	1/3	1/3

30 (g) This subsection applies only to property taxes first due and
 31 payable after December 31, 2007. This subsection applies only to a
 32 civil taxing unit that is located in a county for which a county adjusted
 33 gross income tax rate is first imposed or is increased in a particular
 34 year under IC 6-3.5-1.1-24 or a county option income tax rate is first
 35 imposed or is increased in a particular year under IC 6-3.5-6-30.
 36 Notwithstanding any provision in this section or any other section of
 37 this chapter and except as provided in subsection (h), the maximum
 38 permissible ad valorem property tax levy calculated under this section
 39 for the ensuing calendar year for a civil taxing unit subject to this
 40 section is equal to the civil taxing unit's maximum permissible ad
 41 valorem property tax levy for the current calendar year.

42 (h) This subsection applies only to property taxes first due and

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- 1 payable after December 31, 2007. In the case of a civil taxing unit that:
- 2 (1) is partially located in a county for which a county adjusted
- 3 gross income tax rate is first imposed or is increased in a
- 4 particular year under IC 6-3.5-1.1-24 or a county option income
- 5 tax rate is first imposed or is increased in a particular year under
- 6 IC 6-3.5-6-30; and
- 7 (2) is partially located in a county that is not described in
- 8 subdivision (1);

9 the department of local government finance shall, notwithstanding
 10 subsection (g), adjust the portion of the civil taxing unit's maximum
 11 permissible ad valorem property tax levy that is attributable (as
 12 determined by the department of local government finance) to the
 13 county or counties described in subdivision (2). The department of
 14 local government finance shall adjust this portion of the civil taxing
 15 unit's maximum permissible ad valorem property tax levy so that,
 16 notwithstanding subsection (g), this portion is allowed to increase as
 17 otherwise provided in this section. If the department of local
 18 government finance increases the civil taxing unit's maximum
 19 permissible ad valorem property tax levy under this subsection, any
 20 additional property taxes imposed by the civil taxing unit under the
 21 adjustment shall be paid only by the taxpayers in the county or counties
 22 described in subdivision (2).

23 SECTION 6. IC 6-1.1-18.5-3.5 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2011]: **Sec. 3.5. (a) This section applies only**
 26 **to a county having a consolidated city.**

27 **(b) Notwithstanding section 3 of this chapter, for property taxes**
 28 **first due and payable in 2012 and thereafter, the city-county**
 29 **council may, as provided in subsection (c), adjust any maximum**
 30 **permissible ad valorem property tax levies under this chapter for**
 31 **a particular calendar year for any of the following:**

- 32 (1) **The county having a consolidated city.**
- 33 (2) **The consolidated city.**
- 34 (3) **A special service district within the county having a**
 35 **consolidated city.**
- 36 (4) **An airport authority within the county having a**
 37 **consolidated city operating under IC 8-22-3.**
- 38 (5) **A public library within the county having a consolidated**
 39 **city operating under IC 36-12 (excluding a public library that**
 40 **is located entirely within an excluded city).**
- 41 (6) **A public transportation corporation within the county**
 42 **having a consolidated city operating under IC 36-9-4.**

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

(c) The city-county council may before November 1 of a year adopt an ordinance to increase or decrease any maximum permissible ad valorem property tax levies otherwise determined under this chapter for one (1) or more entities listed in subsection (b) for the ensuing calendar year if:

(1) the city-county council at the same time adopts an ordinance decreasing maximum permissible ad valorem property tax levies otherwise determined under this chapter for one (1) or more entities listed in subsection (b) for that ensuing calendar year; and

(2) the total amount by which any maximum permissible ad valorem property tax levies are increased under this section for that ensuing calendar year is equal to the total amount by which other maximum permissible ad valorem property tax levies are decreased under subdivision (1) for that ensuing calendar year.

SECTION 7. IC 6-1.1-18.5-12, AS AMENDED BY 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

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1 department with any relevant records or books.

2 (d) If an officer or member:

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

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

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

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

18 (f) All expenses incident to the filing of an affidavit under
19 subsection (d) and the issuance and service of a summons shall be
20 charged to the officer or member against whom the summons is issued,
21 unless the circuit court finds that the officer or member was acting in
22 good faith and with reasonable cause. If the circuit court finds that the
23 officer or member was acting in good faith and with reasonable cause
24 or if an affidavit is filed and no summons is issued, the expenses shall
25 be charged against the county in which the affidavit was filed and shall
26 be allowed by the proper fiscal officers of that county.

27 (g) The fiscal officer of a civil taxing unit that appeals under section
28 16 of this chapter for relief from levy limitations shall immediately file
29 a copy of the appeal petition with the county auditor and the county
30 treasurer of the county in which the unit is located. **In a county having
31 a consolidated city, the fiscal officer of a civil taxing unit, other
32 than an excluded city, shall also file a copy of the appeal petition
33 with the clerk of the county legislative body and the controller of
34 the consolidated city.**

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

39 SECTION 8. IC 6-1.1-18.5-16, AS AMENDED BY
40 P.L.182-2009(ss), SECTION 136, IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) A civil taxing
42 unit may request permission from the department to impose an ad

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1 valorem property tax levy that exceeds the limits imposed by section 3
2 of this chapter if:

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

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

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

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

17 (c) If the department determines that a shortfall described in
18 subsection (a) or (b) has occurred, the department of local government
19 finance may find that the civil taxing unit should be allowed to impose
20 a property tax levy exceeding the limit imposed by section 3 of this
21 chapter. However, the maximum amount by which the civil taxing
22 unit's levy may be increased over the limits imposed by section 3 of this
23 chapter equals the remainder of the civil taxing unit's property tax levy
24 for the particular calendar year as finally approved by the department
25 of local government finance minus the actual property tax levy
26 collected by the civil taxing unit for that particular calendar year.

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

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

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

41 SECTION 9. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA
42 CODE AS A NEW SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2011]: **Sec. 22. (a) The ad valorem property**
2 **tax levy limits imposed by this chapter do not apply to ad valorem**
3 **property taxes imposed by a consolidated city to pay or fund any**
4 **indebtedness assumed, defeased, paid, or refunded under**
5 **IC 36-3-1-6.1 or IC 36-3-1-6.4.**

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

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

- 8 **(A) a township;**
- 9 **(B) a fire protection territory; or**
- 10 **(C) an excluded city;**

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

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

16 **(c) The maximum levy of a consolidated city for property taxes**
17 **first due and payable in 2012 shall be increased by an amount**
18 **equal to the combined maximum permissible ad valorem property**
19 **tax levies of each consolidating entity for property taxes first due**
20 **and payable in 2011 for fire protection and related services.**

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

27 **SECTION 10. IC 6-1.1-24-6.8, AS ADDED BY P.L.98-2010,**
28 **SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
29 **JULY 1, 2011]: Sec. 6.8. (a) For purposes of this section, in a county**
30 **containing a consolidated city "county executive" refers to the board of**
31 **commissioners of the county as provided in IC 36-3-3-10: county**
32 **auditor.**

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

- 35 **(1) A lien has been acquired on the parcel under section 6(a) of**
36 **this chapter.**
- 37 **(2) The parcel is unimproved on the date the parcel is offered for**
38 **sale under this chapter.**
- 39 **(3) The construction of a structure intended for residential use on**
40 **the parcel is permitted by law.**
- 41 **(4) On the date the parcel is offered for sale under this chapter,**
42 **the parcel is contiguous to one (1) or more parcels that satisfy the**

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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 the ~~board of commissioners provided in IC 36-3-3-10:~~ **county auditor.**

(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).

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1 (f) To be eligible to purchase a vacant parcel under this section, the
 2 owner of a contiguous parcel referred to in subsection (b)(4) must file
 3 a written application with the county executive. The application must:
 4 (1) identify the vacant parcel that the applicant desires to
 5 purchase; and
 6 (2) include any other information required by the county
 7 executive.

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

13 (h) The county executive shall by resolution make a final
 14 determination concerning the vacant parcels that are to be sold under
 15 this section.

16 (i) After the final determination of vacant parcels to be sold under
 17 subsection (h), the county executive shall:
 18 (1) on behalf of the county, cause all delinquent taxes, special
 19 assessments, penalties, interest, and costs of sale with respect to
 20 the vacant parcels to be removed from the tax duplicate;
 21 (2) give notice of the final determination to:
 22 (A) the successful applicant;
 23 (B) the county auditor; and
 24 (C) the township assessor, or the county assessor if there is no
 25 township assessor for the township.

26 (j) Upon receipt of notice under subsection (i)(2):
 27 (1) the county auditor shall:
 28 (A) collect the purchase price from each successful applicant;
 29 and
 30 (B) subject to subsection (k), prepare a deed transferring each
 31 vacant parcel to the successful applicant; and
 32 (2) the township assessor or county assessor shall consolidate
 33 each vacant parcel sold and the contiguous parcel owned by the
 34 successful applicant into a single parcel.

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

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

42 (m) The exemption under subsection (l) is terminated as of the

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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 11. 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);
- (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 a public library in a consolidated city as provided in an election, if any, made by the county fiscal body under IC 36-12-2-16(f);**
- ~~(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 36-7-14-25.5, 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

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1 subsection to the county.

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

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

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

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

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

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

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

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

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

42 (i) Notwithstanding any other law, a county fiscal body may pledge

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

8 SECTION 12. IC 6-3.5-6-18.5, AS AMENDED BY P.L.146-2008,
9 SECTION 339, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JANUARY 1, 2013]: Sec. 18.5. (a) This section applies
11 to a county containing a consolidated city.

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

15 (1) For the calendar year beginning January 1, 1995, calculate the
16 total amount of revenues that are to be distributed as distributive
17 shares during that month multiplied by the following factor: **The**
18 **distribution ratio for 2013 and thereafter is the following:**

19	Center Township	.0251
20	Decatur Township	.00217
21	Franklin Township	.0023
22	Lawrence Township	.01177
23	Perry Township	.01130
24	Pike Township	.01865
25	Warren Township	.01359
26	Washington Township	.01346
27	Wayne Township	.01307
28	Lawrence-City	.00858
29	Beech Grove	.00845
30	Southport	.00025
31	Speedway	.00722
32	Indianapolis/Marion County	.86409 .97550

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

37	Center Township	\$1,898,145
38	Decatur Township	\$164,103
39	Franklin Township	\$173,934
40	Lawrence Township	\$890,086
41	Perry Township	\$854,544
42	Pike Township	\$1,410,375

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1	Warren Township	\$1,027,721
2	Washington Township	\$1,017,890
3	Wayne Township	\$988,397
4	Lawrence-City	\$648,848
5	Beech Grove	\$639,017
6	Southport	\$18,906
7	Speedway	\$546,000
8	(3) For each year after 1995 , 2012 , calculate the total amount of	
9	revenues that are to be distributed as distributive shares during	
10	that month as follows:	
11	STEP ONE: Determine the total amount of revenues that were	
12	distributed as distributive shares during that month in calendar	
13	year 1995.	
14	STEP TWO: Determine the total amount of revenue that the	
15	department has certified as distributive shares for that month	
16	under section 17 of this chapter for the calendar year.	
17	STEP THREE: Subtract the STEP ONE result from the STEP	
18	TWO result.	
19	STEP FOUR: If the STEP THREE result is less than or equal	
20	to zero (0), multiply the STEP TWO result by the distribution	
21	ratio established under subdivision (1).	
22	STEP FIVE: Determine the ratio of:	
23	(A) the maximum permissible property tax levy under	
24	IC 6-1.1-18.5 for each civil taxing unit for the calendar year	
25	in which the month falls, plus, for a county, the welfare	
26	allocation amount; divided by	
27	(B) the sum of the maximum permissible property tax levies	
28	under IC 6-1.1-18.5 for all civil taxing units of the county	
29	during the calendar year in which the month falls, and an	
30	amount equal to the welfare allocation amount.	
31	STEP SIX: If the STEP THREE result is greater than zero (0),	
32	the STEP ONE amount shall be distributed by multiplying the	
33	STEP ONE amount by the distribution ratio established under	
34	subdivision (1).	
35	STEP SEVEN: For each taxing unit, determine the STEP FIVE	
36	ratio multiplied by the STEP TWO amount.	
37	STEP EIGHT: For each civil taxing unit, determine the	
38	difference between the STEP SEVEN amount minus the	
39	product of the STEP ONE amount multiplied by the	
40	distribution ratio established under subdivision (1). The	
41	STEP THREE excess shall be distributed as provided in STEP	
42	NINE only to the civil taxing units that have a STEP EIGHT	

