

HOUSE BILL No. 1376

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2; IC 3-10; IC 3-11; IC 5-22-22-12; IC 6-1.1; IC 6-3.5-6-18.5; IC 12-20-1; IC 13-11-2-86; IC 13-25-6; IC 15-16; IC 16-41-19-7; IC 20-23-3-1.5; IC 22-11-14; IC 22-12-1-18.7; IC 23-14; IC 32-26; IC 33-34; IC 34-30-2-58; IC 36-1; IC 36-2-2-14.5; IC 36-3; IC 36-6; IC 36-8; IC 36-9-17.5-1; IC 36-10; IC 36-12-1-7.5.

Synopsis: Local government. Abolishes all township boards on January 1, 2012. Specifies that after December 31, 2011, in each county: (1) the county fiscal body is the fiscal body and legislative body of each township in the county; and (2) the county fiscal body shall exercise the legislative and fiscal powers assigned in the Indiana Code to township boards, including the authority to adopt the township's annual budget and to levy township property taxes for township funds. Repeals statutes related to township boards. Provides that on January 1, 2012, the remaining township fire departments in Marion County are consolidated into the fire department of the consolidated city. Provides that in a county that: (1) contains a consolidated city; or (2) contains a second class city; township government is abolished on the earlier of: (1) January 1, 2015; or (2) the date established by resolution of the township board (before January 1, 2012) or the county fiscal body (after December 31, 2011) and approved by order of the township trustee; and township powers and duties are transferred to the county. Provides that in counties not containing a consolidated city or a second class city a public question shall be placed on the November 2012 general election ballot in the county regarding whether the voters want to retain township
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Effective: Upon passage; July 1, 2011; January 1, 2012.

Hinkle

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

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government. Provides that if a majority of voters in a county do not approve the public question, the powers and duties of the townships in the county are transferred to the county on January 1, 2015. Provides that a transfer of duties between the townships and the county results in the transfer of property, equipment, records, rights, contracts, and indebtedness. Provides that a township may not transfer or expend from the township's rainy day fund more than 1% of the balance in that rainy day fund in any 12 month period without approval of the county fiscal body. Specifies that any amounts transferred from the township's rainy day fund may be used by only as follows: (1) First, to pay any outstanding indebtedness of the township from which the money was transferred. (2) Second, for infrastructure within the township from which the money was transferred. Establishes a fire consolidation transition advisory group in each county in which township government will be abolished. Requires the fire consolidation transition advisory group to do the following: (1) Develop a strategic plan to determine resource requirements and resource deployments for the consolidated fire department. (2) Submit recommendations. (3) Take steps as necessary to assist the transfer of powers and duties. Provides that a township assistance transition advisory group is established in each county in which township government will be abolished. Requires the township assistance transition advisory group to: (1) submit recommendations concerning the transition of responsibility for township assistance; and (2) take steps as necessary to assist the transition. Provides that if township powers and duties are transferred to the county, a coordinator of social services appointed by the county executive shall: (1) estimate the amount necessary to meet the cost of township assistance in the county; and (2) administer township assistance on a countywide basis. Requires the department of workforce development, the county office of the division of family resources, and any other state and local government agency to cooperate with the coordinator in providing assistance. Specifies the following apply in a county having a consolidated city: (1) The property tax rate imposed in 2012, 2013, and 2014 for fire protection within a township that consolidates its fire department or an excluded city that consolidates its fire department may not increase by more than 5% annually, as compared to the preceding year. (2) After 2014, the total property tax rate imposed for fire protection by the consolidated city and by the fire special service district in the area served by the consolidated fire department shall be a uniform rate throughout that area, and property tax revenue raised from the uniform property tax rate may be used only for fire protection purposes. Provides that a firefighter who is a member of the 1937 or 1977 fund remains a member of the same fund after the transfer of fire protection duties. Provides for the adjustment of property tax levies and budgets to account for the transfer of powers and duties of townships. Specifies that the fire department of the consolidated city shall be designated as the Indianapolis metropolitan fire department. Changes the membership of the fire merit board in a county having a consolidated city. Provides that the fire merit board in a county having a consolidated city has complete discretion to establish a classification of ranks, grades and positions in the fire department and shall designate the authority and responsibilities of each rank, grade and position. Specifies that an individual who becomes a firefighter employed by the metropolitan fire department through the consolidation of township fire protection services into the fire department of the consolidated city

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after 2004 may not have the individual's merit rank reduced below the merit rank held by the individual on January 1, 2005, as a firefighter employed by a township fire department. Provides that in the case of an individual who becomes a firefighter employed by the metropolitan fire department through the consolidation of township fire protection services: (1) the time served by such an individual as a firefighter with the metropolitan fire department shall also include the total time served by the individual as a firefighter with the township department in which the individual was serving at the time of the consolidation; and (2) the hire date of such an individual is the date on which the individual was hired as a firefighter by the township department in which the individual was serving at the time of the consolidation. Specifies that after December 31, 2011, salaries of small claims court judges: (1) shall be established by ordinance of the city-county council; and (2) shall be paid by the county in the same installments as judges of the superior court in the county. Provides that if any funds remain after the payment of expenses of operating the small claims court, the remaining funds may be used to fund public safety programs in the county as determined by the city-county council. Provides that the venue of any claim filed in a small claims court after December 31, 2011, that is related to real estate must be in the township where the real estate is located. (Under current law, any claim between a landlord and tenant filed in a small claims court must be in the township where the real estate is located.) Provides that after a township government is abolished, the township's distributive share of any state or local taxes or revenues is transferred to the county. Specifies that if the assessed valuation of a taxing unit with an unelected governing body was originally established by the excluded city or town in Marion County, the governing body of the taxing unit shall submit its proposed operating and maintenance budget and tax levies to the city or town fiscal body (rather than to the city-county legislative body) for approval. (Current law provides for approval by the excluded city or town fiscal body only if the taxing unit's assessed valuation is entirely contained within the excluded city or town.) Makes conforming amendments.

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Introduced

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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HOUSE BILL No. 1376

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

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

- 1 SECTION 1. IC 3-5-2-22 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE JULY 1, 2011]; Sec. 22. "Executive" means:
- 3 (1) board of county commissioners, for a county not having a
- 4 consolidated city;
- 5 (2) mayor of the consolidated city, for a county having a
- 6 consolidated city;
- 7 (3) mayor, for a city;
- 8 (4) president of the town council, for a town; or
- 9 (5) ~~trustee~~; **the following**, for a township:
- 10 (A) **Except as provided in clause (B) or (C), the trustee.**
- 11 (B) **After township powers and duties are transferred to**
- 12 **the county (in the case of a township located in county in**
- 13 **which township government is abolished under**
- 14 **IC 36-6-1.1) the county executive.**
- 15 (C) **After December 31, 2014 (in the case of a township**



- 1 (D) United States Representative.
- 2 (2) Legislative offices:
- 3 (A) State senator.
- 4 (B) State representative.
- 5 (3) Circuit offices and county judicial offices:
- 6 (A) Judge of the circuit court, and unless otherwise specified
- 7 under IC 33, with each division separate if there is more than
- 8 one (1) judge of the circuit court.
- 9 (B) Judge of the superior court, and unless otherwise specified
- 10 under IC 33, with each division separate if there is more than
- 11 one (1) judge of the superior court.
- 12 (C) Judge of the probate court.
- 13 (D) Judge of the county court, with each division separate, as
- 14 required by IC 33-30-3-3.
- 15 (E) Prosecuting attorney.
- 16 (F) Circuit court clerk.
- 17 (4) County offices:
- 18 (A) County auditor.
- 19 (B) County recorder.
- 20 (C) County treasurer.
- 21 (D) County sheriff.
- 22 (E) County coroner.
- 23 (F) County surveyor.
- 24 (G) County assessor.
- 25 (H) County commissioner.
- 26 (I) County council member.
- 27 (5) Township offices:
- 28 (A) Township assessor (only in a township referred to in
- 29 IC 36-6-5-1(d)). **However, this clause does not apply to the**
- 30 **following:**
- 31 (i) **Elections after township powers and duties are**
- 32 **transferred to the county under IC 36-6-1.1.**
- 33 (ii) **Elections in 2014 and thereafter in a township located**
- 34 **in a county in which a public question to retain township**
- 35 **government has been disapproved under IC 36-6-1.2.**
- 36 (B) Township trustee. **However, this clause does not apply**
- 37 **to the following:**
- 38 (i) **Elections after township powers and duties are**
- 39 **transferred to the county under IC 36-6-1.1.**
- 40 (ii) **Elections in 2014 and thereafter in a township located**
- 41 **in a county in which a public question to retain township**
- 42 **government has been disapproved under IC 36-6-1.2.**

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1 (C) Township board member. **This clause does not apply to**
 2 **elections in 2012 and thereafter.**
 3 (D) Judge of the small claims court.
 4 (E) Constable of the small claims court.
 5 (6) City offices:
 6 (A) Mayor.
 7 (B) Clerk or clerk-treasurer.
 8 (C) Judge of the city court.
 9 (D) City-county council member or common council member.
 10 (7) Town offices:
 11 (A) Clerk-treasurer.
 12 (B) Judge of the town court.
 13 (C) Town council member.
 14 (c) The political party offices with candidates for election shall be
 15 placed on the primary election ballot in the following order after the
 16 offices described in subsection (b):
 17 (1) Precinct committeeman.
 18 (2) State convention delegate.
 19 (d) The following offices and public questions shall be placed on the
 20 primary election ballot in the following order after the offices described
 21 in subsection (c):
 22 (1) School board offices to be elected at the primary election.
 23 (2) Other local offices to be elected at the primary election.
 24 (3) Local public questions.
 25 (e) The offices and public questions described in subsection (d)
 26 shall be placed:
 27 (1) in a separate column on the ballot if voting is by paper ballot;
 28 (2) after the offices described in subsection (c) in the form
 29 specified in IC 3-11-13-11 if voting is by ballot card; or
 30 (3) either:
 31 (A) on a separate screen for each office or public question; or
 32 (B) after the offices described in subsection (c) in the form
 33 specified in IC 3-11-14-3.5;
 34 if voting is by an electronic voting system.
 35 (f) A public question shall be placed on the primary election ballot
 36 in the following form:
 37 (The explanatory text for the public question,
 38 if required by law.)
 39 "Shall (insert public question)?"
 40 YES
 41 NO
 42 SECTION 4. IC 3-10-2-13, AS AMENDED BY P.L.146-2008,

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

- 5 (1) Clerk of the circuit court.
- 6 (2) County auditor.
- 7 (3) County recorder.
- 8 (4) County treasurer.
- 9 (5) County sheriff.
- 10 (6) County coroner.
- 11 (7) County surveyor.
- 12 (8) County assessor.
- 13 (9) County commissioner.
- 14 (10) County council member.
- 15 (11) Township trustee. **However, this subdivision does not**

16 **apply to the following:**

17 (A) **Elections after township powers and duties are**
18 **transferred to the county under IC 36-6-1.1.**

19 (B) **Elections in 2014 and thereafter in a township located**
20 **in which a public question to retain township government**
21 **has been disapproved under IC 36-6-1.2.**

22 (12) Township board member. **This subdivision does not apply**
23 **to elections in 2012 and thereafter.**

24 (13) Township assessor (only in a township referred to in
25 IC 36-6-5-1(d)). **However, this subdivision does not apply to**
26 **the following:**

27 (A) **Elections after township powers and duties are**
28 **transferred to the county under IC 36-6-1.1.**

29 (B) **Elections in 2014 and thereafter, in a township located**
30 **in which a public question to retain township government**
31 **has been disapproved under IC 36-6-1.2.**

32 (14) Judge of a small claims court.

33 (15) Constable of a small claims court.

34 (b) **Notwithstanding subsection (a), the term of an individual**
35 **servng as a township board member expires January 1, 2012.**

36 (c) **Notwithstanding subsection (a), the term of an individual**
37 **servng as a township trustee or township assessor in a township in**
38 **which township powers and duties are transferred to the county**
39 **under IC 36-6-1.1 expires on the date township powers and duties**
40 **are transferred.**

41 (d) **Notwithstanding subsection (a), the term of an individual**
42 **servng as a township trustee or township assessor in a township in**

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1 **which a public question to retain township government has been**
2 **disapproved under IC 36-6-1.2 expires January 1, 2015.**

3 SECTION 5. IC 3-11-2-12, AS AMENDED BY P.L.146-2008,
4 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2011]: Sec. 12. The following offices shall be placed on the
6 general election ballot in the following order:

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

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(A) Township assessor (only in a township referred to in IC 36-6-5-1(d)). **However, this clause does not apply to the following:**

(i) Elections after township powers and duties are transferred to the county under IC 36-6-1.1.

(ii) Elections in 2014 and thereafter, in a township located in which a public question to retain township government has been disapproved under IC 36-6-1.2, the county fiscal body.

(B) Township trustee. **However, this clause does not apply to the following:**

(i) Elections after township powers and duties are transferred to the county under IC 36-6-1.1.

(ii) Elections in 2014 and thereafter in a township located in which a public question to retain township government has been disapproved under IC 36-6-1.2.

(C) Township board member. **This clause does not apply to elections in 2012 and thereafter.**

(D) Judge of the small claims court.

(E) Constable of the small claims court.

(6) City offices:

(A) Mayor.

(B) Clerk or clerk-treasurer.

(C) Judge of the city court.

(D) City-county council member or common council member.

(7) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member.

SECTION 6. IC 5-22-22-12, AS AMENDED BY P.L.128-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) This section applies to the following surplus property:

- (1) Fire trucks.
- (2) Emergency service vehicles.
- (3) Firefighting or emergency services equipment.

(b) As used in this section, "fire department" refers to any of the following:

- (1) A volunteer fire department (as defined in IC 36-8-12-2).
- (2) The board of fire trustees of a fire protection district established under IC 36-8-11.

(3) After the date township powers and duties are transferred

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1 to the county, in the case of a county to which powers and
2 duties are transferred under IC 36-6-1.1, and after December
3 31, 2014, in the case of a county in which township
4 government has been abolished under IC 36-6-1.2, a fire
5 department operated by a county under IC 36-8-13.6.

6 ~~(3)~~ (4) The provider unit of a fire protection territory established
7 under IC 36-8-19.

8 (c) Notwithstanding section 4, 4.5, or 5 of this chapter, a
9 governmental body may transfer title of surplus property to a fire
10 department for the fire department's use in providing fire protection or
11 emergency services.

12 (d) A fire department located in the same county as the
13 governmental body offering the surplus property for transfer has the
14 right of first refusal for all surplus property offered. Surplus property
15 that is refused by the fire departments located in the same county as the
16 governmental body may be transferred to any fire department in
17 Indiana.

18 (e) A governmental body may transfer title of surplus property to a
19 fire department under this section by:

- 20 (1) sale;
- 21 (2) gift; or
- 22 (3) another arrangement acceptable to the governmental body and
23 the fire department.

24 SECTION 7. IC 6-1.1-11-4, AS AMENDED BY P.L.182-2009(ss),
25 SECTION 107, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The exemption application
27 referred to in section 3 of this chapter is not required if the exempt
28 property is owned by the United States, the state, an agency of this
29 state, or a political subdivision (as defined in IC 36-1-2-13). However,
30 this subsection applies only when the property is used, and in the case
31 of real property occupied, by the owner.

32 (b) The exemption application referred to in section 3 of this chapter
33 is not required if the exempt property is a cemetery:

- 34 (1) described by IC 6-1.1-2-7; or
- 35 (2) maintained by:
 - 36 (A) a township executive; or
 - 37 (B) after:

38 (i) the date township powers and duties are transferred
39 to the county, in the case of a county to which powers
40 and duties are transferred under IC 36-6-1.1; or

41 (ii) December 31, 2014, in the case of a county in which
42 township government is abolished under IC 36-6-1.2;

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the appropriate county official;
 under IC 23-14-68.

(c) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the bureau of motor vehicles commission established under IC 9-15-1.

(d) The exemption application referred to in section 3 or 3.5 of this chapter is not required if:

- (1) the exempt property is:
 - (A) tangible property used for religious purposes described in IC 6-1.1-10-21;
 - (B) tangible property owned by a church or religious society used for educational purposes described in IC 6-1.1-10-16; or
 - (C) other tangible property owned, occupied, and used by a person for educational, literary, scientific, religious, or charitable purposes described in IC 6-1.1-10-16;
- (2) the exemption application referred to in section 3 or 3.5 of this chapter was filed properly at least once for a religious use under IC 6-1.1-10-21 or an educational, literary, scientific, religious, or charitable use under IC 6-1.1-10-16; and
- (3) the property continues to meet the requirements for an exemption under IC 6-1.1-10-16 or IC 6-1.1-10-21.

A change in ownership of property does not terminate an exemption of the property if after the change in ownership the property continues to meet the requirements for an exemption under IC 6-1.1-10-16 or IC 6-1.1-10-21. However, if title to any of the real property subject to the exemption changes or any of the tangible property subject to the exemption is used for a nonexempt purpose after the date of the last properly filed exemption application, the person that obtained the exemption or the current owner of the property shall notify the county assessor for the county where the tangible property is located of the change in the year that the change occurs. The notice must be in the form prescribed by the department of local government finance. If the county assessor discovers that title to property granted an exemption described in IC 6-1.1-10-16 or IC 6-1.1-10-21 has changed, the county assessor shall notify the persons entitled to a tax statement under IC 6-1.1-22-8.1 for the property of the change in title and indicate that the county auditor will suspend the exemption for the property until the persons provide the county assessor with an affidavit, signed under penalties of perjury, that identifies the new owners of the property and indicates that the property continues to meet the requirements for an exemption under IC 6-1.1-10-21 or IC 6-1.1-10-16. Upon receipt of the affidavit, the county assessor shall reinstate the exemption for the years

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1 for which the exemption was suspended and each year thereafter that
 2 the property continues to meet the requirements for an exemption under
 3 IC 6-1.1-10-21 or IC 6-1.1-10-16.

4 SECTION 8. IC 6-1.1-17-2, AS AMENDED BY P.L.1-2006,
 5 SECTION 135, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) When formulating an annual
 7 budget estimate, the proper officers of a political subdivision shall
 8 prepare an estimate of the amount of revenue which the political
 9 subdivision will receive from the state for and during the budget year
 10 for which the budget is being formulated. These estimated revenues
 11 shall be shown in the budget estimate and shall be taken into
 12 consideration in calculating the tax levy which is to be made for the
 13 ensuing calendar year. However, this section does not apply to funds
 14 to be received from the state or the federal government for:

- 15 (1) township assistance;
- 16 (2) unemployment relief;
- 17 (3) old age pensions; or
- 18 (4) other funds which may at any time be made available under
 19 "The Economic Security Act" or under any other federal act
 20 which provides for civil and public works projects.

21 (b) When formulating an annual budget estimate, the proper officers
 22 of a political subdivision shall prepare an estimate of the amount of
 23 revenue that the political subdivision will receive under a development
 24 agreement (as defined in IC 36-1-8-9.5) for and during the budget year
 25 for which the budget is being formulated. Revenue received under a
 26 development agreement may not be used to reduce the political
 27 subdivision's maximum levy under IC 6-1.1-18.5 but may be used at
 28 the discretion of the political subdivision to reduce the property tax
 29 levy of the political subdivision for a particular year.

30 **(c) The county fiscal body is after December 31, 2011, the fiscal**
 31 **body of each township in the county. In calendar year 2012 and**
 32 **each calendar year thereafter, the county fiscal body shall adopt**
 33 **the budget for each township in the county for the ensuing**
 34 **calendar year.**

35 SECTION 9. IC 6-1.1-17-3, AS AMENDED BY P.L.182-2009(ss),
 36 SECTION 114, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The proper officers of a
 38 political subdivision shall formulate its estimated budget and its
 39 proposed tax rate and tax levy on the form prescribed by the
 40 department of local government finance and approved by the state
 41 board of accounts. The political subdivision shall give notice by
 42 publication to taxpayers of:

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

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

11 (b) The board of directors of a solid waste management district
 12 established under IC 13-21 or IC 13-9.5-2 (before its repeal) may
 13 conduct the public hearing required under subsection (a):
 14 (1) in any county of the solid waste management district; and
 15 (2) in accordance with the annual notice of meetings published
 16 under IC 13-21-5-2.

17 (c) **Except as provided in subsection (d),** the trustee of each
 18 township in the county shall estimate the amount necessary to meet the
 19 cost of township assistance in the township for the ensuing calendar
 20 year. The township board **(before January 1, 2012) or the county**
 21 **fiscal body (after December 31, 2011)** shall adopt with the township
 22 budget a tax rate sufficient to meet the estimated cost of township
 23 assistance. The taxes collected as a result of the tax rate adopted under
 24 this subsection are credited to the township assistance fund.

25 ~~(d) This subsection expires January 1, 2009. A county shall adopt~~
 26 ~~with the county budget and the department of local government finance~~
 27 ~~shall certify under section 16 of this chapter a tax rate sufficient to raise~~
 28 ~~the levy necessary to pay the following:~~
 29 ~~(1) The cost of child services (as defined in IC 12-19-7-1) of the~~
 30 ~~county payable from the family and children's fund.~~
 31 ~~(2) The cost of children's psychiatric residential treatment~~
 32 ~~services (as defined in IC 12-19-7.5-1) of the county payable from~~
 33 ~~the children's psychiatric residential treatment services fund.~~
 34 ~~A budget, tax rate, or tax levy adopted by a county fiscal body or~~
 35 ~~approved or modified by a county board of tax adjustment that is less~~
 36 ~~than the levy necessary to pay the costs described in subdivision (1) or~~
 37 ~~(2) shall not be treated as a final budget, tax rate, or tax levy under~~
 38 ~~section 11 of this chapter.~~

39 **(d) This subsection applies to a county in which township**
 40 **government has been abolished under IC 36-6-1.1 or IC 36-6-1.2.**
 41 **The county executive shall each year estimate the amount**
 42 **necessary to meet the cost of township assistance in the county for**

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1 the ensuing calendar year. The county fiscal body shall adopt with
2 the county budget a tax rate uniform throughout the county
3 sufficient to meet the estimated cost of township assistance. The
4 taxes collected as a result of the tax rate adopted under this
5 subsection shall be credited to the county's township assistance
6 fund established under IC 12-20-1-7.

7 SECTION 10. IC 6-1.1-18.5-18.5 IS ADDED TO THE INDIANA
8 CODE AS A NEW SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2011]: **Sec. 18.5. (a) The maximum**
10 **permissible ad valorem property tax levy for the county's**
11 **firefighting fund under IC 36-8-13.6-3 is the following:**

12 (1) For ad valorem property taxes first due and payable in the
13 year after the county assumes responsibility for fire
14 protection, the maximum firefighting levy is equal to:

15 (A) the combined maximum ad valorem property tax levies
16 under IC 6-1.1-18.5 for taxes first due and payable in the
17 year before the townships were abolished for the
18 townships' firefighting funds established under
19 IC 36-8-13-4 for all of the townships in the county that are
20 abolished under IC 36-6-1.1 or IC 36-6-1.2; multiplied by
21 (B) the amount determined in the last STEP of section 2(b)

22 of this chapter.

23 (2) For ad valorem property taxes first due and payable in a
24 year after the year described in subdivision (1):

25 (A) the maximum permissible ad valorem property tax
26 levy for the county's firefighting fund determined under
27 this section for ad valorem property taxes first due and
28 payable in the immediately preceding calendar year;
29 multiplied by

30 (B) the amount determined in the last STEP of section 2(b)
31 of this chapter.

32 SECTION 11. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA
33 CODE AS A NEW SECTION TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2011]: **Sec. 22. The ad valorem property tax**
35 **levy limits imposed by this chapter do not apply to ad valorem**
36 **property taxes imposed by a county to pay or fund any**
37 **indebtedness assumed, defeased, paid, or refunded by a county**
38 **after township government is abolished under IC 36-6-1.1 or**
39 **IC 36-6-1.2.**

40 SECTION 12. IC 6-1.1-18.5-23 IS ADDED TO THE INDIANA
41 CODE AS A NEW SECTION TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2011]: **Sec. 23. (a) The ad valorem property**

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1 tax levy limits imposed by this chapter do not apply to ad valorem
2 property taxes imposed by a consolidated city to pay or fund any
3 indebtedness assumed, defeased, paid, or refunded under
4 IC 36-3-1-6.1 or IC 36-3-1-6.4.

5 (b) For purposes of this section:

6 (1) "consolidating entity" means:

7 (A) a township;

8 (B) a fire protection territory; or

9 (C) an excluded city;

10 whose fire department is consolidated into the fire
11 department of a consolidated city under IC 36-3-1-6.1,
12 IC 36-3-1-6.4, or IC 36-3-1-6.5; and

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

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

20 (d) Subject to subsections (e) and (f), for not more than three (3)
21 years after a consolidation under IC 36-3-1-6.1, IC 36-3-1-6.4, or
22 IC 36-3-1-6.5, the consolidated city may levy a tax above the
23 maximum permissible ad valorem property tax levy for the fire
24 special service district in each township and (if an excluded city
25 consolidates its fire department under IC 36-3-1-6.5) the excluded
26 city that is necessary to phase out that consolidating entity's
27 borrowing for fire and emergency services.

28 (e) The property tax rate imposed in 2012, 2013, and 2014 for
29 fire protection within a township that consolidates its fire
30 department under IC 36-1-3-6.4 or an excluded city that
31 consolidates its fire department under IC 36-1-3-6.5 may not
32 increase by more than five percent (5%) annually, as compared
33 with the preceding year.

34 (f) After 2014, the total property tax rate imposed for fire
35 protection by the consolidated city and the fire special service
36 district in the area served by the consolidated fire department must
37 be a uniform rate throughout that area. Property tax revenue
38 raised from the uniform property tax rate imposed for fire
39 protection may be used only for fire protection purposes.

40 (g) To the extent that a property tax rate that would otherwise
41 be imposed after 2014 for fire protection within a township that
42 consolidates its fire department under IC 36-1-3-6.4 or an excluded

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1 city that consolidates its fire department under IC 36-1-3-6.5 is
2 greater than the uniform rate imposed under subsection (f), the
3 property tax that is greater than the uniform rate must be
4 decreased to a rate that is not greater than the uniform rate.

5 SECTION 13. IC 6-3.5-6-18.5, AS AMENDED BY P.L.146-2008,
6 SECTION 339, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JANUARY 1, 2012]: Sec. 18.5. (a) This section applies
8 to a county containing a consolidated city.

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

12 (1) For the calendar year beginning January 1, 1995, calculate the
13 total amount of revenues that are to be distributed as distributive
14 shares during that month multiplied by the following factor: The
15 distribution ratio for 2015 and thereafter is the following:

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

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

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

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equals the STEP THREE excess multiplied by the ratio of:
(A) the maximum permissible property tax levy under IC 6-1.1-18.5 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the welfare allocation amount; divided by
(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the welfare allocation amount.

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

SECTION 14. 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) Except as provided in subsection (d), this section and IC 12-20-2 through IC 12-20-28 apply to a county in which township government has been abolished under IC 36-6-1.1 or IC 36-6-1.2.**

(b) As used in this section, "coordinator" means the coordinator of social services appointed under IC 36-2-2-14.5.

(c) The coordinator shall administer township assistance in the county. The coordinator shall administer assistance on a countywide basis instead of a township basis.

(d) The following apply to the administration of township assistance under subsection (c) in the county:

(1) A suit or proceeding in favor of or against the coordinator concerning township assistance shall be conducted in favor of or against the county in the county's corporate name.

(2) The coordinator is subject to the same privileges and immunities as are accorded to a township trustee under IC 12-20-3.

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

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county executive.

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

(5) The same standards and requirements that:

(A) apply to; or

(B) may be imposed upon;

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

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

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

(8) State and local agencies shall provide the coordinator with the information provided to a township trustee under IC 12-20-7. The coordinator or an employee of the county is subject to the criminal penalty set forth in IC 12-20-7-6 for disclosure of information.

(9) An applicant for township assistance and the coordinator may appeal a decision regarding township assistance in the same manner that an appeal is taken under IC 12-20-15.

(10) The department of workforce development, the county office of the division of family resources, and any other state or local government agency shall cooperate with and assist the coordinator in carrying out the coordinator's duties under this section and other statutes.

(e) Any application for township assistance for which the township has not entered a final decision regarding the granting or denial of township assistance by the close of business on the day before township assistance powers and duties are transferred to

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1 the county shall be treated as a new application filed with the
2 county as of that date. The coordinator shall make a decision on
3 the application in accordance with the uniform standards adopted
4 under subsection (d)(3).

5 (f) Any application for township assistance that has been
6 granted before township assistance powers and duties are
7 transferred to the county, but for which assistance has not been
8 disbursed by the township, shall be disbursed and administered by
9 the coordinator in accordance with the township's grant of
10 township assistance.

11 (g) The coordinator shall assist in preparing the county's
12 township assistance budget.

13 SECTION 15. IC 12-20-1-6.5 IS ADDED TO THE INDIANA
14 CODE AS A NEW SECTION TO READ AS FOLLOWS
15 [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. (a) This subsection**
16 **applies only to a county in which township government will be**
17 **abolished under IC 36-6-1.1. A township assistance transition**
18 **advisory group is established in the county. The advisory group**
19 **consists of an individual designated by the county executive, who**
20 **shall chair the advisory group, and the trustee of each of the**
21 **townships in the county. The advisory group shall:**

22 (1) submit recommendations to the county executive and the
23 county fiscal body regarding the transition from township
24 responsibility for township assistance to county responsibility
25 for township assistance; and

26 (2) take steps as necessary to assist the transition of
27 responsibility for township assistance.