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1 difference greater than or equal to zero (0).
 2 STEP NINE: For the civil taxing units qualifying for a
 3 distribution under STEP EIGHT, each civil taxing unit's share
 4 equals the STEP THREE excess multiplied by the ratio of:
 5 (A) the maximum permissible property tax levy under
 6 IC 6-1.1-18.5 for the qualifying civil taxing unit during the
 7 calendar year in which the month falls, plus, for a county, an
 8 amount equal to the welfare allocation amount; divided by
 9 (B) the sum of the maximum permissible property tax levies
 10 under IC 6-1.1-18.5 for all qualifying civil taxing units of
 11 the county during the calendar year in which the month falls,
 12 and an amount equal to the welfare allocation amount.
 13 (c) The welfare allocation amount is an amount equal to the sum of
 14 the property taxes imposed by the county in 1999 for the county's
 15 welfare fund and welfare administration fund and the property taxes
 16 imposed by the county in 2008 for the county's county medical
 17 assistance to wards fund, family and children's fund, children's
 18 psychiatric residential treatment services fund, county hospital care for
 19 the indigent fund, children with special health care needs county fund,
 20 plus, in the case of Marion County, thirty-five million dollars
 21 (\$35,000,000).
 22 SECTION 13. IC 6-3.5-6-30, AS AMENDED BY P.L.146-2008,
 23 SECTION 341, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2011]: Sec. 30. (a) In a county in which the
 25 county option income tax is in effect, the county income tax council
 26 may, before August 1 of a year, adopt an ordinance to impose or
 27 increase (as applicable) a tax rate under this section.
 28 (b) In a county in which neither the county option adjusted gross
 29 income tax nor the county option income tax is in effect, the county
 30 income tax council may, before August 1 of a year, adopt an ordinance
 31 to impose a tax rate under this section.
 32 (c) An ordinance adopted under this section takes effect October 1
 33 of the year in which the ordinance is adopted. If a county income tax
 34 council adopts an ordinance to impose or increase a tax rate under this
 35 section, the county auditor shall send a certified copy of the ordinance
 36 to the department and the department of local government finance by
 37 certified mail.
 38 (d) A tax rate under this section is in addition to any other tax rates
 39 imposed under this chapter and does not affect the purposes for which
 40 other tax revenue under this chapter may be used.
 41 (e) The following apply only in the year in which a county income
 42 tax council first imposes a tax rate under this section:

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- 1 (1) The county income tax council shall, in the ordinance
- 2 imposing the tax rate, specify the tax rate for each of the
- 3 following two (2) years.
- 4 (2) The tax rate that must be imposed in the county from October
- 5 1 of the year in which the tax rate is imposed through September
- 6 30 of the following year is equal to the result of:
- 7 (A) the tax rate determined for the county under
- 8 IC 6-3.5-1.5-1(a) in that year; multiplied by
- 9 (B) the following:
- 10 (i) In a county containing a consolidated city, one and
- 11 five-tenths (1.5).
- 12 (ii) In a county other than a county containing a consolidated
- 13 city, two (2).
- 14 (3) The tax rate that must be imposed in the county from October
- 15 1 of the following year through September 30 of the year after the
- 16 following year is the tax rate determined for the county under
- 17 IC 6-3.5-1.5-1(b). The tax rate under this subdivision continues
- 18 in effect in later years unless the tax rate is increased under this
- 19 section.
- 20 (4) The levy limitations in IC 6-1.1-18.5-3(g), IC 6-1.1-18.5-3(h),
- 21 IC 12-19-7-4(b) (before its repeal), IC 12-19-7.5-6(b) (before its
- 22 repeal), and IC 12-29-2-2(c) apply to property taxes first due and
- 23 payable in the ensuing calendar year and to property taxes first
- 24 due and payable in the calendar year after the ensuing calendar
- 25 year.
- 26 (f) The following apply only in a year in which a county income tax
- 27 council increases a tax rate under this section:
- 28 (1) The county income tax council shall, in the ordinance
- 29 increasing the tax rate, specify the tax rate for the following year.
- 30 (2) The tax rate that must be imposed in the county from October
- 31 1 of the year in which the tax rate is increased through September
- 32 30 of the following year is equal to the result of:
- 33 (A) the tax rate determined for the county under
- 34 IC 6-3.5-1.5-1(a) in the year the tax rate is increased; plus
- 35 (B) the tax rate currently in effect in the county under this
- 36 section.
- 37 The tax rate under this subdivision continues in effect in later
- 38 years unless the tax rate is increased under this section.
- 39 (3) The levy limitations in IC 6-1.1-18.5-3(g), IC 6-1.1-18.5-3(h),
- 40 IC 12-19-7-4(b) (before its repeal), IC 12-19-7.5-6(b) (before its
- 41 repeal), and IC 12-29-2-2(c) apply to property taxes first due and
- 42 payable in the ensuing calendar year.

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1 (g) The department of local government finance shall determine the
2 following property tax replacement distribution amounts:

3 STEP ONE: Determine the sum of the amounts determined under
4 STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) for the
5 county in the preceding year.

6 STEP TWO: For distribution to each civil taxing unit that in the
7 year had a maximum permissible property tax levy limited under
8 IC 6-1.1-18.5-3(g), determine the result of:

9 (1) the quotient of:

10 (A) the part of the amount determined under STEP ONE of
11 IC 6-3.5-1.5-1(a) in the preceding year that was attributable
12 to the civil taxing unit; divided by

13 (B) the STEP ONE amount; multiplied by

14 (2) the tax revenue received by the county treasurer under this
15 section.

16 STEP THREE: For distributions in 2009 and thereafter, the result
17 of this STEP is zero (0). For distribution to the county for deposit
18 in the county family and children's fund before 2009, determine
19 the result of:

20 (1) the quotient of:

21 (A) the amount determined under STEP TWO of
22 IC 6-3.5-1.5-1(a) in the preceding year; divided by

23 (B) the STEP ONE amount; multiplied by

24 (2) the tax revenue received by the county treasurer under this
25 section.

26 STEP FOUR: For distributions in 2009 and thereafter, the result
27 of this STEP is zero (0). For distribution to the county for deposit
28 in the county children's psychiatric residential treatment services
29 fund before 2009, determine the result of:

30 (1) the quotient of:

31 (A) the amount determined under STEP THREE of
32 IC 6-3.5-1.5-1(a) in the preceding year; divided by

33 (B) the STEP ONE amount; multiplied by

34 (2) the tax revenue received by the county treasurer under this
35 section.

36 STEP FIVE: For distribution to the county for community mental
37 health center purposes, determine the result of:

38 (1) the quotient of:

39 (A) the amount determined under STEP FOUR of
40 IC 6-3.5-1.5-1(a) in the preceding year; divided by

41 (B) the STEP ONE amount; multiplied by

42 (2) the tax revenue received by the county treasurer under this

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1 section.
 2 Except as provided in ~~subsection (m)~~, **subsections (h) and (n)**, the
 3 county treasurer shall distribute the portion of the certified distribution
 4 that is attributable to a tax rate under this section as specified in this
 5 section. The county treasurer shall make the distributions under this
 6 subsection at the same time that distributions are made to civil taxing
 7 units under section 18 of this chapter.

8 **(h) The following apply in the case of a county having a**
 9 **consolidated city if the county fiscal body adopts an ordinance**
 10 **providing for the distribution under this subsection of tax revenue**
 11 **that the county or consolidated city receives under this section:**

12 **(1) The county fiscal body may by ordinance distribute any**
 13 **tax revenue:**

14 **(A) that the county or consolidated city receives under this**
 15 **section; and**

16 **(B) that would otherwise be distributed to any municipal**
 17 **corporations and special taxing districts in the county**
 18 **(except townships, included towns (as defined in**
 19 **IC 36-3-1-7), excluded cities (as defined in IC 36-3-1-7),**
 20 **and school corporations) as property tax replacement**
 21 **distribution amounts to replace property tax revenue not**
 22 **received by those entities because of the property tax levy**
 23 **growth limits under IC 6-3.5-1.5-1;**

24 **to those municipal corporations and special taxing districts in**
 25 **the county (except townships, included towns, excluded cities,**
 26 **and school corporations) in the amounts and to particular**
 27 **funds of those entities that the county fiscal body determines**
 28 **to be appropriate.**

29 **(2) The tax revenue that the county or consolidated city**
 30 **receives under this section:**

31 **(A) is not required to be distributed in the manner that**
 32 **property tax replacement distribution amounts are**
 33 **otherwise distributed under this section to municipal**
 34 **corporations and special taxing districts in the county**
 35 **(except townships, included towns, excluded cities, and**
 36 **school corporations) to replace property tax revenue not**
 37 **received by those entities because of the property tax levy**
 38 **growth limits under IC 6-3.5-1.5-1; and**

39 **(B) shall instead be distributed in the manner specified in**
 40 **the ordinance adopted under subdivision (1).**

41 **(3) The tax revenue that the county or consolidated city**
 42 **receives under this section and that is distributed in the**

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manner specified in the ordinance adopted under subdivision (1):

(A) shall be treated by the entity receiving the tax revenue as additional revenue for the purpose of fixing the entity's budget for the budget year during which the tax revenue is to be distributed to the entity; and

(B) may be used for any lawful purpose of the fund in which the tax revenue is deposited.

(4) A distribution of tax revenue as specified by the county fiscal body may not affect the distribution of tax revenue under this section to townships, included towns (as defined in IC 36-3-1-7), excluded cities (as defined in IC 36-3-1-7), and school corporations.

~~(h)~~ **(i)** Notwithstanding sections 12 and 12.5 of this chapter, a county income tax council may not decrease or rescind a tax rate imposed under this chapter.

~~(i)~~ **(j)** The tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 8 or 9 of this chapter or any other provision of this chapter; or

(2) the maximum permissible property tax levy under STEP EIGHT of IC 6-1.1-18.5-3(b).

~~(j)~~ **(k)** The tax levy under this section shall not be considered for purposes of computing the total county tax levy under IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), or IC 6-1.1-21-2(g)(5) (before the repeal of those provisions) or for purposes of the credit under IC 6-1.1-20.6.

~~(k)~~ **(l)** A distribution under this section shall be treated as a part of the receiving civil taxing unit's property tax levy for that year for purposes of fixing its budget and for determining the distribution of taxes that are distributed on the basis of property tax levies.

~~(l)~~ **(m)** If a county income tax council imposes a tax rate under this section, the county option income tax rate dedicated to locally funded homestead credits in the county may not be decreased.

~~(m)~~ **(n)** In the year following the year in which a county first imposes a tax rate under this section:

(1) one-third (1/3) of the tax revenue that is attributable to the tax rate under this section must be deposited in the county stabilization fund established under subsection ~~(o)~~; **(p)**, in the case of a county containing a consolidated city; and

(2) one-half (1/2) of the tax revenue that is attributable to the tax

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1 rate under this section must be deposited in the county
 2 stabilization fund established under subsection ~~(o)~~, **(p)**, in the
 3 case of a county not containing a consolidated city.
 4 ~~(n)~~ **(o)** A pledge of county option income taxes does not apply to
 5 revenue attributable to a tax rate under this section.
 6 ~~(o)~~ **(p)** A county stabilization fund is established in each county that
 7 imposes a tax rate under this section. The county stabilization fund
 8 shall be administered by the county auditor. If for a year the certified
 9 distributions attributable to a tax rate under this section exceed the
 10 amount calculated under STEP ONE through STEP FOUR of
 11 IC 6-3.5-1.5-1(a) that is used by the department of local government
 12 finance and the department of state revenue to determine the tax rate
 13 under this section, the excess shall be deposited in the county
 14 stabilization fund. Money shall be distributed from the county
 15 stabilization fund in a year by the county auditor to political
 16 subdivisions entitled to a distribution of tax revenue attributable to the
 17 tax rate under this section if:
 18 (1) the certified distributions attributable to a tax rate under this
 19 section are less than the amount calculated under STEP ONE
 20 through STEP FOUR of IC 6-3.5-1.5-1(a) that is used by the
 21 department of local government finance and the department of
 22 state revenue to determine the tax rate under this section for a
 23 year; or
 24 (2) the certified distributions attributable to a tax rate under this
 25 section in a year are less than the certified distributions
 26 attributable to a tax rate under this section in the preceding year.
 27 However, subdivision (2) does not apply to the year following the first
 28 year in which certified distributions of revenue attributable to the tax
 29 rate under this section are distributed to the county.
 30 ~~(p)~~ **(q)** Notwithstanding any other provision, a tax rate imposed
 31 under this section may not exceed one percent (1%).
 32 ~~(q)~~ **(r)** A county income tax council must each year hold at least one
 33 (1) public meeting at which the county council discusses whether the
 34 tax rate under this section should be imposed or increased.
 35 ~~(r)~~ **(s)** The department of local government finance and the
 36 department of state revenue may take any actions necessary to carry out
 37 the purposes of this section.
 38 ~~(s)~~ **(t)** Notwithstanding any other provision, in Lake County the
 39 county council (and not the county income tax council) is the entity
 40 authorized to take actions concerning the additional tax rate under this
 41 section.
 42 SECTION 14. IC 6-3.5-6-32, AS AMENDED BY P.L.113-2010,

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1 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2011]: Sec. 32. (a) A county income tax council may impose
 3 a tax rate under this section to provide property tax relief to taxpayers
 4 in the county. A county income tax council is not required to impose
 5 any other tax before imposing a tax rate under this section.
 6 (b) A tax rate under this section may be imposed in increments of
 7 five-hundredths of one percent (0.05%) determined by the county
 8 income tax council. A tax rate under this section may not exceed one
 9 percent (1%).
 10 (c) A tax rate under this section is in addition to any other tax rates
 11 imposed under this chapter and does not affect the purposes for which
 12 other tax revenue under this chapter may be used.
 13 (d) If a county income tax council adopts an ordinance to impose or
 14 increase a tax rate under this section, the county auditor shall send a
 15 certified copy of the ordinance to the department and the department
 16 of local government finance by certified mail.
 17 (e) A tax rate under this section may be imposed, increased,
 18 decreased, or rescinded at the same time and in the same manner that
 19 the county income tax council may impose or increase a tax rate under
 20 section 30 of this chapter.
 21 (f) Tax revenue attributable to a tax rate under this section may be
 22 used for any combination of the following purposes, as specified by
 23 ordinance of the county income tax council:
 24 (1) The tax revenue may be used to provide local property tax
 25 replacement credits at a uniform rate to all taxpayers in the
 26 county. The local property tax replacement credits shall be treated
 27 for all purposes as property tax levies. The county auditor shall
 28 determine the local property tax replacement credit percentage for
 29 a particular year based on the amount of tax revenue that will be
 30 used under this subdivision to provide local property tax
 31 replacement credits in that year. A county income tax council may
 32 not adopt an ordinance determining that tax revenue shall be used
 33 under this subdivision to provide local property tax replacement
 34 credits at a uniform rate to all taxpayers in the county unless the
 35 county council has done the following:
 36 (A) Made available to the public the county council's best
 37 estimate of the amount of property tax replacement credits to
 38 be provided under this subdivision to homesteads, other
 39 residential property, commercial property, industrial property,
 40 and agricultural property.
 41 (B) Adopted a resolution or other statement acknowledging
 42 that some taxpayers in the county that do not pay the tax rate

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under this section will receive a property tax replacement credit that is funded with tax revenue from the tax rate under this section.

(2) The tax revenue may be used to uniformly increase (before January 1, 2011) or uniformly provide (after December 31, 2010) the homestead credit percentage in the county. The homestead credits shall be treated for all purposes as property tax levies. The homestead credits do not reduce the basis for determining any state homestead credit. The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1. The county auditor shall determine the homestead credit percentage for a particular year based on the amount of tax revenue that will be used under this subdivision to provide homestead credits in that year.

(3) The tax revenue may be used to provide local property tax replacement credits at a uniform rate for all qualified residential property (as defined in IC 6-1.1-20.6-4 before January 1, 2009, and as defined in section 1 of this chapter after December 31, 2008) in the county. The local property tax replacement credits shall be treated for all purposes as property tax levies. The county auditor shall determine the local property tax replacement credit percentage for a particular year based on the amount of tax revenue that will be used under this subdivision to provide local property tax replacement credits in that year.

(4) This subdivision applies only to Lake County. The Lake County council may adopt an ordinance providing that the tax revenue from the tax rate under this section is used for any of the following:

(A) To reduce all property tax levies imposed by the county by the granting of property tax replacement credits against those property tax levies.

(B) To provide local property tax replacement credits in Lake County in the following manner:

(i) The tax revenue under this section that is collected from taxpayers within a particular municipality in Lake County (as determined by the department based on the department's best estimate) shall be used only to provide a local property tax credit against property taxes imposed by that municipality.

(ii) The tax revenue under this section that is collected from

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1 taxpayers within the unincorporated area of Lake County (as
2 determined by the department) shall be used only to provide
3 a local property tax credit against property taxes imposed by
4 the county. The local property tax credit for the
5 unincorporated area of Lake County shall be available only
6 to those taxpayers within the unincorporated area of the
7 county.

8 (C) To provide property tax credits in the following manner:
9 (i) Sixty percent (60%) of the tax revenue under this section
10 shall be used as provided in clause (B).

11 (ii) Forty percent (40%) of the tax revenue under this section
12 shall be used to provide property tax replacement credits
13 against property tax levies of the county and each township
14 and municipality in the county. The percentage of the tax
15 revenue distributed under this item that shall be used as
16 credits against the county's levies or against a particular
17 township's or municipality's levies is equal to the percentage
18 determined by dividing the population of the county,
19 township, or municipality by the sum of the total population
20 of the county, each township in the county, and each
21 municipality in the county.

22 The Lake County council shall determine whether the credits
23 under clause (A), (B), or (C) shall be provided to homesteads, to
24 all qualified residential property, or to all taxpayers. The
25 department of local government finance, with the assistance of the
26 budget agency, shall certify to the county auditor and the fiscal
27 body of the county and each township and municipality in the
28 county the amount of property tax credits under this subdivision.
29 Except as provided in subsection (g), the tax revenue under this
30 section that is used to provide credits under this subdivision shall
31 be treated for all purposes as property tax levies.

32 The county income tax council may adopt an ordinance changing the
33 purposes for which tax revenue attributable to a tax rate under this
34 section shall be used in the following year.

35 (g) The tax rate under this section shall not be considered for
36 purposes of computing:

- 37 (1) the maximum income tax rate that may be imposed in a county
38 under section 8 or 9 of this chapter or any other provision of this
39 chapter;
- 40 (2) the maximum permissible property tax levy under STEP
41 EIGHT of IC 6-1.1-18.5-3(b); or
- 42 (3) the credit under IC 6-1.1-20.6.

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1 (h) The following apply in the case of a county having a
2 consolidated city if the county fiscal body adopts an ordinance
3 providing for the distribution under this subsection of tax revenue
4 that the county or consolidated city receives under this section:

5 (1) The county fiscal body may by ordinance distribute any
6 tax revenue:

7 (A) that the county or consolidated city receives under this
8 section; and

9 (B) that would otherwise be distributed to any municipal
10 corporations and special taxing districts in the county
11 (except townships, included towns (as defined in
12 IC 36-3-1-7), excluded cities (as defined in IC 36-3-1-7),
13 and school corporations) to replace property tax revenue
14 not received by those entities because of the application of
15 any local property tax credits or homestead credits
16 provided under subsection (f);

17 to those municipal corporations and special taxing districts in
18 the county (except townships, included towns, excluded cities,
19 and school corporations) in the amounts and to particular
20 funds of those entities that the county fiscal body determines
21 to be appropriate.

22 (2) The tax revenue that the county or consolidated city
23 receives under this section:

24 (A) is not required to be distributed in a manner that
25 would proportionately replace property tax revenue not
26 received by any municipal corporations and special taxing
27 districts in the county (except townships, included towns,
28 excluded cities, and school corporations) because of the
29 application of any local property tax credits or homestead
30 credits provided under subsection (f); and

31 (B) shall instead be distributed in the manner specified in
32 the ordinance adopted under subdivision (1).

33 (3) The tax revenue that the county or consolidated city
34 receives under this section and that is distributed in the
35 manner specified in the ordinance adopted under subdivision
36 (1):

37 (A) shall be treated by the entity receiving the tax revenue
38 as additional revenue for the purpose of fixing the entity's
39 budget for the budget year during which the tax revenue
40 is to be distributed to the entity; and

41 (B) may be used for any lawful purpose of the fund in
42 which the tax revenue is deposited.

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(4) A distribution of tax revenue as specified by the county fiscal body may not affect the distribution of tax revenue under this section to townships, included towns (as defined in IC 36-3-1-7), excluded cities (as defined in IC 36-3-1-7), and school corporations.

~~(h)~~ **(i)** Tax revenue under this section shall be treated as a part of the receiving civil taxing unit's or school corporation's property tax levy for that year for purposes of fixing the budget of the civil taxing unit or school corporation and for determining the distribution of taxes that are distributed on the basis of property tax levies. To the extent the county auditor determines that there is income tax revenue remaining from the tax under this section after providing the property tax replacement, the excess shall be credited to a dedicated county account and may be used only for property tax replacement under this section in subsequent years.

~~(i)~~ **(j)** The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

~~(j)~~ **(k)** Notwithstanding any other provision, in Lake County the county council (and not the county income tax council) is the entity authorized to take actions concerning the tax rate under this section.

SECTION 15. 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**

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obligations set forth in the annual budget.

(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 16. IC 15-16-7-4, AS ADDED BY P.L.2-2008, 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 17. 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 18. 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 19. IC 15-16-7-6, AS ADDED BY P.L.2-2008,

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1 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JANUARY 1, 2013]: Sec. 6. (a) The county highway supervisor and
3 the soil and water conservation district supervisor or employee serving
4 ~~the~~ a county **not having a consolidated city** shall:

- 5 (1) serve as inspectors for the weed control board;
- 6 (2) make periodic inspections; and
- 7 (3) report their findings to the board and the executive director, if
- 8 any.

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

13 SECTION 20. IC 15-16-7-9, AS ADDED BY P.L.2-2008,
14 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2011]: Sec. 9. (a) The weed control board shall require
16 persons who own:

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

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

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

- 24 (1) by certified or registered mail addressed to the latest address
- 25 of the person or to the person's resident agent; or
- 26 (2) personally by the sheriff.

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

31 SECTION 21. IC 15-16-8-0.5 IS ADDED TO THE INDIANA
32 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
33 [EFFECTIVE JANUARY 1, 2013]: **Sec. 0.5. (a) The powers and**
34 **duties established by this chapter are conferred and imposed:**

- 35 (1) **in a county having a consolidated city, on the county with**
- 36 **respect to property in the county; and**
- 37 (2) **in all other counties, on the township trustee with respect**
- 38 **to property in the township.**

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

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

5 (d) Any reference to "township fund" in this chapter is
 6 considered in the case of a county having a consolidated city to be
 7 a reference to the appropriate county fund designated by
 8 ordinance of the county legislative body.

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

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

15 SECTION 22. IC 15-16-8-10, AS ADDED BY P.L.2-2008,
 16 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2011]: Sec. 10. (a) When the annual township budget is
 18 prepared, a sufficient amount shall be appropriated to enable the
 19 township officials trustees to comply with this chapter.

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

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

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

32 SECTION 24. IC 23-14-75-1, AS AMENDED BY P.L.163-2006,
 33 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2011]: Sec. 1. This chapter applies to a city, town, or
 35 township, or county having a consolidated city that:

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

38 (2) desires to own a public cemetery.