28 The advisory group is abolished on the date the township
29 assistance powers and duties are transferred to the county.

30 (b) This subsection applies only to a county in which a public
31 question on retaining township government has been disapproved
32 under IC 36-6-1.2. A township assistance transition advisory group
33 is established in the county beginning January 1, 2013. The
34 advisory group consists of an individual designated by the county
35 executive, who shall chair the advisory group, and the trustee of
36 each of the townships in the county. The advisory group shall:

37 (1) submit recommendations to the county executive and the
38 county fiscal body regarding the transition from township
39 responsibility for township assistance to county responsibility
40 for township assistance; and

41 (2) take steps as necessary to assist the transition of
42 responsibility for township assistance.

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The advisory group is abolished January 1, 2015.

SECTION 16. IC 12-20-1-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 7. (a) This section applies to a county in which township government has been abolished under IC 36-6-1.1 or IC 36-6-1.2.**

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

(c) The fund shall be raised by a tax levy in a county in which township government has been abolished under IC 36-6-1.1 or IC 36-6-1.2 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 state and county ad valorem taxes are collected.

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

(1) All receipts from the tax imposed under this section.

(2) Any other money required by law to be placed in the fund.

(f) The fund is available for the purpose of paying expenses and 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.

SECTION 17. IC 13-11-2-86 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: **Sec. 86. "Fiscal body" means:**

(1) the county council, for a county not having a consolidated city;

(2) the city-county council of a consolidated city and county;

(3) the common council of a city;

(4) the town council of a town;

(5) for a township, the township board, of fiscal body of the county in which the township is located; or

(6) the board of directors of a conservancy district.

SECTION 18. IC 13-25-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 3. (a) Reimbursement is available under this chapter for expenses, except for expenses of a type that the agency normally incurs in responding to emergencies that do not involve hazardous materials, that are incurred in taking emergency action by an emergency response agency other than a fire**

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1 department that is described in subsection (b).
2 (b) Reimbursement is available under this chapter and IC 36-8-12.2
3 for expenses that are incurred in taking emergency action by a fire
4 department that:

- 5 (1) is established under IC 36-8-2-3, ~~or~~ IC 36-8-13-3(a)(1), **or**
6 **IC 36-8-13.6;** and
- 7 (2) employs:
 - 8 (A) both full-time paid members and volunteer members; or
 - 9 (B) only full-time paid members.

10 SECTION 19. IC 13-25-6-5 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. An emergency
12 response agency or a governmental entity may obtain reimbursement
13 under this chapter by filing an action for reimbursement in a court of
14 general jurisdiction of:

- 15 (1) a county in which a hazardous materials emergency arose; or
- 16 (2) the county in which the unit that established the fire
17 department is located, if the emergency response agency is a fire
18 department that:
 - 19 (A) is established by a unit under IC 36-8-2-3, ~~or~~
20 **IC 36-8-13-3(a)(1), or IC 36-8-13.6;** and
 - 21 (B) employs:
 - 22 (i) both full-time paid members and volunteer members; or
 - 23 (ii) only full-time paid members.

24 SECTION 20. IC 15-16-7-4, AS ADDED BY P.L.2-2008,
25 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2011]: Sec. 4. (a) The weed control board consists of the
27 following members to be appointed by the authorizing body:

- 28 (1) One (1) **member appointed as follows:**
 - 29 (A) **Except as provided in clause (B), a township trustee of**
30 **a township in the county.**
 - 31 (B) **In a county in which township government is abolished**
32 **under IC 36-6-1.1 or IC 36-6-1.2, the official responsible**
33 **for the destruction of detrimental plants described in this**
34 **chapter or the official's designee.**
- 35 (2) One (1) soil and water conservation district supervisor.
- 36 (3) One (1) representative from the agricultural community of the
37 county.
- 38 (4) One (1) representative from the county highway department
39 or an appointee of the county commissioners.
- 40 (5) One (1) cooperative extension service agent from the county
41 to serve in a nonvoting advisory capacity.

42 (b) Each board member shall be appointed for a term of four (4)

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1 years. All vacancies in the membership of the board shall be filled for
2 the unexpired term in the same manner as initial appointments.

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

7 SECTION 21. IC 15-16-8-0.5 IS ADDED TO THE INDIANA
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. (a) On the date township
10 government is abolished under IC 36-6-1.1 or IC 36-6-1.2, the
11 powers and duties of a township under this chapter are transferred
12 to the county.**

13 **(b) After township government is abolished under IC 36-6-1.1
14 or IC 36-6-1.2:**

15 **(1) any reference to "township trustee" or "trustee" in this
16 chapter is considered to be a reference to the county official
17 designated by the county executive as being responsible for
18 administering this chapter; and**

19 **(2) any reference to "township fund" in this chapter is
20 considered to be a reference to the appropriate county fund
21 designated by ordinance of the county legislative body.**

22 SECTION 22. IC 15-16-8-10, AS ADDED BY P.L.2-2008,
23 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2011]: **Sec. 10. (a) Except as provided in subsection (b),
25 when the annual township budget is prepared, a sufficient amount shall
26 be appropriated to enable the township officials to comply with this
27 chapter.**

28 **(b) After township government is abolished in a county under
29 IC 36-6-1.1 or IC 36-6-1.2, when the annual county budget is
30 prepared, a sufficient amount shall be appropriated to enable the
31 county to comply with this chapter.**

32 SECTION 23. IC 16-41-19-7, AS AMENDED BY P.L.73-2005,
33 SECTION 169, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2011]: **Sec. 7. (a) After township government
35 is abolished in a county under IC 36-6-1.1 or IC 36-6-1.2:**

36 **(1) the county has all the rights, duties, and responsibilities of
37 the township; and**

38 **(2) the coordinator for social services appointed under
39 IC 36-2-2-14.5 has all the rights, duties, and responsibilities of
40 the township trustee;**

41 **under this section.**

42 **(a) (b) Except as provided in subsection (b); (c), all costs that are**

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1 incurred in furnishing biologicals under this chapter,
2 IC 12-20-16-2(c)(13), or IC 12-20-16-14 shall be paid: ~~by:~~

3 (1) **by** the appropriate county, city, or town against which the
4 application form is issued from general funds; ~~and~~

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

7 **(3) after township government is abolished in a county under**
8 **IC 36-6-1.1 or IC 36-6-1.2, by the coordinator of social**
9 **services appointed under IC 36-2-2-14.5 from funds in the**
10 **county township assistance fund;**

11 not otherwise appropriated without appropriations.

12 ~~(b)~~ (c) A township is not responsible for paying for biologicals as
13 provided in subsection ~~(a)~~(2) (b)(2) if the township trustee has
14 evidence that the individual has the financial ability to pay for the
15 biologicals.

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

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

24 (2) a standard application for township assistance must be filed
25 with the township.

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

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

32 SECTION 24. IC 20-23-3-1.5 IS ADDED TO THE INDIANA
33 CODE AS A NEW SECTION TO READ AS FOLLOWS
34 [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. If a school township**
35 **exists in a township in which township government is abolished**
36 **under IC 36-6-1.1 or IC 36-6-1.2, the township's powers and duties**
37 **concerning the school township are transferred to the county on**
38 **the date the township government is abolished under IC 36-6-1.1**
39 **or IC 36-6-1.2.**

40 SECTION 25. IC 22-11-14-2, AS AMENDED BY P.L.187-2006,
41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2011]: Sec. 2. (a) The fire prevention and building safety

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1 commission shall:

2 (1) adopt rules under IC 4-22-2 for the granting of permits for

3 supervised public displays of fireworks by municipalities, fair

4 associations, amusement parks, and other organizations or groups

5 of individuals; and

6 (2) establish by rule the fee for the permit, which shall be paid

7 into the fire and building services fund created under

8 IC 22-12-6-1.

9 (b) The application for a permit required under subsection (a) must:

10 (1) name a competent operator who is to officiate at the display;

11 (2) set forth a brief resume of the operator's experience;

12 (3) be made in writing; and

13 (4) be received with the applicable fee by the division of fire and

14 building safety at least five (5) business days before the display.

15 No operator who has a prior conviction for violating this chapter may

16 operate any display for one (1) year after the conviction.

17 (c) Every display shall be handled by a qualified operator approved

18 by the chief of the fire department of the municipality in which the

19 display is to be held. A display shall be located, discharged, or fired as,

20 in the opinion of:

21 (1) the chief of the fire department of the city or town in which

22 the display is to be held; or

23 (2) the:

24 (A) township fire chief or the fire chief of the municipality

25 nearest the site proposed **(unless there is a county fire**

26 **department described in clause (B)); or**

27 **(B) fire chief of the county fire department responsible for**

28 **providing fire protection in the area in which the display**

29 **will be located, discharged, or fired, after township**

30 **government is abolished in the county under IC 36-6-1.1 or**

31 **IC 36-6-1.2;**

32 in the case of a display to be held outside of the corporate limits

33 of any city or town;

34 after proper inspection, is not hazardous to property or person.

35 (d) A permit granted under this section is not transferable.

36 (e) A denial of a permit by a municipality shall be issued in writing

37 before the date of the display.

38 (f) A person may not possess, transport, or deliver special fireworks,

39 except as authorized under this section.

40 SECTION 26. IC 22-11-14-3.5, AS ADDED BY P.L.187-2006,

41 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

42 JULY 1, 2011]: Sec. 3.5. The fire prevention and building safety

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1 commission may adopt rules under IC 4-22-2 that specify the
 2 conditions under which the chief of a municipal ~~or~~ **fire department,**
 3 **a township fire department, or (in a county in which township**
 4 **government has been abolished under IC 36-6-1.1 or IC 36-6-1.2)**
 5 **a county fire department** may grant a permit to a person to sponsor
 6 a special discharge location in the municipality, ~~or~~ township, **or county**
 7 **in which the display will be located, discharged, or fired.**

8 SECTION 27. IC 22-12-1-18.7 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 18.7. "Qualified entity"
 10 means:

- 11 (1) a volunteer fire department (as defined in IC 36-8-12-2);
 12 (2) the executive of a township providing fire protection under
 13 IC 36-8-13-3(a)(1); ~~or~~
 14 (3) a municipality providing fire protection to:
 15 (A) a township under IC 36-8-13-3(a)(2) or
 16 IC 36-8-13-3(a)(3); **or**
 17 (B) a county; **or**
 18 (4) the executive of a county providing fire protection under
 19 **IC 36-8-13.6.**

20 SECTION 28. IC 23-14-31-26, AS AMENDED BY P.L.101-2010,
 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2011]: Sec. 26. (a) Except as provided in subsection (c), the
 23 following persons, in the priority listed, have the right to serve as an
 24 authorizing agent:

- 25 (1) An individual granted the authority to serve in a funeral
 26 planning declaration executed by the decedent under IC 29-2-19,
 27 or the person named in a United States Department of Defense
 28 form "Record of Emergency Data" (DD Form 93) or a successor
 29 form adopted by the United States Department of Defense, if the
 30 decedent died while serving in any branch of the United States
 31 Armed Forces (as defined in 10 U.S.C. 1481) and completed the
 32 form.
 33 (2) An individual granted the authority to serve in a health care
 34 power of attorney executed by the decedent under IC 30-5-5-16.
 35 (3) The individual who was the spouse of the decedent at the time
 36 of the decedent's death.
 37 (4) The decedent's surviving adult children. If more than one (1)
 38 adult child is surviving, any adult child who confirms in writing
 39 that the other adult children have been notified, unless the
 40 crematory authority receives a written objection to the cremation
 41 from another adult child.
 42 (5) The decedent's surviving parent. If the decedent is survived by

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both parents, either parent may serve as the authorizing agent unless the crematory authority receives a written objection to the cremation from the other parent.

(6) The individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent. If more than one (1) individual of the same degree is surviving, any person of that degree may serve as the authorizing agent unless the crematory authority receives a written objection to the cremation from one (1) or more persons of the same degree.

(7) In the case of an indigent or other individual whose final disposition is the responsibility of the state, ~~or the township, or~~ **(in a county in which township government has been abolished under IC 36-6-1.1 or IC 36-6-1.2) the county** the following may serve as the authorizing agent:

(A) If none of the persons identified in subdivisions (1) through (6) are available:

- (i) a public administrator, including a responsible township trustee or the trustee's designee **or (if applicable) a responsible coordinator of social services or the coordinator's designee;** or
- (ii) the coroner.

(B) A state appointed guardian.

However, an indigent decedent may not be cremated if a surviving family member objects to the cremation or if cremation would be contrary to the religious practices of the deceased individual as expressed by the individual or the individual's family.

(8) In the absence of any person under subdivisions (1) through (7), any person willing to assume the responsibility as the authorizing agent, as specified in this article.

(b) When a body part of a nondeceased individual is to be cremated, a representative of the institution that has arranged with the crematory authority to cremate the body part may serve as the authorizing agent.

(c) If:

- (1) the death of the decedent appears to have been the result of:
 - (A) murder (IC 35-42-1-1);
 - (B) voluntary manslaughter (IC 35-42-1-3); or
 - (C) another criminal act, if the death does not result from the operation of a vehicle; and
- (2) the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable suspicion that a person described in subsection (a)

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1 committed the offense;
 2 the person referred to in subdivision (2) may not serve as the
 3 authorizing agent.

4 (d) The coroner, in consultation with the law enforcement agency
 5 investigating the death of the decedent, shall inform the crematory
 6 authority of the determination referred to in subsection (c)(2).