39 SECTION 25. IC 23-14-75-2, AS AMENDED BY P.L.163-2006,
 40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2011]: Sec. 2. If land has not been appropriated or set apart by
 42 the owners by platting for a public cemetery and it is necessary to

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1 purchase real estate for the cemetery:
 2 (1) the legislative body of the city, ~~or town,~~ **or county having a**
 3 **consolidated city;** or
 4 (2) the executive of the township;
 5 has the power of eminent domain to condemn and appropriate the land
 6 for cemetery purposes under proceedings provided by statute.
 7 SECTION 26. IC 32-26-4-2 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. **(a) As used in**
 9 **this section, "county official" means the official designated under**
 10 **IC 36-3-5-2 as responsible for administering this chapter. In a**
 11 **county having a consolidated city, the county official (rather than**
 12 **the township trustee) is responsible for administering this chapter**
 13 **after December 31, 2012.**
 14 ~~(a)~~ **(b)** The trustee of each township, **the county official,** the county
 15 highway superintendent, the Indiana department of transportation, or
 16 other officer in control of the maintenance of a highway shall between
 17 January 1 and April 1 of each year, examine all hedges, live fences,
 18 natural growths along highways, and other obstructions described in
 19 section 1 of this chapter in their respective jurisdictions. If there are
 20 hedges, live fences, other growths, or obstructions along the highways
 21 that have not been cut, trimmed down, and maintained in accordance
 22 with this chapter, the owner shall be given written notice to cut or trim
 23 the hedge or live fence and to burn the brush trimmed from the hedge
 24 or live fence and remove any other obstructions or growths.
 25 ~~(b)~~ **(c)** The notice required under subsection ~~(a)~~ **(b)** must be served
 26 by reading the notice to the owner or by leaving a copy of the notice at
 27 the owner's usual place of residence.
 28 ~~(c)~~ **(d)** If the owner is not a resident of the township, county, or state
 29 where the hedge, live fence, or other obstructions or growth is located,
 30 the notice shall be served upon the owner's agent or tenant residing in
 31 the township **or a county having a consolidated city.** If an agent or a
 32 tenant of the owner does not reside in the township **or a county having**
 33 **a consolidated city,** the notice shall be served by mailing a copy of the
 34 notice to the owner, directed to the owner's last known post office
 35 address.
 36 ~~(d)~~ **(e)** If the owner, agents, or tenants do not proceed to cut and trim
 37 the fences and burn the brush trimmed from the fences or remove any
 38 obstructions or growths within ten (10) days after notice is served, the
 39 township trustee, county highway superintendent, or Indiana
 40 department of transportation shall immediately:
 41 (1) cause the fences to be cut and trimmed or obstructions or
 42 growths removed in accordance with this chapter; and

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(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 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 27. 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(e)~~ **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 28. 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 29. 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**

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1 **council** following a hearing conducted under section 7 of this chapter.
 2 SECTION 30. IC 33-34-1-8 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 8. The ~~township~~
 4 **trustee clerk of the city-county council** shall give ten (10) days notice
 5 of all hearings held under section 7 of this chapter in one (1) or more
 6 newspapers of general circulation in the county.

7 SECTION 31. IC 33-34-1-9, AS AMENDED BY P.L.174-2006,
 8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JANUARY 1, 2012]: Sec. 9. Not more than ~~two (2)~~ **six (6)** weeks after
 10 a hearing is conducted under section 7 of this chapter, the ~~township~~
 11 **board city-county council** shall, after considering the evidence,
 12 opinions, advice, and suggestions presented at the hearing, enter an
 13 order concerning:

- 14 (1) whether a small claims court shall be established or abolished
- 15 in the township if the township has a population of less than
- 16 fifteen thousand (15,000) persons;
- 17 (2) whether the small claims court if any, shall function full time
- 18 or part time;
- 19 (3) the location of the small claims court courtroom and offices
- 20 under IC 33-34-6-1; and
- 21 (4) other relevant matters.

22 SECTION 32. IC 33-34-2-5 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 5. (a) The salary
 24 of a judge who serves full time must be in an amount ~~determined by the~~
 25 **township board of the township in which the small claims court is**
 26 **located established by ordinance of the city-county council.**

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

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

32 (d) At any other time, salaries of any full-time or part-time judge
 33 may be increased or decreased by ~~the township board of the township~~
 34 **in which the small claims court is located ordinance of the**
 35 **city-county council.**

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

41 (b) The judge may not receive remuneration other than a salary set
 42 under section 5 of this chapter for the performance of the judge's

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1 official duties except payments for performing marriage ceremonies.
2 SECTION 34. IC 33-34-2-14 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 14. (a) The
4 resignation of a judge shall be delivered to the clerk of the circuit court.
5 The clerk shall advise the circuit court. ~~and appropriate township~~
6 ~~board.~~

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

9 SECTION 35. IC 33-34-6-1, AS AMENDED BY P.L.174-2006,
10 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JANUARY 1, 2012]: Sec. 1. The ~~township trustee~~ **county** shall provide
12 a courtroom and an office for each judge in a convenient location
13 within the township that has:

- 14 (1) adequate access;
- 15 (2) sufficient parking facilities;
- 16 (3) a separate and appropriate courtroom;
- 17 (4) proper space and facilities for the bailiff, clerks, and other
- 18 employees; and
- 19 (5) enough room for files and supplies.

20 SECTION 36. IC 33-34-6-2, AS AMENDED BY P.L.174-2006,
21 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JANUARY 1, 2012]: Sec. 2. ~~A township~~ **The county** shall:

- 23 (1) furnish all:
 - 24 (A) supplies, including all blanks, forms, stationery, and
 - 25 papers of every kind, required for use in all cases in the
 - 26 township small claims court; and
 - 27 (B) furniture, books, and other necessary equipment and
 - 28 supplies; and
- 29 (2) provide for all necessary maintenance and upkeep of the
- 30 facilities where court is held.

31 SECTION 37. IC 33-34-6-3 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 3. ~~Each township~~
33 **The county** shall provide ~~an appropriate and competitive salary of at~~
34 ~~least five thousand six hundred dollars (\$5,600)~~ for the number of
35 clerks for the small claims court sufficient to:

- 36 (1) operate efficiently; and
- 37 (2) adequately serve the citizens doing business with the court.

38 SECTION 38. IC 33-34-6-4 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The voters of
40 each township having a small claims court shall elect a constable for
41 the small claims court at the general election every four (4) years for a
42 term of office of four (4) years, beginning January 1 after election and

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1 continuing until a successor is elected and qualified. The ballot must
2 state the:

3 (1) name of the candidate; and

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

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

6 (1) acts as the bailiff of the court;

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

8 (3) has police powers to:

9 (A) make arrests **under a court order or to maintain order**
10 **in the court;**

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

13 (C) carry out the orders of the court;

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

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

17 (6) is responsible for:

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

21 (B) all the official acts of the deputies;

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

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

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

32 **(10) must satisfy the training requirements prescribed by**
33 **section 5 of this chapter; and**

34 **(11) must be sworn in by the clerk of the circuit court.**

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

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

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

42 (3) must take the same oath required of the constable **and be**

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- 1 **sworn in by the clerk of the circuit court;**
 2 (4) are compensated solely from the service of process fees
 3 collected under IC 33-34-8-1; ~~and~~
 4 (5) serve at the pleasure of the constable and may be dismissed at
 5 any time with or without cause;
 6 **(6) if the deputy constable is a full-time deputy constable,**
 7 **must file an economic statement of interest form in the same**
 8 **manner required by the city-county council for county**
 9 **officials; and**
 10 **(7) must satisfy the training requirements prescribed by**
 11 **section 5 of this chapter.**
 12 (d) If there is an:
 13 (1) emergency; or
 14 (2) inability of a constable to carry out the constable's duties;
 15 the judge may appoint a special constable to carry out the duties of the
 16 constable during the emergency or inability.
 17 **(e) Upon taking the oath of office, a constable or deputy**
 18 **constable shall provide written notice of the following to the county**
 19 **sheriff and the law enforcement training board established by**
 20 **IC 5-2-1-3:**
 21 (1) The constable's or deputy constable's full name.
 22 (2) The constable's or deputy constable's law enforcement
 23 identification card number.
 24 (3) The date upon which the constable or deputy constable
 25 was sworn in by the clerk of the circuit court.
 26 (4) That the constable or deputy constable has been issued an
 27 official badge to perform the duties of a constable.
 28 SECTION 39. IC 33-34-6-5 IS ADDED TO THE INDIANA CODE
 29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 30 1, 2011]: **Sec. 5. (a) Except as provided in subsection (f), each**
 31 **constable must successfully complete the training course offered**
 32 **under section 6(a) of this chapter within six (6) months after taking**
 33 **office.**
 34 **(b) Each deputy constable must successfully complete the**
 35 **training course offered under section 6(a) of this chapter within six**
 36 **(6) months after becoming a deputy constable.**
 37 **(c) Each constable and each deputy constable must successfully**
 38 **complete the annual training course offered under section 6(b) of**
 39 **this chapter each year after the year in which the constable or**
 40 **deputy constable receives training under section 6(a) of this**
 41 **chapter.**
 42 **(d) The law enforcement training board established by**

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1 IC 5-2-1-3 shall keep a log of all constables and deputy constables
2 who have been trained and who have been issued badges.

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

8 (f) An individual who is serving as an elected constable on July
9 1, 2011, is not required to complete the training required by
10 subsection (a) if the law enforcement training board established by
11 IC 5-2-1-3 determines that the individual has recently received
12 training substantially similar to the training that would have been
13 provided to the individual under subsection (a).

14 SECTION 40. IC 33-34-6-6 IS ADDED TO THE INDIANA CODE
15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 2011]: Sec. 6. (a) The law enforcement training board established
17 by IC 5-2-1-3 shall create and offer a training course for constables
18 and deputy constables. The training course must include at least
19 forty (40) hours of instruction, with one (1) of those forty (40)
20 hours addressing ethics.

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

26 SECTION 41. IC 33-34-7-3 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 3. The judge of
28 the circuit court, with the assistance of the clerk of the circuit court, the
29 judges of the small claims courts, and the state board of accounts, shall,
30 at the expense of the ~~townships:~~ **county:**

- 31 (1) provide the forms, blanks, court calendar books, judgment
- 32 dockets, and fee books; and
- 33 (2) make rules and instructions to direct the judges in keeping
- 34 records and making reports.

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

38 SECTION 42. IC 33-34-8-3, AS AMENDED BY P.L.182-2009(ss),
39 SECTION 391, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JANUARY 1, 2012]: Sec. 3. (a) Payment for all costs
41 made as a result of proceedings in a small claims court shall be to the
42 _____ Township of Marion County Small Claims Court (with the

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1 name of the township inserted). The court shall issue a receipt for all
2 money received on a form numbered serially in duplicate. All township
3 docket fees and late fees received by the court shall be paid to the
4 ~~township trustee~~ **county** at the close of each month.

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

6 (1) semiannually distribute to the auditor of state:

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

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

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

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

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

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

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

33 (c) ~~The court semiannually shall pay to the township trustee of the~~
34 ~~township in which the court is located~~ The remaining forty percent
35 (40%) of the court administration fees described under subsection
36 (b)(1)(C) **shall be:**

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

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

42 SECTION 43. IC 33-34-8-5 IS ADDED TO THE INDIANA CODE

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1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
2 JANUARY 1, 2012]: **Sec. 5. Fees and costs paid and collected under
3 sections 1 and 3 of this chapter shall be deposited in the county
4 general fund and credited to separate accounts established for each
5 township small claims court.**

6 SECTION 44. IC 34-30-2-58, AS AMENDED BY P.L.2-2008,
7 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JANUARY 1, 2013]: **Sec. 58. IC 15-16-8-4 (Concerning township
9 trustees, county officials in a county having a consolidated city, or
10 persons hired by them for the removal of detrimental plants upon
11 another person's real property).**

12 SECTION 45. IC 36-1-8-17 IS ADDED TO THE INDIANA CODE
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
14 UPON PASSAGE]: **Sec. 17. (a) This section applies only to
15 townships in a county having a consolidated city.**

16 **(b) Not later than thirty (30) days after this section is enacted
17 into law, the department of local government finance shall
18 determine whether the balance in each fund (other than a debt
19 service fund) of a township described in subsection (a) exceeds the
20 amount needed by the township to carry out the purposes of the
21 fund. In making the determination of whether there is an excess
22 balance in a fund, the department of local government finance shall
23 consider the balance in the fund relative to:**

- 24 **(1) the current and past budgeted expenditures from the fund;**
- 25 **(2) the fund balance that must be maintained by the township
26 on account of actual or anticipated delayed property tax
27 billing, collection, or distribution;**
- 28 **(3) the amount of tax anticipation notes or warrants or other
29 obligations incurred by the township on account of delayed
30 property tax billing, collection, or distribution; and**
- 31 **(4) the anticipated effects on the township from the
32 application of the circuit breaker credits under IC 6-1.1-20.6.**

33 **(c) Not later than fourteen (14) days after the department of
34 local government finance makes a determination under subsection
35 (b) concerning a particular township fund, the township executive
36 shall transfer ninety percent (90%) of the excess amounts (as
37 determined by the department of local government finance) to the
38 controller of the consolidated city.**

39 **(d) Not later than fourteen (14) days after funds are transferred
40 by the township executive to the controller, and before any of the
41 funds are expended by the consolidated city, the controller shall
42 transfer to each excluded city an amount equal to:**

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- 1 **(1) the total amount transferred by the township in which the**
- 2 **excluded city is located; multiplied by**
- 3 **(2) a fraction equal to:**
- 4 **(A) the amount of the excluded city's assessed valuation**
- 5 **that is within the township; divided by**
- 6 **(B) the total amount of the township's assessed valuation.**

7 **The balance of all funds not transferred to the excluded cities shall**
 8 **be used by the consolidated city.**

9 **(e) Money transferred under this section to the consolidated city**
 10 **or an excluded city may be used by the consolidated city or**
 11 **excluded city, upon appropriation by that city's fiscal body, for one**
 12 **(1) time expenditures, including capital investments or debt**
 13 **payments, but not for ongoing operational expenses. In the**
 14 **consolidated city, the fiscal body shall appropriate the funds in a**
 15 **manner that, in its determination, benefits all taxpayers from every**
 16 **township.**

17 **(f) Money transferred to the consolidated city or excluded city**
 18 **under this section shall be deposited in a fund established by the**
 19 **consolidated city or excluded city, as applicable. Money that is not**
 20 **currently needed to meet the obligations of the fund may be**
 21 **invested in the same manner as other public funds may be invested.**
 22 **Interest that accrues from these investments shall be deposited in**
 23 **the fund established by the consolidated city or excluded city, as**
 24 **applicable. Money in a fund established under this section at the**
 25 **end of a particular fiscal year does not revert to the general fund**
 26 **of the consolidated city or excluded city.**

27 **(g) The determinations by the department of local government**
 28 **finance and controller under this section are final and are not**
 29 **subject to judicial review. However, the consolidated city may file**
 30 **an action seeking a court order to direct a township to transfer**
 31 **funds as determined by the department of local government**
 32 **finance.**

33 **SECTION 46. IC 36-3-1-5 IS AMENDED TO READ AS**
 34 **FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) When a first class**
 35 **city becomes a consolidated city, the officers who become the**
 36 **executive and legislative body of the consolidated city under section**
 37 **4(c) of this chapter also become the executive and legislative body of**
 38 **the county.**

39 **(b) The members of the board of commissioners of the county are**
 40 **entitled to remain in office until their terms expire, although the board**
 41 **is no longer the executive of the county. As their terms expire or their**
 42 **positions become vacant, they shall be replaced by the following**

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1 officers in the following order:

2 (1) The county treasurer.

3 (2) The county auditor.

4 (3) The county assessor.

5 These three (3) officers then serve *ex officio* as commissioners under
6 IC 36-3-3-10.

7 SECTION 47. IC 36-3-1-5.1, AS AMENDED BY P.L.182-2009(ss),
8 SECTION 400, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2011]: Sec. 5.1. (a) Except for those duties that
10 are reserved by law to the county sheriff in this section, the city-county
11 legislative body may by majority vote adopt an ordinance, approved by
12 the mayor, to consolidate the police department of the consolidated city
13 and the county sheriff's department **into the consolidated law**
14 **enforcement department, which must be a division of the**
15 **department of public safety.**

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

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

19 (2) determines that:

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

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

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

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

29 (1) County jail operations and facilities.

30 ~~(2) Emergency communications.~~

31 ~~(3)~~ (2) Security for buildings and property owned by:

32 (A) the consolidated city;

33 (B) the county; or

34 (C) both the consolidated city and county.

35 ~~(4)~~ (3) Service of civil process and collection of taxes under tax
36 warrants.

37 ~~(5)~~ (4) Sex and violent offender registration.

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

40 (1) The department of local government finance shall adjust the
41 maximum permissible ad valorem property tax levy of the
42 consolidated city and the county for property taxes first due and

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- 1 payable in the year a consolidation takes effect under this section.
 2 When added together, the adjustments under this subdivision
 3 must total zero (0).
 4 (2) The ordinance must specify which law enforcement officers
 5 of the police department and which law enforcement officers of
 6 the county sheriff's department shall be law enforcement officers
 7 of the consolidated law enforcement department.
 8 (3) The ordinance may not prohibit the providing of law
 9 enforcement services for an excluded city under an interlocal
 10 agreement under IC 36-1-7.
 11 (4) A member of the county police force who:
 12 (A) was an employee beneficiary of the sheriff's pension trust
 13 before the consolidation of the law enforcement departments;
 14 and
 15 (B) after the consolidation becomes a law enforcement officer
 16 of the consolidated law enforcement department;
 17 remains an employee beneficiary of the sheriff's pension trust.
 18 The member retains, after the consolidation, credit in the sheriff's
 19 pension trust for service earned while a member of the county
 20 police force and continues to earn service credit in the sheriff's
 21 pension trust as a member of the consolidated law enforcement
 22 department for purposes of determining the member's benefits
 23 from the sheriff's pension trust.
 24 (5) A member of the police department of the consolidated city
 25 who:
 26 (A) was a member of the 1953 fund or the 1977 fund before
 27 the consolidation of the law enforcement departments; and
 28 (B) after the consolidation becomes a law enforcement officer
 29 of the consolidated law enforcement department;
 30 remains a member of the 1953 fund or the 1977 fund. The
 31 member retains, after the consolidation, credit in the 1953 fund or
 32 the 1977 fund for service earned while a member of the police
 33 department of the consolidated city and continues to earn service
 34 credit in the 1953 fund or the 1977 fund as a member of the
 35 consolidated law enforcement department for purposes of
 36 determining the member's benefits from the 1953 fund or the
 37 1977 fund.
 38 (6) The ordinance must designate the merit system that shall
 39 apply to the law enforcement officers of the consolidated law
 40 enforcement department.
 41 (7) The ordinance must designate who shall serve as a coapplicant
 42 for a warrant or an extension of a warrant under IC 35-33.5-2.

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1 (8) The consolidated city may levy property taxes within the
 2 consolidated city's maximum permissible ad valorem property tax
 3 levy limit to provide for the payment of the expenses for the
 4 operation of the consolidated law enforcement department. The
 5 police special service district established under section 6 of this
 6 chapter may levy property taxes to provide for the payment of
 7 expenses for the operation of the consolidated law enforcement
 8 department within the territory of the police special service
 9 district. Property taxes to fund the pension obligation under
 10 IC 36-8-7.5 may be levied only by the police special service
 11 district within the police special service district. The consolidated
 12 city may not levy property taxes to fund the pension obligation
 13 under IC 36-8-7.5. Property taxes to fund the pension obligation
 14 under IC 36-8-8 for members of the 1977 police officers' and
 15 firefighters' pension and disability fund who were members of the
 16 police department of the consolidated city on the effective date of
 17 the consolidation may be levied only by the police special service
 18 district within the police special service district. Property taxes to
 19 fund the pension obligation under IC 36-8-10 for members of the
 20 sheriff's pension trust and under IC 36-8-8 for members of the
 21 1977 police officers' and firefighters' pension and disability fund
 22 who were not members of the police department of the
 23 consolidated city on the effective date of the consolidation may be
 24 levied by the consolidated city within the consolidated city's
 25 maximum permissible ad valorem property tax levy. The assets of
 26 the consolidated city's 1953 fund and the assets of the sheriff's
 27 pension trust may not be pledged after the effective date of the
 28 consolidation as collateral for any loan.

29 (9) The executive of the consolidated city shall provide for an
 30 independent evaluation and performance audit, due before March
 31 1 of the year following the adoption of the consolidation
 32 ordinance and for the following two (2) years, to determine:

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

35 (B) any tax shifts among taxpayers;

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

40 **(9) Notwithstanding any other requirements of this section,**
 41 **the city-county legislative body may also adopt an ordinance**
 42 **to transfer the sheriff's responsibilities for emergency**

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1 **communications to a division of the department of public**
2 **safety, with the transfer taking effect on the date specified in**
3 **the ordinance.**

4 SECTION 48. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006,
5 SECTION 560, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE UPON PASSAGE]: Sec. 6.1. (a) This section applies
7 only in a county containing a consolidated city. ~~If the requirements of~~
8 ~~subsection (g) are satisfied;~~

9 **(b) Each of the following fire departments of the following are is**
10 **consolidated into the fire department of a the consolidated city**
11 **(referred to as "the consolidated fire department"), which is a division**
12 **of the department of public safety, on the date the mayor of the**
13 **consolidated city establishes by executive order (referred to as "the**
14 **effective date of the consolidation"), which must not be later than**
15 **January 1, 2013:**

16 (1) **The fire department of a township for which the**
17 **consolidation is approved by the township legislative body and**
18 **trustee and the legislative body and mayor of the located in the**
19 **county containing the consolidated city, regardless of whether**
20 **the fire department is operated by the township or by another**
21 **political subdivision.**

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

25 **To ensure an orderly transition, the mayor may order the**
26 **consolidation of one or more such fire departments into the**
27 **consolidated fire department with each executive order. The mayor**
28 **shall, by certified mail, provide at least sixty (60) days notice of the**
29 **effective date of the consolidation to the trustee of the township**
30 **affected.**

31 (b) ~~If the requirements of subsection (g) are satisfied;~~ (c) **After**
32 **December 31, 2012, the consolidated fire department shall provide fire**
33 **protection services within an entity described in subsection (a)(1) or**
34 **(a)(2) in which the requirements of subsection (g) are satisfied on the**
35 **date agreed to in the resolution of the township legislative body and the**
36 **ordinance of the legislative body of the consolidated city: the county**
37 **(excluding any excluded city not consolidated under section 6.4 of**
38 **this chapter and any airport authority not consolidated under**
39 **IC 8-22-3-11.6).**

40 (c) ~~If the requirements of subsection (g) are satisfied and the fire~~
41 **department of an entity listed in subsection (a) is consolidated into the**
42 **fire department of the consolidated city;** (d) **All of the property,**

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1 equipment, records, **and rights and contracts of the each** department
 2 consolidated into the **consolidated** fire department ~~of the consolidated~~
 3 ~~city are: is:~~

4 (1) transferred to; or

5 (2) assumed by;

6 the consolidated city on the effective date of the consolidation.
 7 However, real property other than real property used as a fire station
 8 may be transferred only on terms mutually agreed to by the legislative
 9 body and mayor of the consolidated city and the trustee and legislative
 10 body of the township in which that real property is located. **Any funds**
 11 **that are transferred under this subsection to the consolidated city**
 12 **and that represent balances in a cumulative building and**
 13 **equipment fund for fire protection and related services established**
 14 **under IC 36-8-14 shall be deposited in the consolidated city's**
 15 **cumulative building and equipment fund for fire protection and**
 16 **related services and shall be used by the consolidated city for**
 17 **funding land, buildings, and equipment for fire protection and**
 18 **emergency medical services as provided under IC 36-8-14.**

19 (d) If the requirements of subsection (g) are satisfied and the fire
 20 department of an entity listed in subsection (a) is consolidated into the
 21 fire department of the consolidated city; (e) ~~The employees~~ **Each**
 22 **firefighter of the a fire department listed in subsection (b) that is**
 23 **consolidated into the consolidated fire department of the consolidated**
 24 **city ceases employment with the department of the entity listed**
 25 **in subsection (a) (b) and, become employees if the firefighter meets**
 26 **the minimum standards of the consolidated fire department,**
 27 **becomes an employee** of the consolidated fire department on the
 28 effective date of the consolidation. ~~The consolidated city shall assume~~
 29 ~~all agreements with labor organizations that:~~

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

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

34 (e) If the requirements of subsection (g) are satisfied and the fire
 35 department of an entity listed in subsection (a) is consolidated into the
 36 fire department of a consolidated city, the (f) ~~Indebtedness related to~~
 37 ~~fire protection services incurred before the effective date of the~~
 38 ~~consolidation by the an entity whose fire department is consolidated~~
 39 **into the consolidated fire department under subsection (b), or a**
 40 **building, holding, or leasing corporation on behalf of the entity, whose**
 41 **fire department is consolidated into the consolidated fire department**
 42 **under subsection (a) shall remain the debt of the entity and does not**

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1 become and may not be assumed by the consolidated city. Indebtedness
2 related to fire protection services that is incurred by the consolidated
3 city before the effective date of the consolidation shall remain the debt
4 of the consolidated city and property taxes levied to pay the debt may
5 only be levied by the fire special service district.