7 SECTION 29. IC 23-14-33-3.5 IS ADDED TO THE INDIANA
 8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2011]: **Sec. 3.5. (a) On the date township**
 10 **government is abolished in a county under IC 36-6-1.1 or**
 11 **IC 36-6-1.2, the powers and duties of a township under this chapter**
 12 **through IC 23-14-76 are transferred to the county.**

13 (b) **After the date township government is abolished in a county**
 14 **under IC 36-6-1.1 or IC 36-6-1.2:**

15 (1) **a reference in this chapter through IC 23-14-76 to**
 16 **"township fund" is considered a reference to the cemetery**
 17 **fund established for the county;**

18 (2) **a reference in this chapter through IC 23-14-76 to**
 19 **"township" is considered a reference to the county;**

20 (3) **a reference in this chapter through IC 23-14-76 to**
 21 **"township trustee" is considered a reference to the person**
 22 **designated by the county executive as being responsible for**
 23 **administering this chapter through IC 23-14-76; and**

24 (4) **the county (rather than the township) may levy the**
 25 **cemetery tax under IC 23-14-68-4 throughout the county.**

26 SECTION 30. IC 32-26-4-2 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The trustee of
 28 each township, the county highway superintendent, the Indiana
 29 department of transportation, or other officer in control of the
 30 maintenance of a highway shall between January 1 and April 1 of each
 31 year, examine all hedges, live fences, natural growths along highways,
 32 and other obstructions described in section 1 of this chapter in their
 33 respective jurisdictions. **However, in the case of a county in which**
 34 **township government has been abolished under IC 36-6-1.1 or**
 35 **IC 36-6-1.2, the duties and obligations of a township trustee and**
 36 **township under this chapter are transferred to and become the**
 37 **duties and obligations of the county.** If there are hedges, live fences,
 38 other growths, or obstructions along the highways that have not been
 39 cut, trimmed down, and maintained in accordance with this chapter, the
 40 owner shall be given written notice to cut or trim the hedge or live
 41 fence and to burn the brush trimmed from the hedge or live fence and
 42 remove any other obstructions or growths.

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

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

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

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

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

20 (e) The township trustee, county highway superintendent, or Indiana
 21 department of transportation, **or (in a county in which township
 22 government has been abolished under IC 36-6-1.1 or IC 36-6-1.2)
 23 the appropriate county official designated by the county executive**
 24 having charge of the work performed under subsection (d) shall prepare
 25 an itemized statement of the total cost of the work of removing the
 26 obstructions or growths and shall sign and certify the statement to the
 27 county auditor of the county in which the land is located. The county
 28 auditor shall place the statement on the tax duplicates. The county
 29 treasurer shall collect the costs entered on the duplicates at the same
 30 time and in the same manner as road taxes are collected. The treasurer
 31 may not issue a receipt for road taxes unless the costs entered on the
 32 duplicates are paid in full at the same time the road taxes are paid. If
 33 the costs are not paid when due, the costs shall become delinquent,
 34 bear the same interest, be subject to the same penalties, and be
 35 collected at the same time and in the same manner as other unpaid and
 36 delinquent taxes.

37 SECTION 31. IC 32-26-9-0.6 IS ADDED TO THE INDIANA
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2011]: **Sec. 0.6. (a) On the date township
 40 government is abolished in a county under IC 36-6-1.1 or
 41 IC 36-6-1.2, the powers and duties of a township under this chapter
 42 are transferred to the county.**

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(b) After the date township government is abolished in a county under IC 36-6-1.1 or IC 36-6-1.2:

(1) the county official designated by the county executive as responsible for administering this chapter (rather than the township trustee) is responsible for administering this chapter;

(2) a reference in this chapter to "township" is considered a reference to the county; and

(3) a reference in this chapter to "township trustee" is considered a reference to the county official designated by the county executive as responsible for administering this chapter.

SECTION 32. IC 33-34-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 6. A division of the small claims court must be a full-time division or a part-time division as determined by the ~~individual township boards~~ **city-county council** following a hearing conducted under section 7 of this chapter.

SECTION 33. IC 33-34-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 8. The township trustee **(before township government is abolished under IC 36-6-1.1) or the clerk of the city-county council (after township government is abolished under IC 36-6-1.1)** shall give ten (10) days notice of all hearings held under section 7 of this chapter in one (1) or more newspapers of general circulation in the county.

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

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

SECTION 35. IC 33-34-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 5. (a) The salary of a judge who serves full time must be in an amount ~~determined by the~~

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1 ~~township board of the township in which the small claims court is~~
 2 ~~located~~ **established by ordinance of the city-county council.**

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

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

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

12 SECTION 36. IC 33-34-2-6 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 6. (a) The annual
 14 salary of a judge shall be paid:

15 **(1) before township government is abolished under**
 16 **IC 36-6-1.1, in twelve (12) equal monthly installments by the**
 17 **township trustee; or**

18 **(2) after township government is abolished under IC 36-6-1.1,**
 19 **by the county in the same installments as judges of the**
 20 **superior court in the county.**

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

24 SECTION 37. IC 33-34-2-14 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 14. (a) The
 26 resignation of a judge shall be delivered to the clerk of the circuit court.
 27 The clerk shall advise the circuit court. ~~and appropriate township~~
 28 ~~board.~~

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

31 SECTION 38. IC 33-34-3-1 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Except for a
 33 claim between landlord and tenant **or a claim filed after December**
 34 **31, 2011, that is related to real estate**, a case within the jurisdiction
 35 of a small claims court may be:

- 36 (1) venued;
 37 (2) commenced; and
 38 (3) decided;

39 in any township small claims court within the county. However, upon
 40 a motion for change of venue filed by the defendant within ten (10)
 41 days of service of the summons, the township small claims court shall
 42 determine in accordance with subsection (b) whether required venue

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1 lies with the court or with another small claims court in the county in
2 which the small claims court action was filed.

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

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

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

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

- 14 (A) resides;
- 15 (B) owns real estate; or
- 16 (C) rents an apartment or real estate or where the principal
17 office or place of business of any defendant is located.

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

21 (c) Venue of:
22 (1) any claim between landlord and tenant;
23 (2) **any claim filed after December 31, 2011, that is related to**
24 **real estate;**

25 must be in the township where the real estate is located.

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

29 SECTION 39. IC 33-34-5-4, AS AMENDED BY P.L.174-2006,
30 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JANUARY 1, 2012]: Sec. 4. (a) If a judge is unable to preside over the
32 judge's small claims court during any number of days, the judge may
33 appoint in writing a person qualified to be a small claims judge under
34 IC 33-34-2-2 to preside in place of the judge.

35 (b) The written appointment shall be entered on the order book or
36 record of the circuit court. The appointee shall, after taking the oath
37 prescribed for the judges, conduct the business of the small claims
38 court subject to the same rules and regulations as judges and has the
39 same authority during the continuance of the appointee's appointment.

40 (c) The appointee is entitled to the same compensation from:
41 (1) **before township government is abolished under**
42 **IC 36-6-1.1, the township trustee; or**

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1 **(2) after township government is abolished under IC 36-6-1.1,**
2 **the county executive;**
3 as accruable to the small claims judge in whose place the appointee is
4 serving.

5 SECTION 40. IC 33-34-6-1, AS AMENDED BY P.L.174-2006,
6 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JANUARY 1, 2012]: Sec. 1. The township trustee **(before township**
8 **government is abolished under IC 36-6-1.1) or the county executive**
9 **(after township government is abolished under IC 36-6-1.1)** shall
10 provide a courtroom and an office for each judge in a convenient
11 location within the township that has:

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

18 SECTION 41. IC 33-34-6-2, AS AMENDED BY P.L.174-2006,
19 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JANUARY 1, 2012]: Sec. 2. A township **(before township**
21 **government is abolished under IC 36-6-1.1) or the county executive**
22 **(after township government is abolished under IC 36-6-1.1)** 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 42. IC 33-34-6-3 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 3. Each township
33 **(before township government is abolished under IC 36-6-1.1) or the**
34 **city-county council (after township government is abolished under**
35 **IC 36-6-1.1)** shall provide an appropriate and competitive salary of at
36 least five thousand six hundred dollars (\$5,600) for the number of
37 clerks for the small claims court sufficient to:

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

40 SECTION 43. IC 33-34-7-3 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 3. The judge of
42 the circuit court, with the assistance of the clerk of the circuit court, the

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1 judges of the small claims courts, and the state board of accounts, shall,
2 at the expense of the townships **(before township government is**
3 **abolished under IC 36-6-1.1) or the county (after township**
4 **government is abolished under IC 36-6-1.1):**

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

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

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

12 SECTION 44. IC 33-34-8-3, AS AMENDED BY P.L.182-2009(ss),
13 SECTION 391, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JANUARY 1, 2012]: Sec. 3. (a) Payment for all costs
15 made as a result of proceedings in a small claims court shall be to the
16 _____ Township of Marion County Small Claims Court (with the
17 name of the township inserted). The court shall issue a receipt for all
18 money received on a form numbered serially in duplicate. All township
19 docket fees and late fees received by the court shall be paid to the
20 township trustee **(before township government is abolished under**
21 **IC 36-6-1.1) or the county (after township government is abolished**
22 **under IC 36-6-1.1)** at the close of each month.

23 (b) The court shall:

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

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

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

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

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

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

42 (2) distribute monthly to the county auditor all document storage

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fees received by the court.
The remaining twenty-five percent (25%) of the judicial salaries fees described in subdivision (1)(E) shall be deposited monthly in **(before township government is abolished under IC 36-6-1.1)** the township general fund of the township in which the court is located **or (after township government is abolished under IC 36-6-1.1) the county general fund and credited to the small claims court account described in section 5 of this chapter.** The county auditor shall deposit fees distributed under subdivision (2) into the clerk's record perpetuation fund under IC 33-37-5-2.

- (c) The court semiannually shall pay:
 - (1) before township government is abolished under IC 36-6-1.1,** to the township trustee of the township in which the court is located the remaining forty percent (40%) of the court administration fees described under subsection (b)(1)(C) to fund the operations of the small claims court in the trustee's township;
 - or**
 - (2) after township government is abolished under IC 36-6-1.1, to the county for deposit in the county general fund, to be:**
 - (A) credited to the small claims court account described in section 5 of this chapter; and**
 - (B) used by the county:**
 - (i) to fund the operations of the small claims court; and**
 - (ii) if any funds remain during a budget year after the payment of expenses under item (i), to fund public safety programs in the county as determined by the city-county council.**

SECTION 45. IC 33-34-8-5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2012]: **Sec. 5. Fees and costs paid and collected under section 3 of this chapter after township government is abolished under IC 36-6-1.1 shall be deposited in the county general fund and credited to separate accounts established for each township small claims court. If any funds remain after the payment of expenses of operating the small claims court, the remaining funds may be used to fund public safety programs in the county as determined by the city-county council.**

SECTION 46. IC 34-30-2-58, AS AMENDED BY P.L.2-2008, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: **Sec. 58. IC 15-16-8-4 (Concerning township trustees, county officials, or persons hired by them for the removal of detrimental plants upon another person's real property).**

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1 SECTION 47. IC 36-1-2-6, AS AMENDED BY P.L.186-2006,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2012]: Sec. 6. "Fiscal body" means:

- 4 (1) county council, for a county not having a consolidated city;
- 5 (2) city-county council, for a consolidated city or county having
6 a consolidated city;
- 7 (3) common council, for a city other than a consolidated city;
- 8 (4) town council, for a town;
- 9 (5) ~~township board~~, **the fiscal body of the county in which the**
10 **township is located**, for a township;
- 11 (6) governing body or budget approval body, for any other
12 political subdivision that has a governing body or budget approval
13 body; or
- 14 (7) chief executive officer of any other political subdivision that
15 does not have a governing body or budget approval body.

16 SECTION 48. IC 36-1-2-9, AS AMENDED BY P.L.186-2006,
17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JANUARY 1, 2012]: Sec. 9. "Legislative body" means: ~~the~~

- 19 (1) **the** board of county commissioners, for a county not subject
20 to IC 36-2-3.5 or IC 36-3-1;
- 21 (2) **the** county council, for a county subject to IC 36-2-3.5;
- 22 (3) **the** city-county council, for a consolidated city or county
23 having a consolidated city;
- 24 (4) **the** common council, for a city other than a consolidated city;
- 25 (5) **the** town council, for a town;
- 26 (6) ~~township board~~, **the fiscal body of the county in which the**
27 **township is located**, for a township;
- 28 (7) **the** governing body of any other political subdivision that has
29 a governing body; or
- 30 (8) **the** chief executive officer of any other political subdivision
31 that does not have a governing body.

32 SECTION 49. IC 36-1-8-5.1 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.1. (a) A political
34 subdivision may establish a rainy day fund by the adoption of:

- 35 (1) an ordinance, in the case of a county, city, or town; or
- 36 (2) a resolution, in the case of any other political subdivision.
- 37 (b) An ordinance or a resolution adopted under this section must
38 specify the following:
 - 39 (1) The purposes of the rainy day fund.
 - 40 (2) The sources of funding for the rainy day fund, which may
41 include the following:
 - 42 (A) Unused and unencumbered funds under:

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- 1 (i) section 5 of this chapter;
- 2 (ii) IC 6-3.5-1.1-21.1;
- 3 (iii) IC 6-3.5-6-17.3; or
- 4 (iv) IC 6-3.5-7-17.3.
- 5 (B) Any other funding source:
 - 6 (i) specified in the ordinance or resolution adopted under
 - 7 this section; and
 - 8 (ii) not otherwise prohibited by law.
- 9 (c) The rainy day fund is subject to the same appropriation process
- 10 as other funds that receive tax money.
- 11 (d) In any fiscal year, a political subdivision may transfer under
- 12 section 5 of this chapter not more than ten percent (10%) of the
- 13 political subdivision's total annual budget for that fiscal year, adopted
- 14 under IC 6-1.1-17, to the rainy day fund.
- 15 (e) A political subdivision may use only the funding sources
- 16 specified in subsection (b)(2)(A) or in the ordinance or resolution
- 17 establishing the rainy day fund. The political subdivision may adopt a
- 18 subsequent ordinance or resolution authorizing the use of another
- 19 funding source.
- 20 (f) The department of local government finance may not reduce the
- 21 actual or maximum permissible levy of a political subdivision as a
- 22 result of a balance in the rainy day fund of the political subdivision.
- 23 **(g) A township may not transfer or expend from the township's**
- 24 **rainy day fund more than one percent (1%) of the balance in that**
- 25 **rainy day fund in any twelve (12) month period without approval**
- 26 **of the county fiscal body.**
- 27 **(h) In the case of a township for which the township government**
- 28 **is abolished under IC 36-6-1.1 or IC 36-6-1.2, any amounts**
- 29 **transferred by the township from the township's rainy day fund to**
- 30 **the consolidated city or the county shall be used only as follows:**
 - 31 **(1) First, by the consolidated city or the county to pay any**
 - 32 **outstanding indebtedness of the township from which the**
 - 33 **money was transferred.**
 - 34 **(2) Second, if any part of the transferred money remains after**
 - 35 **the payments under subdivision (1), by the consolidated city**
 - 36 **or the county for acquiring, constructing, improving, or**
 - 37 **maintaining infrastructure (including sewerlines, waterlines,**
 - 38 **streets, roads, alleys, sidewalks, curbs, bridges, parking**
 - 39 **facilities, drains, flood control facilities, parks and other**
 - 40 **recreational facilities, street lights, electric signals, and any**
 - 41 **other infrastructure) within the township from which the**
 - 42 **money was transferred.**

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1 SECTION 50. IC 36-1-8-17 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 17. A township may not enter into a
4 contract that has:**

- 5 (1) a total cost of more than five thousand dollars (\$5,000);
- 6 and
- 7 (2) a term that extends beyond December 31, 2011;
- 8 unless the contract has been approved by the fiscal body of the
- 9 county.