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

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

36 (h) The following apply if the requirements of subsection (g) are
37 satisfied: **after a fire department listed in subsection (b) is**
38 **consolidated into the consolidated fire department:**

39 (1) The consolidation of the fire department of that township is
40 effective on the date agreed to by the township legislative body in
41 the resolution and by the legislative body of the consolidated city
42 in its ordinance approving the consolidation.

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(2) (1) 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) (2) 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 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) (3) For property taxes first due and payable in the **first calendar** year in which **property taxes are first due and payable based on** the consolidation, is ~~effective~~; the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for:

- (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 entity** 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.

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

(5) (4) 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 **balance** in the township's cumulative

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building and equipment fund for fire protection and related services of a township whose fire department is consolidated into the consolidated fire department 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. as provided in subsection (d).

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

~~(7)~~ (6) The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit area served by the consolidated fire department to provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within 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.

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

12 (8) The executive of the consolidated city shall provide for an
 13 independent evaluation and performance audit, due before March
 14 1 of the year in which the consolidation is effective and before
 15 March 1 in each of the following two (2) years, to determine:

16 (A) the amount of any cost savings, operational efficiencies, or
 17 improved service levels; and
 18 (B) any tax shifts among taxpayers;

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

23 (7) The balance on the effective date of the consolidation in a
 24 debt service fund of a township that relates to debt incurred
 25 for firefighting purposes:

26 (A) is transferred to the consolidated city; and
 27 (B) shall be used by the consolidated city to pay
 28 indebtedness or other needs for which the fund was
 29 established.

30 Any balance remaining in the fund after all payments
 31 required under this section have been made is transferred to
 32 the county general fund. The department of local government
 33 finance shall determine the amounts to be transferred under
 34 this subsection. IC 36-1-8-5 does not apply to a balance
 35 referred to in this subsection.

36 (8) The balance on the effective date of the consolidation in a
 37 township's firefighting fund:

38 (A) is transferred to the consolidated city; and
 39 (B) shall be deposited in the fire general fund of the
 40 consolidated city.

41 The department of local government finance shall determine
 42 the amounts to be transferred under this subsection.

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1 **IC 36-1-8-5 does not apply to a balance referred to in this**
2 **subsection.**

3 **(9) The maximum permissible ad valorem property tax levy**
4 **of the township, the consolidated city, and the county shall be**
5 **adjusted under IC 6-1.1-18.5-22 to reflect the transfers under**
6 **this section.**

7 **(i) An entity listed in subsection (b)(1) or (b)(2) may not:**

- 8 **(1) hire a firefighter;**
- 9 **(2) promote a firefighter to a merit rank;**
- 10 **(3) increase the salary, benefits, or any other compensation**
11 **provided to a firefighter;**
- 12 **(4) convey, lease, sell, transfer, or otherwise impair the use**
13 **of real property that is subject to transfer to the**
14 **consolidated city under this section; or**
- 15 **(5) enter into a new lease or contract that would obligate**
16 **funds necessary for firefighting purposes;**
17 **without the approval, by ordinance, of the legislative body of**
18 **the consolidated city. Any such action taken by a trustee,**
19 **township board, or township employee is voidable by**
20 **executive order of the mayor.**

21 SECTION 49. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005,
22 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 UPON PASSAGE]: Sec. 6.2. (a) ~~If a consolidated fire department is~~
24 ~~established under section 6.1 of this chapter, The consolidated city~~
25 ~~through the consolidated fire department, shall after the consolidation~~
26 ~~establish, operate, and maintain emergency ambulance services (as~~
27 ~~defined in IC 16-18-2-107) in the fire special service district. and in~~
28 ~~those townships in the county that are consolidated under section 6.1~~
29 ~~of this chapter.~~

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

33 SECTION 50. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE
34 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: **Sec. 6.4. (a) This section applies only in a county**
36 **having a consolidated city.**

37 **(b) The legislative body of an excluded city, after approval by**
38 **the executive (as defined in IC 36-1-2-5) of the excluded city, may**
39 **adopt an ordinance approving the consolidation of the excluded**
40 **city's fire department with the fire department of the consolidated**
41 **city (referred to in this section as "the consolidated fire**
42 **department"). If the legislative body of the excluded city adopts an**

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1 ordinance under this subsection, the legislative body shall forward
2 the ordinance to the clerk of the legislative body of the consolidated
3 city. If the legislative body of the consolidated city adopts the
4 ordinance approving the consolidation of the fire department of the
5 excluded city into the consolidated fire department and the
6 ordinance is approved by the mayor of the consolidated city, the
7 requirements of this subsection are satisfied.

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

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

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

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

- 23 (A) transferred to; or
- 24 (B) assumed by;

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

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

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

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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 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

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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 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.

(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 51. IC 36-3-1-13 IS ADDED TO THE INDIANA CODE 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

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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 52. IC 36-3-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: 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 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.

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- 1 (b) All ordinances and resolutions of a legislative body are subject
- 2 to veto, except the following:
- 3 ~~(1) An ordinance or resolution, or part of either, providing for the~~
- 4 ~~budget or appropriating money for an office or officer of the~~
- 5 ~~county provided for by the Constitution of Indiana or for a judicial~~
- 6 ~~office or officer.~~
- 7 ~~(2) An ordinance or resolution approving or modifying the budget~~
- 8 ~~of a political subdivision that the legislative body is permitted by~~
- 9 ~~statute to review.~~
- 10 ~~(3) (1) A resolution making an appointment that the legislative~~
- 11 ~~body is authorized to make.~~
- 12 ~~(4) (2) A resolution selecting officers or employees of the~~
- 13 ~~legislative body.~~
- 14 ~~(5) (3) A resolution prescribing rules for the internal management~~
- 15 ~~of the legislative body.~~
- 16 ~~(6) (4) A zoning ordinance or amendment to a zoning ordinance,~~
- 17 ~~or a resolution approving a comprehensive plan, that is adopted~~
- 18 ~~under IC 36-7.~~
- 19 (c) An ordinance prescribing a penalty or forfeiture for a violation
- 20 must, before it takes effect, be published in the manner prescribed by
- 21 IC 5-3-1, unless:
- 22 (1) it is published under subsection (d); or
- 23 (2) there is an urgent necessity requiring its immediate
- 24 effectiveness, the executive proclaims the urgent necessity, and
- 25 copies of the ordinance are posted in three (3) public places in the
- 26 county.
- 27 (d) If a legislative body publishes any of its ordinances in book or
- 28 pamphlet form, no other publication is required. If an ordinance
- 29 prescribing a penalty or forfeiture for a violation is published under this
- 30 subsection, it takes effect two (2) weeks after the publication of the
- 31 book or pamphlet. Publication under this subsection, if authorized by
- 32 the legislative body, constitutes presumptive evidence:
- 33 (1) of the ordinances in the book or pamphlet;
- 34 (2) of the date of adoption of the ordinances; and
- 35 (3) that the ordinances have been properly signed, attested,
- 36 recorded, and approved.
- 37 (e) Unless a legislative body provides in an ordinance or resolution
- 38 for a later effective date, the ordinance or resolution takes effect when
- 39 it is adopted, subject to subsections (c) and (d).
- 40 (f) Subsections (a), (c), (d), and (e) do not apply to zoning
- 41 ordinances or amendments to zoning ordinances, or resolutions
- 42 approving comprehensive plans, that are adopted under IC 36-7.

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1 (g) The legislative body shall:
 2 (1) subject to subsection (h), give written notice to the department
 3 of environmental management not later than sixty (60) days
 4 before amendment or repeal of an environmental restrictive
 5 ordinance; and
 6 (2) give written notice to the department of environmental
 7 management not later than thirty (30) days after passage,
 8 amendment, or repeal of an environmental restrictive ordinance.
 9 (h) Upon written request by the legislative body, the department of
 10 environmental management may waive the notice requirement of
 11 subsection (g)(1).
 12 (i) An environmental restrictive ordinance passed or amended after
 13 2009 by the legislative body must state the notice requirements of
 14 subsection (g).
 15 (j) The failure of an environmental restrictive ordinance to comply
 16 with subsection (i) does not void the ordinance.
 17 SECTION 54. IC 36-3-5-2.8, AS ADDED BY P.L.227-2005,
 18 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2011]: Sec. 2.8. (a) Except as provided in subsections (b) and
 20 (c), the controller:
 21 (1) has all the powers; and
 22 (2) performs all the duties;
 23 of the county auditor under law.
 24 (b) The controller:
 25 (1) does not have the powers; and
 26 (2) may not perform the duties;
 27 of the county auditor under IC 36-2-9.5 and IC 36-3-6. ~~or as a member~~
 28 ~~of the board of commissioners of the county under IC 36-3-3-10.~~
 29 (c) Notwithstanding subsection (a) or any other law, the executive,
 30 with the approval of the legislative body, may allocate the duties of the
 31 county auditor, except the duties referred to in subsection (b), among:
 32 (1) the controller;
 33 (2) the county assessor;
 34 (3) the county auditor; or
 35 (4) other appropriate city or county officials.
 36 SECTION 55. IC 36-3-5-4, AS AMENDED BY P.L.227-2005,
 37 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2011]: Sec. 4. (a) The following executive departments of the
 39 consolidated city are established, subject to IC 36-3-4-23:
 40 (1) Department of ~~administration and equal opportunity~~. **code**
 41 **enforcement.**
 42 (2) Department of metropolitan development.

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- 1 (3) Department of public safety.
- 2 (4) Department of public works.
- 3 ~~(5) Department of transportation.~~
- 4 ~~(6)~~ (5) Department of parks and recreation.

5 These departments and their divisions have all the powers, duties,
 6 functions, and obligations prescribed by law for them as of August 31,
 7 1981, subject to IC 36-3-4-23.

8 (b) The department of public utilities established under IC 8-1-11.1
 9 continues as an agency of the consolidated city, which is the successor
 10 trustee of a public charitable trust created under Acts 1929, c. 78. The
 11 department of public utilities is governed under IC 8-1-11.1 and is not
 12 subject to this article.

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

16 SECTION 56. IC 36-3-5-6 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) Administrative
 18 boards are established in the departments listed in ~~sections~~ **section**
 19 **4(a)(1), 4(a)(3), 4(a)(4), and 4(a)(5) and ~~4(a)(6)~~** of this chapter, to be
 20 known respectively as **the board of code enforcement**, the board of
 21 public safety, the board of public works, ~~the board of transportation~~,
 22 and the board of parks and recreation. These boards have all the
 23 powers, duties, functions, and obligations prescribed by law for them
 24 as of August 31, 1981, subject to IC 36-3-4-23. In addition, the
 25 metropolitan development commission, which is established in the
 26 department of metropolitan development by IC 36-7-4-202, has all the
 27 powers, duties, functions, and obligations prescribed by law for it as of
 28 August 31, 1981, subject to IC 36-3-4-23.

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

- 31 (1) The director of its department, who serves as presiding officer
- 32 of the board.
- 33 (2) Two (2) members appointed by the executive.
- 34 (3) Two (2) members appointed by the city-county legislative
- 35 body.

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

39 SECTION 57. IC 36-3-6-4, AS AMENDED BY P.L.146-2008,
 40 SECTION 704, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) Before the Wednesday after
 42 the first Monday in July each year, the consolidated city and county

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1 shall prepare budget estimates for the ensuing budget year under this
2 section.

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

- 7 (1) The director of each department of the consolidated city.
- 8 (2) Each township ~~assessor (if any)~~, **trustee (after June 30,**
9 **2012), township constable,** elected county officer, ~~or and~~ head
10 of a county agency.
- 11 (3) The county clerk, for each court the clerk serves.
- 12 **(4) The controller, for each small claims court.**

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

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

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

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

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

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

- 36 (1) An airport authority operating under IC 8-22-3.
- 37 (2) A public library operating under IC 36-12.
- 38 (3) A capital improvement board of managers operating under
39 IC 36-10.
- 40 (4) A public transportation corporation operating under IC 36-9-4.
- 41 (5) A health and hospital corporation established under
42 IC 16-22-8.