10 SECTION 51. IC 36-1-11-5.7, AS AMENDED BY P.L.128-2008,
11 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2011]: **Sec. 5.7. (a) As used in this section, "fire department"**
13 **refers to any of the following:**

- 14 (1) A volunteer fire department (as defined in IC 36-8-12-2).
- 15 (2) The board of fire trustees of a fire protection district
- 16 established under IC 36-8-11.
- 17 (3) A fire department operated by a county under
- 18 IC 36-8-13.6.
- 19 (4) The provider unit of a fire protection territory established
- 20 under IC 36-8-19.

21 (b) Notwithstanding IC 5-22-22 and sections 4, 4.1, 4.2, and 5 of
22 this chapter, a disposing agent of a political subdivision may sell or
23 transfer:

- 24 (1) real property; or
- 25 (2) tangible or intangible personal property, licenses, or any
- 26 interest in the tangible or intangible personal property or licenses;
- 27 without consideration or for a nominal consideration to a fire
- 28 department for construction of a fire station or other purposes related
- 29 to firefighting.

30 SECTION 52. IC 36-2-2-14.5 IS ADDED TO THE INDIANA
31 CODE AS A NEW SECTION TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2011]: **Sec. 14.5. (a) The county executive**
33 **shall appoint a coordinator of social services to:**

- 34 (1) estimate the amount necessary to meet the cost of township
- 35 assistance in the county after township government has been
- 36 abolished under IC 36-6-1.1 or IC 36-6-1.2; and
- 37 (2) administer township assistance for the county under
- 38 IC 12-20-1-6 and IC 12-30-4 after township government has
- 39 been abolished under IC 36-6-1.1 or IC 36-6-1.2.
- 40 (b) The coordinator is under the supervision of the executive
- 41 and holds office at the pleasure of the executive.
- 42 (c) If the coordinator is absent from the coordinator's office due

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1 **to illness, death, vacation, resignation, or removal, the president of**
 2 **the executive, if any, or a qualified person appointed by the**
 3 **executive shall act as coordinator until the coordinator returns to**
 4 **the coordinator's duties or the executive appoints a new**
 5 **coordinator.**

6 SECTION 53. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006,
 7 SECTION 560, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE UPON PASSAGE]: Sec. 6.1. (a) This section applies
 9 only in a county containing a consolidated city **and applies only to the**
 10 **consolidations of fire departments that are effective before**
 11 **January 1, 2012.** If the requirements of subsection (g) are satisfied, the
 12 fire departments of the following are consolidated into the fire
 13 department of a consolidated city (referred to as "the consolidated fire
 14 department"):

15 (1) A township for which the consolidation is approved by the
 16 township legislative body and trustee and the legislative body and
 17 mayor of the consolidated city.

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

20 (b) If the requirements of subsection (g) are satisfied, the
 21 consolidated fire department shall provide fire protection services
 22 within an entity described in subsection (a)(1) or (a)(2) in which the
 23 requirements of subsection (g) are satisfied on the date agreed to in the
 24 resolution of the township legislative body and the ordinance of the
 25 legislative body of the consolidated city.

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

31 (1) transferred to; or

32 (2) assumed by;

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

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

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

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

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

21 (f) If the requirements of subsection (g) are satisfied and the fire
22 department of an entity listed in subsection (a) is consolidated into the
23 fire department of a consolidated city, the merit board and the merit
24 system of the fire department that is consolidated are dissolved on the
25 effective date of the consolidation, and the duties of the merit board are
26 transferred to and assumed by the merit board for the consolidated fire
27 department on the effective date of the consolidation.

28 (g) A township legislative body, after approval by the township
29 trustee, may adopt a resolution approving the consolidation of the
30 township's fire department with the fire department of the consolidated
31 city. A township legislative body may adopt a resolution under this
32 subsection only after the township legislative body has held a public
33 hearing concerning the proposed consolidation. The township
34 legislative body shall hold the hearing not earlier than thirty (30) days
35 after the date the resolution is introduced. The hearing shall be
36 conducted in accordance with IC 5-14-1.5, and notice of the hearing
37 shall be published in accordance with IC 5-3-1. If the township
38 legislative body has adopted a resolution under this subsection, the
39 township legislative body shall, after approval from the township
40 trustee, forward the resolution to the legislative body of the
41 consolidated city. If such a resolution is forwarded to the legislative
42 body of the consolidated city and the legislative body of the

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1 consolidated city adopts an ordinance, approved by the mayor of the
 2 consolidated city, approving the consolidation of the fire department of
 3 the township into the fire department of the consolidated city, the
 4 requirements of this subsection are satisfied. The consolidation shall
 5 take effect on the date agreed to by the township legislative body in its
 6 resolution and by the legislative body of the consolidated city in its
 7 ordinance approving the consolidation.

8 (h) The following apply if the requirements of subsection (g) are
 9 satisfied:

10 (1) The consolidation of the fire department of that township is
 11 effective on the date agreed to by the township legislative body in
 12 the resolution and by the legislative body of the consolidated city
 13 in its ordinance approving the consolidation.

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

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

17 (B) who, after the consolidation, becomes an employee of the
 18 fire department of a consolidated city under this section;
 19 remains a member of the 1977 fund without being required to
 20 meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The
 21 firefighter shall receive credit for any service as a member of the
 22 1977 fund before the consolidation to determine the firefighter's
 23 eligibility for benefits under IC 36-8-8.

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

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

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

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

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

42 (B) is reduced for the township whose fire department is

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

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

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

(7) The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit to provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within the territory of the fire special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability

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

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

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

21 (B) any tax shifts among taxpayers;

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

26 SECTION 54. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005,
 27 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2011]: Sec. 6.2. (a) If a consolidated fire department is
 29 established under section 6.1 of this chapter, the consolidated city,
 30 through the consolidated fire department, shall after the consolidation
 31 establish, operate, and maintain emergency ambulance services (as
 32 defined in IC 16-18-2-107) in the fire special service district and in
 33 those townships in the county that are consolidated under section 6.1
 34 of this chapter.

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

38 SECTION 55. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE
 39 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]: **Sec. 6.4. (a) This section does not apply to the**
 41 **consolidation of a fire department under section 6.1 of this chapter**
 42 **that is effective before January 1, 2012.**

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1 (b) The following fire departments are consolidated into the fire
2 department of the consolidated city (referred to as "the
3 consolidated fire department") on January 1, 2012:

4 (1) The fire department of a township that is located in the
5 county containing a consolidated city and that has not
6 consolidated the township's fire department under section 6.1
7 of this chapter.

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

11 The fire department of an excluded city is not consolidated into the
12 fire department of the consolidated city.

13 (c) After December 31, 2011, the consolidated fire department
14 shall provide fire protection services within the county (except in
15 an excluded city). The consolidated fire department may provide
16 fire protection services in an excluded city if the consolidated city
17 and the excluded city enter into a contract or interlocal agreement
18 for the fire protection services.

19 (d) All of the property, equipment, records, rights, and contracts
20 of each department consolidated into the fire department of the
21 consolidated city under this section are:

22 (1) transferred to; or

23 (2) assumed by;

24 the consolidated city on January 1, 2012. Any funds transferred
25 under this subsection to the consolidated city that represent
26 balances in a cumulative building and equipment fund for fire
27 protection and related services established under IC 36-8-14 shall
28 be deposited in the consolidated city's cumulative building and
29 equipment fund for fire protection and related services and shall
30 be used by the consolidated city only for funding land, buildings,
31 and equipment for fire protection and emergency medical services
32 as provided under IC 36-8-14.

33 (e) The employees of a fire department that is consolidated into
34 the fire department of the consolidated city under this section cease
35 employment with the department listed in subsection (b) and,
36 subject to approval of the executive of the consolidated city,
37 become employees of the consolidated fire department on January
38 1, 2012. The consolidated city shall assume all agreements with
39 labor organizations that:

40 (1) are in effect on January 1, 2012; and

41 (2) apply to employees of the department that is consolidated
42 into the fire department of the consolidated city who become

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1 employees of the consolidated fire department.

2 (f) Indebtedness related to fire protection services incurred

3 before January 1, 2012, by an entity whose fire department is

4 consolidated into the consolidated fire department under this

5 section (or incurred by a building, holding, or leasing corporation

6 on behalf of the entity) shall be assumed, defeased, paid, or

7 refunded by the consolidated city. However, the consolidated city

8 may levy a tax to pay the indebtedness only within the geographic

9 area of the entity that originally incurred the indebtedness.

10 (g) Notwithstanding any other law, to assume, defease, pay, or

11 refund all or part of an indebtedness described in subsection (f),

12 the consolidated city is not required to comply with any other

13 statutory procedures or approvals that apply when a unit incurs

14 indebtedness.

15 (h) Notwithstanding subsections (f) and (g), the consolidated city

16 may not assume all or a part of an indebtedness described in

17 subsection (f) that will exceed the limitations on the amount of

18 indebtedness that the consolidated city may incur. If the

19 consolidated city is prohibited by this subsection from assuming all

20 or a part of an indebtedness described in subsection (f), the entity

21 that originally incurred the debt:

22 (1) shall impose the tax levy necessary to pay the

23 indebtedness; and

24 (2) shall, notwithstanding any other provision, remain in

25 existence until the indebtedness is paid.

26 An entity that remains in existence under subdivision (2) shall

27 remain in existence only for the purpose of imposing the tax levy

28 under subdivision (1).

29 (i) The rights of trustees and bondholders with respect to any:

30 (1) bonds or other indebtedness described in subsection (f); or

31 (2) bond resolution, trust agreement or indenture, security

32 agreement, purchase agreement, or other undertaking with

33 respect to indebtedness described in subsection (f);

34 remain the same, although the powers, duties, agreements, and

35 liabilities of the entities listed in subsection (b) have been

36 transferred to the consolidated city, and the consolidated city shall

37 be considered to have assumed all those powers, duties,

38 agreements, and liabilities.

39 (j) The merit board and the merit system of each fire

40 department that is consolidated into the fire department of the

41 consolidated city are dissolved on January 1, 2012, and the duties

42 of the merit board are transferred to and assumed by the merit

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1 board for the consolidated fire department on that day.
 2 (k) The following apply after a fire department is consolidated
 3 into the fire department of the consolidated city under this section:
 4 (1) Notwithstanding any other provision, a firefighter:
 5 (A) who is a member of the 1977 fund on January 1, 2012;
 6 and
 7 (B) who, after the consolidation, becomes an employee of
 8 the fire department of a consolidated city under this
 9 section;
 10 remains a member of the 1977 fund without being required to
 11 meet the requirements under IC 36-8-8-19 and IC 36-8-8-21.
 12 The firefighter shall receive credit for any service as a
 13 member of the 1977 fund before the consolidation to
 14 determine the firefighter's eligibility for benefits under
 15 IC 36-8-8.
 16 (2) Notwithstanding any other provision, a firefighter:
 17 (A) who is a member of the 1937 fund on January 1, 2012;
 18 and
 19 (B) who, after the consolidation, becomes an employee of
 20 the fire department of a consolidated city under this
 21 section;
 22 remains a member of the 1937 fund. The firefighter shall
 23 receive credit for any service as a member of the 1937 fund
 24 before the consolidation to determine the firefighter's
 25 eligibility for benefits under IC 36-8-7.
 26 (3) For property taxes first due and payable in the first
 27 calendar year in which property taxes are first due and
 28 payable based on the consolidation, the maximum permissible
 29 ad valorem property tax levy under IC 6-1.1-18.5 and
 30 maximum property tax rates for fire protection services for:
 31 (A) the consolidated city; and
 32 (B) the entity whose fire department is consolidated into
 33 the fire department of the consolidated city under this
 34 section;
 35 are determined under IC 6-1.1-18.5-23.
 36 (4) The balance in the cumulative building and equipment
 37 fund of a township whose fire department is consolidated into
 38 the fire department of the consolidated city is transferred as
 39 provided in subsection (d).
 40 (5) The local boards for the 1937 firefighters' pension fund
 41 and the 1977 police officers' and firefighters' pension and
 42 disability fund of an entity whose fire department is

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consolidated into the fire department of the consolidated city are dissolved, and their services are terminated on January 1, 2012. 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 a consolidation under this section.

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

(7) The executive of the consolidated city shall provide for an

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1 independent evaluation and performance audit, due before
 2 March 1, 2013, and before March 1 in each of the following
 3 two (2) years, to determine:

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

6 (B) any tax shifts among taxpayers;

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

11 (l) On June 1, 2011, a fire consolidation transition advisory
 12 group is established in the county having a consolidated city. The
 13 advisory group consists of the chief of the fire department of the
 14 consolidated city (or the chief's designee), who shall chair the
 15 advisory group, and the township trustee (or the township trustee's
 16 designee) of each township that has not consolidated its fire
 17 department into the fire department of the consolidated city. The
 18 advisory group shall do the following:

19 (1) Develop a strategic plan to determine resource
 20 requirements and resource deployments for the consolidated
 21 fire department. In developing the strategic plan, the advisory
 22 group shall consider the Fire Department Consolidation
 23 Staffing Committee Report (as revised April 26, 2005)
 24 prepared by the Indianapolis Metropolitan Professional
 25 Firefighters Association Local 416.

26 (2) Submit recommendations to the executive of the
 27 consolidated city and the city-county council regarding the
 28 consolidation of fire departments.

29 (3) Take steps as necessary to assist the consolidation of fire
 30 departments.

31 The advisory group is abolished January 1, 2012.

32 (m) The executive of the consolidated city shall update the
 33 strategic plan developed under subsection (l) at least once every
 34 three (3) years.

35 (n) After December 31, 2011, the consolidated fire department
 36 in a county containing a consolidated city shall be designated as the
 37 Indianapolis metropolitan fire department.

38 SECTION 56. IC 36-3-1-6.5 IS ADDED TO THE INDIANA CODE
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]: Sec. 6.5. (a) This section applies only in a county
 41 having a consolidated city.

42 (b) The legislative body of an excluded city, after approval by

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1 the executive of the excluded city, may adopt an ordinance
 2 approving the consolidation of the excluded city's fire department
 3 with the fire department of the consolidated city. The legislative
 4 body of an excluded city may adopt an ordinance under this
 5 subsection only after the legislative body has held a public hearing
 6 concerning the proposed consolidation. The legislative body of the
 7 excluded city shall hold the hearing not earlier than forty-five (45)
 8 days after the date the ordinance is introduced. The hearing shall
 9 be conducted in accordance with IC 5-14-1.5, and notice of the
 10 hearing shall be published in accordance with IC 5-3-1. If the
 11 legislative body of the excluded city adopts an ordinance under this
 12 subsection, the legislative body shall, after approval by the
 13 executive of the excluded city, forward the ordinance to the clerk
 14 of the legislative body of the consolidated city. If such an ordinance
 15 is forwarded to the clerk of the legislative body of the consolidated
 16 city and the legislative body of the consolidated city adopts an
 17 ordinance, approved by the mayor of the consolidated city,
 18 approving the consolidation of the fire department of the excluded
 19 city into the fire department of the consolidated city, the
 20 requirements of this subsection are satisfied.