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

2 ~~(6)~~ (7) Any other taxing unit (as defined in IC 6-1.1-1-21) that is
3 located in the county and has a governing body that is not
4 comprised of a majority of officials who are elected to serve on
5 the governing body.

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

9 (b) The board of each entity listed in subsection (a) shall, after
10 adoption of its proposed budget and tax levies, submit them, along with
11 detailed accounts, to the city clerk before the first day of September of
12 each year.

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

- 21 (1) limit or restrict the rights vested in the entity to fulfill the
22 terms of any agreement made with the holders of the entity's
23 bonds; or
24 (2) in any way impair the rights or remedies of the holders of the
25 entity's bonds.

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

35 SECTION 59. IC 36-3-8 IS ADDED TO THE INDIANA CODE AS
36 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
37 JANUARY 1, 2013]:

38 **Chapter 8. Township Trustees in Marion County**

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

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

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1 **Sec. 2. (a)** Each township is known as _____ Township of
2 _____ County, according to the name of the township and
3 the county in which it is located.
4 **(b)** Within the geographic area of each township in the county,
5 the trustee shall:
6 **(1)** administer township assistance under IC 12-20 and
7 IC 12-30-4; and
8 **(2)** provide and maintain cemeteries under IC 23-14.
9 **Sec. 3. (a)** A trustee shall be elected under IC 3-10-2-13 by the
10 voters of each township.
11 **(b)** The trustee must reside within the township as provided in
12 Article 6, Section 6 of the Constitution of the State of Indiana. The
13 trustee forfeits office if the trustee ceases to be a resident of the
14 township.
15 **(c)** The term of office of a trustee is four (4) years, beginning
16 January 1 after election and continuing until a successor is elected
17 and qualified.
18 **Sec. 4. (a)** For purposes of IC 12-20, IC 12-30-4, and IC 23-14,
19 the county legislative body has the powers and performs the duties
20 of the township board.
21 **(b)** The county legislative body shall include, as part of its
22 annual county budget, a budget for each trustee to administer
23 township assistance and provide and maintain cemeteries in
24 accordance with this chapter.
25 **Sec. 5. (a)** The county legislative body may, by ordinance,
26 establish uniform standards for the provision of township
27 assistance by each trustee throughout the county consistent with
28 the requirements of IC 12-20-5.5.
29 **(b)** Until the county legislative body has adopted an ordinance
30 under subsection (a), each trustee shall establish standards for the
31 provision of township assistance under IC 12-20-5.5.
32 **Sec. 6. (a)** The county executive shall appoint, subject to the
33 approval of the county legislative body, a resident of the county to
34 administer appeals under IC 12-20-15.
35 **(b)** The appointee serves at the pleasure of the county executive
36 and shall serve until a successor is appointed and qualified.
37 **(c)** The county legislative body may, by ordinance, provide for
38 the compensation of the appointee, and such compensation shall be
39 payable from the county township assistance fund.
40 **(d)** Appeals administered under this section must be
41 administered at the office of the trustee in the township from which
42 the appeal arises.

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Sec. 7. (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 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) 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. 8. (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. 9. (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:

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1 (1) is absent from the township; or
 2 (2) becomes incapacitated.
 3 (b) The trustee shall give notice of the designation to the clerk
 4 of the county legislative body.
 5 (c) The designee has all the powers of the trustee.
 6 (d) The designee shall perform the trustee's duties until:
 7 (1) the trustee is no longer absent from the township; or
 8 (2) an acting trustee is appointed by the county executive
 9 under section 7 of this chapter.
 10 (e) The trustee is responsible for all acts of the designee.
 11 (f) The trustee may change the designee under this section at
 12 any time.
 13 **Sec. 10. (a) The trustee must file an economic statement of**
 14 **interest form in the same manner required by the county legislative**
 15 **body for county officials.**
 16 **(b) The county legislative body may, by ordinance, establish**
 17 **other requirements for the trustee in the same manner as**
 18 **requirements for other elected county officials are established.**
 19 SECTION 60. IC 36-6-1-1.5 IS ADDED TO THE INDIANA CODE
 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 21 JANUARY 1, 2013]: **Sec. 1.5. This article, except for IC 36-6-1.1,**
 22 **does not apply to townships in a county having a consolidated city.**
 23 SECTION 61. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE
 24 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2011]:
 26 **Chapter 1.1. Dissolution of Township Governments in Marion**
 27 **County**
 28 **Sec. 1. This chapter applies only to a county having a**
 29 **consolidated city.**
 30 **Sec. 2. (a) Beginning July 1, 2011, a designee of the county**
 31 **executive shall meet monthly with a designee of each township**
 32 **trustee, constable, and small claims court judge to effectuate the**
 33 **proper transition of the duties, obligations, and responsibilities of**
 34 **the township to the county and consolidated city, as provided in**
 35 **this chapter.**
 36 **(b) The county executive's designee shall, for each township,**
 37 **prepare and maintain a report regarding the transition. The report**
 38 **must be made available to the public upon request and must be**
 39 **posted on the Internet web site maintained by the county executive.**
 40 **Sec. 3. (a) Effective January 1, 2012, the operations of the**
 41 **township constables and small claims courts are operations of**
 42 **county government and must be accounted for in the county**

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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) 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) 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.

(d) 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.**

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

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

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

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

15 **(1) is transferred to the county in which the township is**
16 **located; and**

17 **(2) shall be used by the county to pay indebtedness or lease**
18 **rentals for which the fund was established.**

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

22 **Sec. 8. (a) On January 1, 2013, the balance in a township's**
23 **general fund attributable to the duties of the township trustee**
24 **under IC 36-6-4-3, other than the duties concerning fire protection**
25 **transferred under IC 36-3-1-6.1, is transferred to the county.**

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

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

30 **Sec. 9. (a) The balance in a township's township assistance fund**
31 **attributable to the duties of the township trustee on January 1,**
32 **2013:**

33 **(1) is transferred to the county; and**

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

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

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

40 **Sec. 10. (a) The department of local government finance shall**
41 **increase the county's maximum permissible property tax levy for**
42 **taxes first due and payable in 2012 by an amount equal to the total**

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1 combined maximum permissible property tax levies for all
2 townships in the county for property taxes first due and payable in
3 2011 (excluding any township property taxes considered in making
4 an adjustment to the maximum permissible property tax levy of the
5 consolidated city under IC 6-1.1-18.5-22 and any property taxes
6 described in subsection (b)).

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

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

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

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

29 SECTION 62. IC 36-6-4-3, AS AMENDED BY P.L.1-2009,
30 SECTION 163, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JANUARY 1, 2013]: Sec. 3. The executive shall do the
32 following:

- 33 (1) Keep a written record of official proceedings.
- 34 (2) Manage all township property interests.
- 35 (3) Keep township records open for public inspection.
- 36 (4) Attend all meetings of the township legislative body.
- 37 (5) Receive and pay out township funds.
- 38 (6) Examine and settle all accounts and demands chargeable
39 against the township.
- 40 (7) Administer township assistance under IC 12-20 and
41 IC 12-30-4.
- 42 (8) Perform the duties of fence viewer under IC 32-26.

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- 1 (9) Provide and maintain cemeteries under IC 23-14.
- 2 (10) Provide fire protection under IC 36-8. ~~except in a township~~
- 3 ~~that:~~
- 4 (A) ~~is located in a county having a consolidated city; and~~
- 5 (B) ~~consolidated the township's fire department under~~
- 6 ~~IC 36-3-1-6.1.~~
- 7 (11) File an annual personnel report under IC 5-11-13.
- 8 (12) Provide and maintain township parks and community centers
- 9 under IC 36-10.
- 10 (13) Destroy detrimental plants, noxious weeds, and rank
- 11 vegetation under IC 15-16-8.
- 12 (14) Provide insulin to the poor under IC 12-20-16.
- 13 (15) Perform other duties prescribed by statute.

14 SECTION 63. IC 36-6-4-16, AS AMENDED BY P.L.1-2010,
 15 SECTION 148, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JANUARY 1, 2013]: Sec. 16. (a) When twenty-five (25)
 17 or more resident freeholders of a township file a petition with the
 18 circuit court of the county, alleging that the township executive is
 19 incapable of performing ~~his~~ **the executive's** duties due to mental or
 20 physical incapacity, the clerk of the court shall issue a summons to be
 21 served on the executive. The summons is returnable not less than ten
 22 (10) days from its date of issue.

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

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

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

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

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

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

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

7 SECTION 64. IC 36-6-6-2, AS AMENDED BY P.L.240-2005,
 8 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JANUARY 1, 2013]: Sec. 2. (a) Except as provided in subsection ~~(b)~~
 10 ~~and~~ section 2.1 of this chapter, a three (3) member township board
 11 shall be elected under IC 3-10-2-13 by the voters of each township.

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

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

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

19 SECTION 65. IC 36-6-6-2.2 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2.2. ~~(a) This~~
 21 ~~subsection applies to townships in a county containing a consolidated~~
 22 ~~city. The voters of each legislative body district established under~~
 23 ~~section 2.5 of this chapter shall elect one (1) member of the township~~
 24 ~~board.~~

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

28 SECTION 66. IC 36-6-6-3, AS AMENDED BY P.L.240-2005,
 29 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JANUARY 1, 2013]: Sec. 3. ~~(a) This subsection applies to townships~~
 31 ~~in a county containing a consolidated city. One (1) member of the~~
 32 ~~legislative body must reside within each legislative body district. If a~~
 33 ~~member of the legislative body ceases to be a resident of the district~~
 34 ~~from which the member was elected, the office becomes vacant.~~

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

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

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

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1 (2) elects a township board under section 2.1 of this chapter.
 2 One (1) member of the legislative body must reside within the
 3 boundaries of each of the former townships that merged. If a member
 4 of the legislative body ceases to be a resident of that former township,
 5 the office becomes vacant.

6 SECTION 67. IC 36-6-6-4, AS AMENDED BY P.L.240-2005,
 7 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JANUARY 1, 2013]: Sec. 4. (a) Except as provided in ~~subsections~~
 9 **subsection (b), and (c)**; two (2) members of the legislative body
 10 constitute a quorum.

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

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

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

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

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

21 SECTION 68. IC 36-7-15.1-16, AS AMENDED BY P.L.146-2008,
 22 SECTION 750, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) For the purpose of raising
 24 money to carry out this chapter or IC 36-7-15.3, the city-county
 25 legislative body may levy each year a special tax upon all property in
 26 the redevelopment district. The tax so levied each year shall be
 27 certified to the fiscal officers of the city and the county before
 28 ~~September 2~~ **November 1** of each year. The tax shall be estimated and
 29 entered upon the tax duplicates by the county auditor, and shall be
 30 collected and enforced by the county treasurer in the same manner as
 31 state and county taxes are estimated, entered, collected, and enforced.

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

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

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

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1 SECTION 69. IC 36-8-8-2.1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.1. (a) As used in this
 3 chapter, "local board" means the following:

4 (1) For a unit that established a 1925 fund for its police officers,
 5 the local board described in IC 36-8-6-2.

6 (2) **Except as provided in subdivision (3)**, for a unit that
 7 established a 1937 fund for its firefighters, the local board
 8 described in IC 36-8-7-3.

9 (3) **For a unit that established a 1937 fund for its firefighters**
 10 **and consolidates its fire department into the consolidated fire**
 11 **department under IC 36-3-1-6.1 or IC 36-3-1-6.4:**

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

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

17 ~~(4)~~ (4) For a consolidated city that established a 1953 fund for its
 18 police officers, the local board described in IC 36-8-7.5-2.

19 ~~(5)~~ (5) For a unit, other than a consolidated city, that did not
 20 establish a 1925 fund for its police officers or a 1937 fund for its
 21 firefighters, the local board described in subsection (b) or (c).