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

23 (1) The fire department of the excluded city is consolidated
 24 into the fire department of the consolidated city (referred to
 25 as "the consolidated fire department"). The consolidation
 26 takes effect on the date agreed to by the legislative body of the
 27 excluded city in its ordinance and by the legislative body of
 28 the consolidated city in its ordinance approving the
 29 consolidation.

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

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

37 (A) transferred to; or

38 (B) assumed by;

39 the consolidated city on the effective date of the consolidation.
 40 However, real property other than real property used as a fire
 41 station may be transferred only on terms mutually agreed to
 42 by the legislative body and mayor of the consolidated city and

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the executive and legislative body of the excluded city in which that real property is located.

(4) The employees of the fire department of the excluded city cease employment with the fire department of the excluded city and become employees of the consolidated fire department on the effective date of the consolidation.

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

(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 shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's

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eligibility for benefits under IC 36-8-7.
(9) For property taxes first due and payable in the year in which the consolidation is effective, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:
(A) is increased for the consolidated city by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the excluded city whose fire department is consolidated into the consolidated fire department under this section; and
(B) is reduced for the excluded city whose fire department is consolidated into the consolidated fire department under this section by the amount equal to the maximum permissible ad valorem property tax levy in the year 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.

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

4 SECTION 57. IC 36-3-6-9, AS AMENDED BY P.L.182-2009(ss),
5 SECTION 401, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Except as provided in
7 subsection (d), the city-county legislative body shall review the
8 proposed operating and maintenance budgets and tax levies and adopt
9 final operating and maintenance budgets and tax levies for each of the
10 following entities in the county:

- 11 (1) An airport authority operating under IC 8-22-3.
- 12 (2) A public library operating under IC 36-12.
- 13 (3) A capital improvement board of managers operating under
- 14 IC 36-10.
- 15 (4) A public transportation corporation operating under IC 36-9-4.
- 16 (5) A health and hospital corporation established under
- 17 IC 16-22-8.
- 18 (6) Any other taxing unit (as defined in IC 6-1.1-1-21) that is
- 19 located in the county and has a governing body that is not
- 20 comprised of a majority of officials who are elected to serve on
- 21 the governing body.

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

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

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

- 37 (1) limit or restrict the rights vested in the entity to fulfill the
- 38 terms of any agreement made with the holders of the entity's
- 39 bonds; or
- 40 (2) in any way impair the rights or remedies of the holders of the
- 41 entity's bonds.

42 (d) If:

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- 1 (1) the assessed valuation of a taxing unit is entirely contained
- 2 within an excluded city or town (as described in IC 36-3-1-7) that
- 3 is located in a county having a consolidated city; or
- 4 (2) the assessed valuation of a taxing unit is not entirely
- 5 contained within the excluded city or town (as described in
- 6 IC 36-3-1-7) but the taxing unit was originally established by
- 7 the excluded city or town;

8 the governing body of the taxing unit shall submit its proposed
 9 operating and maintenance budget and tax levies to the city or town
 10 fiscal body for approval and not the city-county legislative body.
 11 Except as provided in subsection (c), the fiscal body of the excluded
 12 city or town may reduce or modify but not increase a proposed
 13 operating and maintenance budget or tax levy under this section.

14 SECTION 58. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE
 15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 16 1, 2011]: **Sec. 6. Notwithstanding any other law, the consolidated**
 17 **city may, after December 31, 2011, issue obligations to refund**
 18 **obligations issued before January 1, 2012, in the name of:**

- 19 (1) a township;
- 20 (2) a fire protection territory; or
- 21 (3) a building, holding, or leasing corporation on behalf of a
- 22 township or a fire protection territory;

23 to satisfy the requirements of IC 36-3-1-6.4(f), IC 36-3-1-6.4(g), and
 24 IC 36-3-1-6.4(h).

25 SECTION 59. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE
 26 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]:

28 **Chapter 1.1. Abolishing Township Government in Certain**
 29 **Counties**

30 **Sec. 1. This chapter applies only to the following counties:**

- 31 (1) A county containing a consolidated city.
- 32 (2) A county containing a second class city.

33 **Sec. 2. (a) The powers and duties of the township are**
 34 **transferred to the county on the earlier of:**

- 35 (1) January 1, 2015; or
- 36 (2) the date:
 - 37 (A) established by resolution of:
 - 38 (i) the township board (before January 1, 2012); or
 - 39 (ii) the county fiscal body (after December 31, 2011); and
 - 40 (B) approved by order of the township trustee.

41 (b) On the date township powers and duties are transferred for
 42 a township, the office of township trustee and (if the office exists in

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1 a township) the office of township assessor are abolished.

2 Sec. 3. (a) The abolishment of an office under section 2 of this

3 chapter does not invalidate:

4 (1) any resolutions, fees, schedules, or other actions adopted

5 or taken by the township officer before the date township

6 powers and duties are transferred for the township; or

7 (2) any appointments made by the township officer before the

8 date township powers and duties are transferred for the

9 township.

10 (b) The abolition of the office of township assessor under section

11 2 of this chapter does not affect any assessment, assessment appeal,

12 or other official action of a township assessor made before the

13 transfer of duties of the township assessor relating to property

14 assessment. Any assessment, assessment appeal, or other official

15 action of a township assessor made by a township assessor within

16 the scope of the township assessor's official duties under IC 6-1.1

17 or IC 36-6-5 before the transfer of duties to the county assessor is

18 considered as having been made by the county assessor.

19 (c) Except as specifically provided, in a county subject to this

20 chapter, any reference in the Indiana Code, the Indiana

21 Administrative Code, or a resolution to:

22 (1) the township assessor shall be considered after the date

23 township government is abolished under this chapter a

24 reference to the county assessor; and

25 (2) the township trustee shall be considered after the date

26 township government is abolished under this chapter a

27 reference to the county executive.

28 Sec. 4. On the date township government is abolished under this

29 chapter, the following occur:

30 (1) All:

31 (A) assets;

32 (B) debts;

33 (C) property rights;

34 (D) equipment;

35 (E) records;

36 (F) personnel (except as otherwise provided by statute);

37 and

38 (G) contracts;

39 connected with the operations of a township are transferred

40 to the county to be used only for the benefit of the township.

41 (2) Notwithstanding any other law to the contrary, a

42 township's distributive share of any state or local taxes or

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revenues is reduced to zero (0) and is transferred to the county.

(3) A county described in section 1(2) of this chapter is responsible for providing fire protection under IC 36-8 in the unincorporated area of the county. In a county described in section 1(1) of this chapter, township fire departments are consolidated on January 1, 2012, as provided in IC 36-3-1-6.1 and IC 36-3-1-6.4.

(4) If, as of the date township powers and duties are transferred for a township, the township in the county has a local board for the 1937 firefighters' pension fund or the 1977 police officers' and firefighters' pension and disability fund, that local board is dissolved, and the powers, duties, and responsibilities of the local board under IC 36-8-7 or IC 36-8-8, respectively, are assumed by the county's local board for the 1937 firefighters' pension fund and the local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the county may adopt an ordinance to adjust the membership of the county's local board to reflect the dissolution of the township's local board.

Sec. 5. Except as specifically provided, in a county subject to this chapter, the following apply on the date township powers and duties are transferred for the township:

(1) Any indebtedness and any lease rental obligation incurred before that date by the township become an obligation of the county in which the township is located and shall be assumed, defeased, paid, or refunded by the county. The county may levy property taxes to pay the indebtedness or lease rental obligations only in the area of the township that incurred the debt.

(2) Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness or lease rental obligations described in subdivision (1), the county is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness or lease rental obligations.

(3) Notwithstanding subdivisions (1) and (2), a county may not assume all or a part of the indebtedness described in subdivision (1) that will exceed the limitations on the amount of indebtedness that the county may incur. To the extent a county may not assume all or a part of the indebtedness

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1 described in subdivision (1) because to do so would cause the
2 county to exceed the limitations on the amount of
3 indebtedness that the county may incur, a special taxing unit
4 is established in the township only for the purpose of levying
5 property taxes necessary to pay the indebtedness that is not
6 assumed by the county.

7 (4) The rights of the trustee and the bondholders with respect
8 to any:

- 9 (A) indebtedness described in subdivision (1); or
 - 10 (B) bond resolution, trust agreement or indenture, security
11 agreement, purchase agreement, or other undertaking with
12 respect to indebtedness described in subdivision (1);
- 13 remain the same, although the powers, duties, agreements,
14 and liabilities of the township have been transferred to the
15 county, and the county is considered to have assumed all those
16 powers, duties, agreements, and liabilities.

17 Sec. 6. In a county having a consolidated city, the operation of
18 the small claims courts after the township powers and duties are
19 transferred to the county shall be accounted for in the county
20 budget.

21 Sec. 7. On the date township government is abolished under this
22 chapter, the balance in a debt service fund of a township:

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

27 Any balance remaining in the fund after all payments for
28 indebtedness or lease rentals required under this section have been
29 made shall be used for infrastructure in the township

30 Sec. 8. (a) Except as specifically provided, on the date township
31 government is abolished under this chapter, the balance in a
32 township's general fund is transferred to the county.

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

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

37 Sec. 9. (a) On the date township government is abolished under
38 this chapter, the balance in a township's township assistance fund
39 attributable to the duties of the township trustee:

- 40 (1) is transferred to the county; and
- 41 (2) shall be deposited in the county's township assistance fund
42 established under IC 12-20-1-7.

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

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

5 Sec. 10. The department of local government finance shall
6 adjust the maximum permissible property tax levies, maximum
7 permissible property tax rates, and budgets as necessary to take
8 into account the transfer of duties and powers of townships under
9 this chapter or IC 36-3-1-6.4.

10 Sec. 11. In each county subject to this chapter (other than a
11 county having a consolidated city), a fire consolidation transition
12 advisory group is established on June 30, 2011. The advisory group
13 consists of an individual, appointed by the county executive, who
14 shall chair the advisory group, and the township trustee (or the
15 township trustee's designee) of each township in the county. The
16 advisory group shall do the following:

17 (1) Develop a strategic plan to determine resource
18 requirements and resource deployments for fire protection in
19 the county.

20 (2) Submit recommendations to the county executive and
21 county fiscal body regarding the transition from fire
22 protection service provided by townships to fire protection
23 service provided by the county.

24 (3) Take steps as necessary to assist the transition from fire
25 protection service provided by townships to fire protection
26 service provided by the county.

27 This section expires on the date township government is abolished
28 under this chapter.

29 Sec. 12. This chapter contains full and complete authority for
30 the county to take any action necessary to accomplish the transfer
31 the duties and powers from a township under this chapter.

32 SECTION 60. IC 36-6-1.2 IS ADDED TO THE INDIANA CODE
33 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
34 UPON PASSAGE]:

35 Chapter 1.2. Local Public Question on Retaining Township
36 Government; Transfer of Powers and Duties

37 Sec. 1. (a) This chapter applies to each county, other than a
38 county specified in subsection (b).

39 (b) This chapter does not apply to the following:

40 (1) A county containing a consolidated city.

41 (2) A county containing a second class city.

42 Sec. 2. The following question shall be submitted to the

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1 registered voters of each county subject to this chapter at the
2 general election in November 2012:

3 "Shall township government be retained? (A "yes" vote on
4 the public question retains township government as it
5 currently exists. A "no" vote on the public question transfers
6 township powers and duties to the county.)".

7 Sec. 3. (a) The county auditor shall certify the public question
8 described in section 2 of this chapter under IC 3-10-9-3 to the
9 county election board. After the public question is certified, the
10 public question shall be placed on the ballot at the general election
11 in November 2012.

12 (b) Only the registered voters who are residents of the county
13 may vote on the public question.

14 Sec. 4. The circuit court clerk shall certify the results of a public
15 question under this chapter to the following:

- 16 (1) The secretary of state.
- 17 (2) The county auditor.
- 18 (3) The department of local government finance.
- 19 (4) The department of state revenue.
- 20 (5) The state board of accounts.

21 Sec. 5. If a majority of the voters voting on the public question
22 in the county vote "no" to the public question:

- 23 (1) the powers and duties of the township are transferred to
24 the county on January 1, 2015; and
- 25 (2) the office of township trustee and (if the office exists in a
26 township) the office of township assessor are abolished
27 January 1, 2015.

28 Sec. 6. (a) The abolishment of an office under section 5 of this
29 chapter does not invalidate:

- 30 (1) any resolutions, fees, schedules, or other actions adopted
31 or taken by the township officer before January 1, 2015; or
- 32 (2) any appointments made by the township officer before
33 January 1, 2015.

34 (b) The abolition of the office of township assessor under section
35 5 of this chapter does not affect any assessment, assessment appeal,
36 or other official action of a township assessor made before the
37 transfer of duties of the township assessor relating to property
38 assessment. Any assessment, assessment appeal, or other official
39 action of a township assessor made by a township assessor within
40 the scope of the township assessor's official duties under IC 6-1.1
41 or IC 36-6-5 before the transfer of duties to the county assessor is
42 considered as having been made by the county assessor.

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1 (c) Except as specifically provided, in a county in which the
2 powers and duties of the township are transferred to the county,
3 any reference in the Indiana Code, the Indiana Administrative
4 Code, or a resolution to:

5 (1) the township assessor shall be considered after December
6 31, 2015, a reference to the county assessor; and

7 (2) the township trustee shall be considered after December
8 31, 2015, a reference to the county executive.

9 Sec. 7. If a majority of the voters in the county voting on a
10 public question under this chapter vote "yes" on the public
11 question, the townships in the county retain their elected trustee
12 and township assessor (if the office exists in the township) offices,
13 the powers and duties of the townships are not transferred, and the
14 offices of township trustee and township assessor (if any) are not
15 abolished under this chapter.

16 Sec. 8. IC 3, to the extent not inconsistent with this chapter,
17 applies to an election held under this chapter.

18 Sec. 9. If a majority of voters in the county voting on a public
19 question under this chapter vote "no" on the public question, on
20 January 1, 2015, the following occur:

- 21 (1) All:
 - 22 (A) assets;
 - 23 (B) debts;
 - 24 (C) property rights;
 - 25 (D) equipment;
 - 26 (E) records;
 - 27 (F) personnel (except as otherwise provided by statute);
 - 28 and
 - 29 (G) contracts;

30 connected with the operations of a township are transferred
31 to the county to be used only for the benefit of the township.

32 (2) Notwithstanding any other law to the contrary, a
33 township's distributive share of any state or local taxes or
34 revenues is reduced to zero (0) and is transferred to the
35 county.

36 (3) The county is responsible for providing fire protection
37 under IC 36-8 in the unincorporated area of the county.

38 (4) If, as of December 31, 2014, a township in the county has
39 a local board for the 1937 firefighters' pension fund or the
40 1977 police officers' and firefighters' pension and disability
41 fund, that local board is dissolved on January 1, 2015, and the
42 powers, duties, and responsibilities of the local board under

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1 IC 36-8-7 or IC 36-8-8, respectively, are assumed by the
 2 county's local board for the 1937 firefighters' pension fund
 3 and the local board for the 1977 police officers' and
 4 firefighters' pension and disability fund, respectively.
 5 Notwithstanding any other provision, the legislative body of
 6 the county may adopt an ordinance to adjust the membership
 7 of the county's local board to reflect the dissolution of the
 8 township's local board.

9 **Sec. 10. If a majority of voters in the county voting on a public**
 10 **question under this chapter vote "no" on the public question, the**
 11 **following apply on January 1, 2015:**

12 (1) Any indebtedness and any lease rental obligation incurred
 13 before January 1, 2015, by the township become an obligation
 14 of the county in which the township is located and shall be
 15 assumed, defeased, paid, or refunded by the county. The
 16 county may levy property taxes to pay the indebtedness or
 17 lease rental obligations only in the area of the township that
 18 incurred the debt.

19 (2) Notwithstanding any other law, to assume, defease, pay, or
 20 refund all or a part of the indebtedness or lease rental
 21 obligations described in subdivision (1), the county is not
 22 required to comply with any other statutory procedures or
 23 approvals that apply when a unit incurs indebtedness or lease
 24 rental obligations.

25 (3) Notwithstanding subdivisions (1) and (2), a county may not
 26 assume all or a part of the indebtedness described in
 27 subdivision (1) that will exceed the limitations on the amount
 28 of indebtedness that the county may incur. To the extent a
 29 county may not assume all or a part of the indebtedness
 30 described in subdivision (1) because to do so would cause the
 31 county to exceed the limitations on the amount of
 32 indebtedness that the county may incur, a special taxing unit
 33 is established in the township only for the purpose of levying
 34 property taxes necessary to pay the indebtedness that is not
 35 assumed by the county.

36 (4) The rights of the trustee and the bondholders with respect
 37 to any:

- 38 (A) indebtedness described in subdivision (1); or
- 39 (B) bond resolution, trust agreement or indenture, security
- 40 agreement, purchase agreement, or other undertaking with
- 41 respect to indebtedness described in subdivision (1);
- 42 remain the same, although the powers, duties, agreements,

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and liabilities of the township have been transferred to the county, and the county is considered to have assumed all those powers, duties, agreements, and liabilities.

Sec. 11. If a majority of voters in the county voting on a public question under this chapter vote "no" on the public question, the balance on January 1, 2015, in a debt service fund of a township:

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

Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made shall be used for infrastructure in the township

Sec. 12. (a) Except as specifically provided, if a majority of voters in the county voting on a public question under this chapter vote "no" on the public question, on January 1, 2015, the balance in a township's general fund is transferred to the county.

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

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

Sec. 13. (a) If a majority of voters in the county voting on a public question under this chapter vote "no" on the public question, on January 1, 2015, the balance in a township's township assistance fund attributable to the duties of the township trustee:

- (1) is transferred to the county; and
- (2) shall be deposited in the county township assistance fund established under IC 12-20-1-7.

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

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

Sec. 14. The department of local government finance shall adjust the maximum permissible property tax levies, maximum permissible property tax rates, and budgets as necessary to take into account the transfer of duties and powers of townships under this chapter.

Sec. 15. In each county subject to this chapter, a fire consolidation transition advisory group is established in the county on June 30, 2013. The advisory group consists of an individual, appointed by the county executive, who shall chair the advisory group, and the township trustee (or the township trustee's

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1 designee) of each township in the county. The advisory group shall
2 do the following:

3 (1) Develop a strategic plan to determine resource
4 requirements and resource deployments for the fire
5 protection in the county.

6 (2) Submit recommendations to the county executive and
7 county fiscal body regarding the transition from fire
8 protection service provided by townships to fire protection
9 service provided by the county.

10 (3) Take steps as necessary to assist the transition from fire
11 protection service provided by townships to fire protection
12 service provided by the county.

13 This section expires January 1, 2015.

14 Sec. 16. This chapter contains full and complete authority for
15 the county to take any action necessary to accomplish the transfer
16 of the duties and powers from a township under this chapter.

17 SECTION 61. IC 36-6-4-1 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Except as
19 provided in subsection (b), this chapter applies to all townships.

20 (b) Notwithstanding any other law, in the case of a county in
21 which township government has been abolished under IC 36-6-1.1
22 or IC 36-6-1.2:

23 (1) the powers and duties of the township trustee are
24 transferred to the county executive;

25 (2) the office of township trustee is eliminated; and

26 (3) the term of any township trustee is terminated;

27 on the date the township government is abolished.

28 SECTION 62. IC 36-6-5-1, AS AMENDED BY P.L.1-2009,
29 SECTION 164, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Subject to subsection (g),
31 before 2009, a township assessor shall be elected under IC 3-10-2-13
32 by the voters of each township:

33 (1) having:

34 (A) a population of more than eight thousand (8,000); or

35 (B) an elected township assessor or the authority to elect a
36 township assessor before January 1, 1979; and

37 (2) in which the number of parcels of real property on January 1,
38 2008, is at least fifteen thousand (15,000).

39 (b) Subject to subsection (g), before 2009, a township assessor shall
40 be elected under IC 3-10-2-14 (repealed effective July 1, 2008) in each
41 township:

42 (1) having a population of more than five thousand (5,000) but

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- 1 not more than eight thousand (8,000), if:
- 2 (A) the legislative body of the township, by resolution,
- 3 declares that the office of township assessor is necessary; and
- 4 (B) the resolution is filed with the county election board not
- 5 later than the first date that a declaration of candidacy may be
- 6 filed under IC 3-8-2; and
- 7 (2) in which the number of parcels of real property on January 1,
- 8 2008, is at least fifteen thousand (15,000).
- 9 (c) Subject to subsection (g), a township government that is created
- 10 by merger under IC 36-6-1.5 shall elect only one (1) township assessor
- 11 under this section.
- 12 (d) Subject to subsection (g), after 2008 a township assessor shall
- 13 be elected under IC 3-10-2-13 only by the voters of each township in
- 14 which:
- 15 (1) the number of parcels of real property on January 1, 2008, is
- 16 at least fifteen thousand (15,000); and
- 17 (2) the transfer to the county assessor of the assessment duties
- 18 prescribed by IC 6-1.1 is disapproved in the referendum under
- 19 IC 36-2-15.
- 20 (e) The township assessor must reside within the township as
- 21 provided in Article 6, Section 6 of the Constitution of the State of
- 22 Indiana. The assessor forfeits office if the assessor ceases to be a
- 23 resident of the township.
- 24 (f) The term of office of a township assessor is four (4) years,
- 25 beginning January 1 after election and continuing until a successor is
- 26 elected and qualified. However, the term of office of a township
- 27 assessor elected at a general election in which no other township
- 28 officer is elected ends on December 31 after the next election in which
- 29 any other township officer is elected.
- 30 (g) A person who runs for the office of township assessor in an
- 31 election after June 30, 2008, is subject to IC 3-8-1-23.6.
- 32 (h) After June 30, 2008, the county assessor shall perform the
- 33 assessment duties prescribed by IC 6-1.1 in a township in which the
- 34 number of parcels of real property on January 1, 2008, is less than
- 35 fifteen thousand (15,000).
- 36 **(i) Notwithstanding any other law, in the case of a county in**
- 37 **which township government has been abolished under IC 36-6-1.1**
- 38 **or IC 36-6-1.2:**
- 39 **(1) the powers and duties of the township assessor are**
- 40 **transferred to the county assessor;**
- 41 **(2) the office of township assessor is eliminated; and**
- 42 **(3) the term of any township assessor is terminated;**

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1 on the date the township government is abolished.
2 SECTION 63. IC 36-6-6-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) This chapter
4 applies to all townships.

5 (b) On January 1, 2012, the township boards in each county are
6 abolished, and the term of office of each township board member
7 is terminated.

8 (c) After December 31, 2011:
9 (1) the county fiscal body is the fiscal body and legislative
10 body of each township in the county; and
11 (2) the county fiscal body shall exercise the legislative and
12 fiscal powers assigned in the Indiana Code to township
13 boards, including the authority to adopt the township's annual
14 budget and to levy township property taxes for township
15 funds.

16 (d) The abolishment of a township board under subsection (b)
17 does not invalidate:
18 (1) any resolutions, fees, or schedules adopted or other actions
19 taken by the township board before January 1, 2012; or
20 (2) any appointments made by the township board before
21 January 1, 2012.

22 (e) After December 31, 2011, any reference:
23 (1) in the Indiana Code;
24 (2) in the Indiana Administrative Code; or
25 (3) in any resolution;
26 to the township board shall be considered a reference to the county
27 fiscal body.

28 SECTION 64. IC 36-8-3.5-1.5 IS ADDED TO THE INDIANA
29 CODE AS A NEW SECTION TO READ AS FOLLOWS
30 [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) Notwithstanding any
31 other law, after December 31, 2011, the fire merit board of the
32 metropolitan fire department consists of the following members:

- 33 (1) The county commissioners of the county having a
34 consolidated city shall appoint two (2) members, who may not
35 be members of the same political party.
36 (2) The mayor of the consolidated city shall appoint two (2)
37 members, who may not be members of the same political
38 party.
39 (3) The city-county council of the county having a
40 consolidated city shall appoint five (5) members. Not more
41 than three (3) members appointed under this subdivision may
42 be members of the same political party.

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- 1 **(4) The labor union representing firefighters employed by the**
- 2 **metropolitan fire department shall appoint two (2) members,**
- 3 **who may not be members of the same political party.**
- 4 **(b) After December 31, 2011, the fire merit board of the**
- 5 **metropolitan fire department has complete discretion to establish**
- 6 **a classification of ranks, grades, and positions in the metropolitan**
- 7 **fire department and shall designate the authority and**
- 8 **responsibilities of each rank, grade, and position.**
- 9 **(c) An individual who becomes a firefighter employed by the**
- 10 **metropolitan fire department through the consolidation of**
- 11 **township fire protection services into the metropolitan fire**
- 12 **department after 2004 may not have the individual's merit rank**
- 13 **reduced below the merit rank held by the individual on January 1,**
- 14 **2005, as a firefighter employed by a township fire department.**
- 15 **(d) The following apply to an individual who becomes a**
- 16 **firefighter employed by the metropolitan fire department through**
- 17 **the consolidation of township fire protection services into the**
- 18 **metropolitan fire department after 2004:**
- 19 **(1) The time served by such an individual as a firefighter with**
- 20 **the metropolitan fire department shall also include the total**
- 21 **time served by the individual as a firefighter with the**
- 22 **township department in which the individual was serving at**
- 23 **the time of the consolidation.**
- 24 **(2) The hire date of such an individual is the date the**
- 25 **individual was hired as a firefighter by the township**
- 26 **department in which the individual was serving at the time of**
- 27 **the consolidation.**
- 28 **SECTION 65. IC 36-8-7-1, AS AMENDED BY P.L.227-2005,**
- 29 **SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
- 30 **JULY 1, 2011]: Sec. 1. (a) This chapter applies to pension benefits for**
- 31 **members of fire departments hired before May 1, 1977, in units for**
- 32 **which a 1937 fund was established before May 1, 1977.**
- 33 **(b) A firefighter with twenty (20) years of service is covered by this**
- 34 **chapter and not by IC 36-8-8 if the firefighter:**
- 35 **(1) was hired before May 1, 1977;**
- 36 **(2) did not convert under IC 19-1-36.5-7 (repealed September 1,**
- 37 **1981); and**
- 38 **(3) is rehired after April 30, 1977, by the same employer.**
- 39 **(c) A firefighter is covered by this chapter and not by IC 36-8-8 if**
- 40 **the firefighter:**
- 41 **(1) was hired before May 1, 1977;**
- 42 **(2) did not convert under IC 19-1-36.5-7 (repealed September 1,**

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1 1981);
 2 (3) was rehired after April 30, 1977, but before February 1, 1979;
 3 and
 4 (4) was made, before February 1, 1979, a member of a 1937 fund.
 5 (d) A firefighter:
 6 (1) who:
 7 (†) (A) is covered by this chapter before a consolidation under
 8 IC 36-3-1-6.1, **IC 36-3-1-6.4, or IC 36-3-1-6.5;** and
 9 (‡) (B) becomes a member of a fire department of a
 10 consolidated city under IC 36-3-1-6.1, **IC 36-3-1-6.4, and**
 11 **IC 36-3-1-6.5;** or
 12 (2) who:
 13 (A) **before the township government is abolished under**
 14 **IC 36-6-1.1 or IC 36-6-1.2 is a member of the 1937 fund as**
 15 **a firefighter with a township fire department; and**
 16 (B) **after the township government is abolished under**
 17 **IC 36-6-1.1 or IC 36-6-1.2 becomes a member of the county**
 18 **fire department;**
 19 is covered by this chapter after the effective date of the consolidation,
 20 and the firefighter's service as a member of a fire department of a
 21 consolidated city is considered active service under this chapter.
 22 SECTION 66. IC 36-8-7-4, AS AMENDED BY P.L.227-2005,
 23 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2011]: Sec. 4. (a) If a unit has less than five (5) members in
 25 its fire department, the unit may provide for the organization of a local
 26 board consisting of the fire chief, the executive of the unit, and one (1)
 27 member of the fire department.
 28 (b) The trustee from the fire department shall be elected under this
 29 section.
 30 (c) The local board may amend the bylaws of the fund to elect the
 31 trustee from the fire department in an election held on any three (3)
 32 consecutive days in February specified in the bylaws. The election shall
 33 be called by the fire chief and held at the house or quarters of the fire
 34 department. Subject to this section, the election shall be conducted in
 35 the manner specified in the bylaws.
 36 (d) This subsection applies only if the local board does not elect to
 37 be governed by subsection (c). The trustee from the fire department
 38 shall be elected at a meeting held on the second Monday in February
 39 each year. The meeting shall be called by the fire chief and held at the
 40 house or quarters of the fire department.
 41 (e) The term of the elected trustee is one (1) year beginning
 42 immediately after the trustee's election.