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

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

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

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

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

40 SECTION 70. IC 36-8-8-7, AS AMENDED BY P.L.1-2006,
 41 SECTION 575, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) Except as provided in

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1 subsections (d), (e), (f), (g), (h), (k), (l), and (m):

2 (1) a police officer; or

3 (2) a firefighter;

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

8 (b) A police officer or firefighter with service before May 1, 1977,
9 who is hired or rehired after April 30, 1977, may receive credit under
10 this chapter for service as a police officer or firefighter prior to entry
11 into the 1977 fund if the employer who rehires the police officer or
12 firefighter chooses to contribute to the 1977 fund the amount necessary
13 to amortize the police officer's or firefighter's prior service liability over
14 a period of not more than forty (40) years, the amount and the period
15 to be determined by the PERF board. If the employer chooses to make
16 the contributions, the police officer or firefighter is entitled to receive
17 credit for the police officer's or firefighter's prior years of service
18 without making contributions to the 1977 fund for that prior service. In
19 no event may a police officer or firefighter receive credit for prior years
20 of service if the police officer or firefighter is receiving a benefit or is
21 entitled to receive a benefit in the future from any other public pension
22 plan with respect to the prior years of service.

23 (c) Except as provided in section 18 of this chapter, a police officer
24 or firefighter is entitled to credit for all years of service after April 30,
25 1977, with the police or fire department of an employer covered by this
26 chapter.

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

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

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

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

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

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

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

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

42 (4) was made, before February 1, 1979, a member of a 1925,

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1 1937, or 1953 fund.

2 (f) A police officer or firefighter does not become a member of the
3 1977 fund and is not covered by this chapter if the police officer or
4 firefighter:

5 (1) was hired by the police or fire department of a unit before May
6 1, 1977;

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

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

11 (4) is made, by the fiscal body of the other unit after December
12 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
13 unit.

14 If the police officer or firefighter is made a member of a 1925, 1937, or
15 1953 fund, the police officer or firefighter is entitled to receive credit
16 for all the police officer's or firefighter's years of service, including
17 years before January 1, 1982.

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

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

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

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

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

30 shall participate in the 1977 fund. A firefighter who participates in the
31 1977 fund under this subsection is subject to sections 18 and 21 of this
32 chapter.

33 (h) A police officer or firefighter does not become a member of the
34 1977 fund and is not covered by this chapter if the individual was
35 appointed as:

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

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

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

41 (i) A police matron hired or rehired after April 30, 1977, and before
42 July 1, 1996, who is a member of a police department in a second or

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1 third class city on March 31, 1996, is a member of the 1977 fund.
 2 (j) A park ranger who:
 3 (1) completed at least the number of weeks of training at the
 4 Indiana law enforcement academy or a comparable law
 5 enforcement academy in another state that were required at the
 6 time the park ranger attended the Indiana law enforcement
 7 academy or the law enforcement academy in another state;
 8 (2) graduated from the Indiana law enforcement academy or a
 9 comparable law enforcement academy in another state; and
 10 (3) is employed by the parks department of a city having a
 11 population of more than one hundred twenty thousand (120,000)
 12 but less than one hundred fifty thousand (150,000);
 13 is a member of the fund.
 14 (k) Notwithstanding any other provision of this chapter, a police
 15 officer or firefighter:
 16 (1) who is a member of the 1977 fund before a consolidation
 17 under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.4;**
 18 (2) whose employer is consolidated into the consolidated law
 19 enforcement department **under IC 36-3-1-5.1** or the **consolidated**
 20 fire department ~~of a consolidated city under IC 36-3-1-5.1 or~~
 21 **IC 36-3-1-6.1 or IC 36-3-1-6.4;** and
 22 (3) who, after the consolidation, becomes an employee of the
 23 consolidated law enforcement department **under IC 36-3-1-5.1**
 24 or the consolidated fire department ~~under IC 36-3-1-5.1 or~~
 25 **IC 36-3-1-6.1 or IC 36-3-1-6.4;**
 26 is a member of the 1977 fund without meeting the requirements under
 27 sections 19 and 21 of this chapter.
 28 (l) Notwithstanding any other provision of this chapter, if:
 29 (1) before a consolidation under IC 8-22-3-11.6, a police officer
 30 or firefighter provides law enforcement services or fire protection
 31 services for an entity in a consolidated city;
 32 (2) the provision of those services is consolidated into the
 33 **consolidated** law enforcement department **under IC 36-3-1-5.1**
 34 or **the consolidated** fire department ~~of a consolidated city under~~
 35 **IC 36-3-1-6.1 or IC 36-3-1-6.4;** and
 36 (3) after the consolidation, the police officer or firefighter
 37 becomes an employee of the consolidated law enforcement
 38 department or the consolidated fire department under
 39 IC 8-22-3-11.6;
 40 the police officer or firefighter is a member of the 1977 fund without
 41 meeting the requirements under sections 19 and 21 of this chapter.
 42 (m) A police officer or firefighter who is a member of the 1977 fund

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1 under subsection (k) or (l):

2 (1) may not be:

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

4 (2) (B) disabled for purposes of section 12 of this chapter;
5 solely because of a change in employer under the consolidation;
6 **and**

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

10 SECTION 71. IC 36-8-15-19, AS AMENDED BY
11 P.L.182-2009(ss), SECTION 440, IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 19. (a) This subsection
13 applies to a county that has a population of more than one hundred
14 eighty-two thousand seven hundred ninety (182,790) but less than two
15 hundred thousand (200,000). For the purpose of raising money to fund
16 the operation of the district, the county fiscal body may impose, for
17 property taxes first due and payable during each year after the adoption
18 of an ordinance establishing the district, an ad valorem property tax
19 levy on property within the district. The property tax rate for that levy
20 may not exceed five cents (\$0.05) on each one hundred dollars (\$100)
21 of assessed valuation.

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

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

39 (d) If a unit by ordinance or resolution joins the district or elects to
40 have its public safety agencies served by the district, the department of
41 local government finance shall reduce the maximum permissible ad
42 valorem property tax levy of the unit for property taxes first due and

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1 payable during the year after the adoption of the ordinance or
 2 resolution. The reduction shall be based on the amount budgeted by the
 3 unit for public safety communication services in the year in which the
 4 ordinance was adopted. If such an ordinance or resolution is adopted,
 5 the district shall refer its proposed budget, ad valorem property tax
 6 levy, and property tax rate for the following year to the department of
 7 local government finance, which shall review and set the budget, levy,
 8 and rate as though the district were covered by IC 6-1.1-18.5-7.

9 (e) If a unit by ordinance or resolution withdraws from the district
 10 or rescinds its election to have its public safety agencies served by the
 11 district, the department of local government finance shall reduce the
 12 maximum permissible ad valorem property tax levy of the district for
 13 property taxes first due and payable during the year after the adoption
 14 of the ordinance or resolution. The reduction shall be based on the
 15 amounts being levied by the district within that unit. If such an
 16 ordinance or resolution is adopted, the unit shall refer its proposed
 17 budget, ad valorem property tax levy, and property tax rate for public
 18 safety communication services to the department of local government
 19 finance, which shall review and set the budget, levy, and rate as though
 20 the unit were covered by IC 6-1.1-18.5-7.

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

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

29 SECTION 72. IC 36-9-4-42 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 42. (a) A municipality
 31 or a public transportation corporation that expends money for the
 32 establishment or maintenance of an urban mass transportation system
 33 under this chapter may acquire the money for these expenditures:

- 34 (1) by issuing bonds under section 43 or 44 of this chapter;
- 35 (2) by borrowing money made available for such purposes by any
 36 source;
- 37 (3) by accepting grants or contributions made available for such
 38 purposes by any source;
- 39 (4) in the case of a municipality, by appropriation from the
 40 general fund of the municipality, or from a special fund that the
 41 municipal legislative body includes in the municipality's budget;
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1 (5) in the case of a public transportation corporation, by levying
2 a tax under section 49 of this chapter or by recommending an
3 election to use revenue from the county option income taxes, as
4 provided in subsection (c).

5 (b) Money may be acquired under this section for the purpose of
6 exercising any of the powers granted by or incidental to this chapter,
7 including:

- 8 (1) studies under section 4, 9, or 11 of this chapter;
- 9 (2) grants in aid;
- 10 (3) the purchase of buses or real property by a municipality for
11 lease to an urban mass transportation system, including the
12 payment of any amount outstanding under a mortgage, contract of
13 sale, or other security device that may attach to the buses or real
14 property;
- 15 (4) the acquisition by a public transportation corporation of
16 property of an urban mass transportation system, including the
17 payment of any amount outstanding under a mortgage, contract of
18 sale, or other security device that may attach to the property;
- 19 (5) the operation of an urban mass transportation system by a
20 public transportation corporation, including the acquisition of
21 additional property for such a system; and
- 22 (6) the retirement of bonds issued and outstanding under this
23 chapter.

24 (c) This subsection applies only to a public transportation
25 corporation located in a county having a consolidated city. In order to
26 provide revenue to a public transportation corporation during a year,
27 the public transportation corporation board may recommend and the
28 county fiscal body may elect to provide revenue to the corporation from
29 part of the certified distribution, if any, that the county is to receive
30 during that same year under IC 6-3.5-6-17. To make the election, the
31 county fiscal body must adopt an ordinance before ~~September~~
32 **November 1** of the preceding year. The county fiscal body must
33 specify in the ordinance the amount of the certified distribution that is
34 to be used to provide revenue to the corporation. If such an ordinance
35 is adopted, the county fiscal body shall immediately send a copy of the
36 ordinance to the county auditor.

37 SECTION 73. IC 36-12-2-16, AS ADDED BY P.L.1-2005,
38 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JANUARY 1, 2012]: Sec. 16. (a) This section applies to the
40 appointment of members to a library board of a public library serving
41 a library district that is:

- 42 (1) partly or fully within the boundaries of a consolidated city;

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(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 **Four (4) members 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 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
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) **The library board may recommend and the county fiscal
body may elect to provide revenue to a public library described in
subsection (a) 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.**

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1 SECTION 74. IC 36-12-2-18, AS AMENDED BY P.L.113-2010,
 2 SECTION 159, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JANUARY 1, 2012]: Sec. 18. (a) Subject to subsection
 4 (b), the term of a library board member is four (4) years. A member
 5 may continue to serve on a library board after the member's term
 6 expires until the member's successor is qualified under section 19 of
 7 this chapter. The term of the member's successor is not extended by the
 8 time that has elapsed before the successor's appointment and
 9 qualification. If a member is appointed to fill a vacancy on a library
 10 board, the member's term is the unexpired term of the member being
 11 replaced.

12 (b) Except for a library board whose membership is established
 13 under section 15 or 16 of this chapter, for purposes of establishing
 14 staggered terms for the members of a library board, the initial members
 15 shall serve the following terms:

- 16 (1) One (1) year for one (1) member appointed under section 9(1),
 17 9(5), ~~16(b)(1)~~, ~~16(b)(2)~~, or 17(1) of this chapter.
- 18 (2) Two (2) years for one (1) member appointed under section
 19 9(3)(A), 9(4), ~~16(b)(3)~~, ~~16(b)(4)~~, or 17(2) of this chapter.
- 20 (3) Three (3) years for one (1) member appointed under section
 21 9(2), 9(3)(A), ~~16(b)(4)~~, ~~16(b)(5)~~, or 17(1) of this chapter.
- 22 (4) Four (4) years for one (1) member appointed under section
 23 9(3)(B) ~~16(b)(6)~~, or 17(2) of this chapter.

24 (c) When an appointing authority appoints members to terms of
 25 different length under subsection (b), the appointing authority shall
 26 designate which member serves each term.

27 (d) A member may not serve more than four (4) consecutive terms
 28 as provided in section 8 of this chapter.

29 SECTION 75. IC 36-3-3-10 IS REPEALED [EFFECTIVE JULY 1,
 30 2011].

31 SECTION 76. THE FOLLOWING ARE REPEALED [EFFECTIVE
 32 JANUARY 1, 2013]: IC 3-11-1.5-32.5; IC 36-6-6-2.5.

33 SECTION 77. [EFFECTIVE JULY 1, 2011] (a) **The legislative
 34 services agency, as directed by the legislative council, shall prepare
 35 legislation for introduction in the 2012 regular session of the
 36 general assembly to organize and correct statutes affected by this
 37 act, if necessary.**

38 (b) **This SECTION expires July 1, 2012.**

39 SECTION 78. **An emergency is declared for this act.**

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