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1 (f) Each member of the department is entitled to one (1) ballot, and
 2 the person receiving the highest number of votes is elected. The
 3 executive of the unit, the fire chief, and the city or county clerk shall
 4 canvass and count the ballots, and the clerk shall issue a certificate of
 5 election to the person having received the highest number of votes. If
 6 two (2) persons have received the same number of votes, the executive
 7 and the chief shall immediately determine by lot who will be the trustee
 8 from the persons receiving an equal number of votes.

9 (g) This section does not apply to a township if the fire department
 10 of the township is consolidated under IC 36-3-1-6.1 **or IC 36-3-1-6.4.**

11 SECTION 67. IC 36-8-7-5, AS AMENDED BY P.L.227-2005,
 12 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2011]: Sec. 5. (a) An election shall be held each year under
 14 this section to elect one (1) trustee from the active members of the fire
 15 department for a term of four (4) years, commencing on the day of his
 16 election. The fire chief shall fix a time for holding a convention to
 17 nominate candidates for trustees to be elected at each election. Each
 18 convention must be held at least five (5) days before the day on which
 19 the annual election is held. A convention consists of one (1) delegate
 20 from each fire company and one (1) delegate to be selected by the chief
 21 and the chief's assistants. The delegate from each fire company shall be
 22 elected by ballot by the members of the company at a time to be fixed
 23 by the chief in the call for a convention. The election of delegates shall
 24 be certified by the captain or other officer of the company, or, if there
 25 is not an officer present, then by the oldest member of the company
 26 present. The convention, when assembled, shall nominate six (6)
 27 members of the fire department to be voted upon as trustees, and the
 28 delegates shall report the names of the persons nominated as candidates
 29 to their respective companies in writing.

30 (b) The local board may amend the bylaws of the fund to elect the
 31 trustee from the active members of the fire department in an election
 32 held on any three (3) consecutive days in February specified in the
 33 bylaws. The election shall be called by the fire chief and held at the
 34 house or quarters of the respective companies of the fire department.
 35 Subject to this section, the election shall be conducted in the manner
 36 specified in the bylaws.

37 (c) This subsection applies only if the local board does not elect to
 38 be governed by subsection (b). The election shall be held at the houses
 39 or quarters of the respective companies on the second Monday in
 40 February between 9 a.m. and 6 p.m.

41 (d) Each member of a fire company is entitled to one (1) ballot, and
 42 the ballot may not contain the names of more than one (1) person,

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1 chosen from the six (6) persons nominated by the convention. The
2 candidate receiving the highest number of votes is elected.

3 (e) The captain or other officer in command of each of the fire
4 companies, immediately after the casting of all ballots, shall canvass
5 and count the ballots. The captain or other officer shall certify in
6 writing the total number of ballots cast and the number of votes
7 received by each candidate for the office of trustee. After signing the
8 certificate, the officer shall enclose it, together with all the ballots cast
9 by the fire company, in an envelope, securely sealed and addressed,
10 and deliver them to the fire chief. The fire chief shall deliver them to
11 the executive of the unit as soon as the chief receives all the certificates
12 and ballots. Upon receipt the executive shall, in the presence of the
13 chief and the clerk of the unit, open the envelopes, examine the
14 certificates, and determine the total number of votes cast for each of the
15 candidates. The executive shall then issue a certificate of election to the
16 candidate having received the highest number of votes. If two (2) or
17 more candidates have received the same number of votes, the executive
18 and the chief shall immediately determine by lot who will be trustee
19 from the persons receiving an equal number of votes. An election may
20 not be set aside for lack of formality in balloting by the members or in
21 certifying or transmitting the returns of an election by the officers in
22 charge.

23 (f) This section does not apply to a township if the fire department
24 of the township is consolidated under IC 36-3-1-6.1 or IC 36-3-1-6.4.

25 SECTION 68. IC 36-8-7-6, AS AMENDED BY P.L.227-2005,
26 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2011]: Sec. 6. (a) An election shall be held under this section
28 every two (2) years to elect one (1) trustee from the retired members of
29 the fire department for a term of two (2) years, commencing on the day
30 of the trustee's election, if the retired list contains at least three (3)
31 retired members at the time of election. The fire chief shall fix a time
32 for holding a convention to nominate candidates for trustee to be
33 elected at each election. Each convention must be held at least fifteen
34 (15) days before the day on which the biennial election is held. All
35 retired members of the fire department may participate in the
36 convention. The convention, when assembled, shall nominate not more
37 than four (4) members of the retired list to be voted upon as trustee.
38 The secretary of the board shall mail the names of the persons
39 nominated along with an official ballot to the retired members within
40 forty-eight (48) hours of the end of the convention.

41 (b) The election shall be conducted by mail. Each retired member
42 is entitled to cast one (1) ballot by mail, and the ballot may not contain

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1 more than one (1) name, chosen from the list of retired persons
2 nominated by the convention. The candidate receiving the highest
3 number of votes by 6 p.m. on the second Monday in February or an
4 alternative date in February specified in the bylaws of the fund is
5 elected.

6 (c) The ballots must remain closed and inviolate until the close of
7 the election, at which time, in the presence of the executive of the unit,
8 the fire chief, and the clerk of the unit, the ballots shall be opened and
9 counted. A certificate of election shall be issued to the candidate
10 receiving the highest number of votes. If two (2) or more candidates
11 receive the same number of votes, the executive and the chief shall
12 immediately determine by lot who will be trustee from the persons
13 receiving an equal number of votes.

14 (d) This section does not apply to a township if the fire department
15 of the township is consolidated under IC 36-3-1-6.1 **or IC 36-3-1-6.4.**

16 SECTION 69. IC 36-8-7-6.5, AS AMENDED BY P.L.227-2005,
17 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2011]: Sec. 6.5. (a) All ballots voted under this chapter shall
19 be secured until the balloting is closed.

20 (b) Tampering with a ballot for an election under this chapter is a
21 Class A infraction.

22 (c) This section does not apply to a township if the fire department
23 of the township is consolidated under IC 36-3-1-6.1 **or IC 36-3-1-6.4.**

24 SECTION 70. IC 36-8-7-7, AS AMENDED BY P.L.227-2005,
25 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2011]: Sec. 7. (a) The fire chief is the president of the local
27 board.

28 (b) At the first meeting after each election, the local board shall
29 elect a secretary, who may be chosen from among the trustees.
30 However, the local board may consider it proper to have a secretary
31 who is a member of the fire department, to be elected by the companies
32 for a term of four (4) years in the same manner as the election for
33 trustees. The secretary shall keep a full record of all the proceedings of
34 the local board in a book provided for that purpose.

35 (c) The local board shall make all rules necessary for the discharge
36 of its duties and shall hear and determine all applications for relief or
37 pensions under this chapter.

38 (d) This section does not apply to a township if the fire department
39 of the township is consolidated under IC 36-3-1-6.1 **or IC 36-3-1-6.4.**

40 SECTION 71. IC 36-8-8-1, AS AMENDED BY P.L.227-2005,
41 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2011]: Sec. 1. This chapter applies to:

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- 1 (1) full-time police officers hired or rehired after April 30, 1977,
- 2 in all municipalities, or who converted their benefits under
- 3 IC 19-1-17.8-7 (repealed September 1, 1981);
- 4 (2) full-time fully paid firefighters hired or rehired after April 30,
- 5 1977, or who converted their benefits under IC 19-1-36.5-7
- 6 (repealed September 1, 1981);
- 7 (3) a police matron hired or rehired after April 30, 1977, and
- 8 before July 1, 1996, who is a member of a police department in a
- 9 second or third class city on March 31, 1996;
- 10 (4) a park ranger who:
 - 11 (A) completed at least the number of weeks of training at the
 - 12 Indiana law enforcement academy or a comparable law
 - 13 enforcement academy in another state that were required at the
 - 14 time the park ranger attended the Indiana law enforcement
 - 15 academy or the law enforcement academy in another state;
 - 16 (B) graduated from the Indiana law enforcement academy or
 - 17 a comparable law enforcement academy in another state; and
 - 18 (C) is employed by the parks department of a city having a
 - 19 population of more than one hundred twenty thousand
 - 20 (120,000) but less than one hundred fifty thousand (150,000);
- 21 (5) a full-time fully paid firefighter who is covered by this chapter
- 22 before the effective date of consolidation and becomes a member
- 23 of the fire department of a consolidated city under IC 36-3-1-6.1,
- 24 **IC 36-3-1-6.4, or IC 36-3-1-6.5**, provided that the firefighter's
- 25 service as a member of the fire department of a consolidated city
- 26 is considered active service under this chapter;
- 27 (6) except as otherwise provided, a full-time fully paid firefighter
- 28 who is hired or rehired after the effective date of the consolidation
- 29 by a consolidated fire department established under
- 30 IC 36-3-1-6.1;
- 31 (7) a full-time police officer who is covered by this chapter before
- 32 the effective date of consolidation and becomes a member of the
- 33 consolidated law enforcement department as part of the
- 34 consolidation under IC 36-3-1-5.1, provided that the officer's
- 35 service as a member of the consolidated law enforcement
- 36 department is considered active service under this chapter; ~~and~~
- 37 (8) except as otherwise provided, a full-time police officer who is
- 38 hired or rehired after the effective date of the consolidation by a
- 39 consolidated law enforcement department established under
- 40 IC 36-3-1-5.1; ~~and~~
- 41 **(9) a full-time, fully paid township firefighter who:**
- 42 (A) **before the township government is abolished under**

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1 **IC 36-6-1.1 or IC 36-6-1.2 is covered by this chapter as a**
 2 **firefighter with a township fire department; and**
 3 **(B) after the township government is abolished under**
 4 **IC 36-6-1.1 or IC 36-6-1.2 becomes a member of the county**
 5 **fire department;**

6 except as provided by section 7 of this chapter. **The service of a**
 7 **firefighter described in subdivision (9) is considered active service**
 8 **under this chapter.**

9 SECTION 72. IC 36-8-8-2, AS AMENDED BY P.L.227-2005,
 10 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2011]: Sec. 2. As used in this chapter, "employer" means:

- 12 (1) a municipality that established a 1925 or 1953 fund or that
- 13 participates in the 1977 fund under section 3 or 18 of this chapter;
- 14 (2) a unit that established a 1937 fund or that participates in the
- 15 1977 fund under section 3 or 18 of this chapter;
- 16 (3) a consolidated city that consolidated the fire departments of
- 17 units that:

- 18 (A) established a 1937 fund; or
- 19 (B) participated in the 1977 fund;
- 20 before the units' consolidation into the fire department of a
- 21 consolidated city ~~established~~ **by under IC 36-3-1-6.1,**
- 22 **IC 36-3-1-6.4, or IC 36-3-1-6.5; or**

- 23 (4) a consolidated city that establishes a consolidated law
- 24 enforcement department under IC 36-3-1-5.1.

25 SECTION 73. IC 36-8-8-2.1 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.1. (a) As used in this
 27 chapter, "local board" means the following:

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

- 30 (2) **Except as provided in subdivision (3) or (4),** for a unit that
- 31 established a 1937 fund for its firefighters, the local board
- 32 described in IC 36-8-7-3.

- 33 **(3) For a unit that established a 1937 fund for its firefighters**
- 34 **and consolidates its fire department into the fire department**
- 35 **of a consolidated city under IC 36-3-1-6.1, IC 36-3-1-6.4, or**
- 36 **IC 36-3-1-6.5:**

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

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

- 42 **(4) For a township that established a 1937 fund for its**

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1 firefighters and that transfers the township's fire protection
2 powers and duties to the county under IC 36-6-1.1 or
3 IC 36-6-1.2:

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

6 (B) on and after the effective date of the consolidation, the
7 local board of the county established under IC 36-8-7-3.

8 ~~(5)~~ (5) For a consolidated city that established a 1953 fund for its
9 police officers, the local board described in IC 36-8-7.5-2.

10 ~~(6)~~ (6) For a unit, other than a consolidated city, that did not
11 establish a 1925 fund for its police officers or a 1937 fund for its
12 firefighters, the local board described in subsection (b) or (c).

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

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

23 (d) If a unit located in a county containing a consolidated city
24 did not establish a 1937 fund for its firefighters and consolidates its
25 fire department into the fire department of the consolidated city
26 under IC 36-3-1-6.1, IC 36-3-1-6.4, or IC 36-3-1-6.5, the local board
27 is:

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

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

33 (e) If a township did not establish a 1937 fund for its firefighters
34 and township fire protection powers and duties are transferred to
35 the county under IC 36-6-1.1 or IC 36-6-1.2, the local board is:

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

38 (2) on and after the effective date of the transfer, the local
39 board of the county established under IC 36-8-7-3.

40 SECTION 74. 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)~~, and (n):

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, **IC 36-3-1-6.4, or**
 18 **IC 36-3-1-6.5;**
 19 (2) whose employer is consolidated into the consolidated law
 20 enforcement department or the fire department of a consolidated
 21 city under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **IC 36-3-1-6.4, or**
 22 **IC 36-3-1-6.5;** and
 23 (3) who, after the consolidation, becomes an employee of the
 24 consolidated law enforcement department or the consolidated fire
 25 department under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **IC 36-3-1-6.4,**
 26 **or IC 36-3-1-6.5;**
 27 is a member of the 1977 fund without meeting the requirements under
 28 sections 19 and 21 of this chapter.
 29 (l) Notwithstanding any other provision of this chapter, if:
 30 (1) before a consolidation under IC 8-22-3-11.6, a police officer
 31 or firefighter provides law enforcement services or fire protection
 32 services for an entity in a consolidated city;
 33 (2) the provision of those services is consolidated into the
 34 **consolidated** law enforcement department or fire department of
 35 a consolidated city **under IC 36-3-1-5.1, IC 36-3-1-6.1, or**
 36 **IC 36-3-1-6.4;** and
 37 (3) after the consolidation, the police officer or firefighter
 38 becomes an employee of the consolidated law enforcement
 39 department or the consolidated fire department under
 40 IC 8-22-3-11.6;
 41 the police officer or firefighter is a member of the 1977 fund without
 42 meeting the requirements under sections 19 and 21 of this chapter.

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1 **(m) Notwithstanding any other provision of this chapter, a**
 2 **firefighter who:**

3 **(1) before the township government is abolished under**
 4 **IC 36-6-1.1 or IC 36-6-1.2 is a member of the 1977 fund as a**
 5 **firefighter with a township fire department; and**

6 **(2) after the township government is abolished under**
 7 **IC 36-6-1.1 or IC 36-6-1.2 becomes a member of the county**
 8 **fire department;**

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

11 ~~(m)~~ **(n) A police officer or firefighter who is a member of the 1977**
 12 **fund under subsection (k), or (l), or (m):**

13 **(1) may not be:**

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

15 ~~(2)~~ **(B) disabled for purposes of section 12 of this chapter;**
 16 **solely because of a change in employer under the consolidation;**
 17 **and**

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

21 SECTION 75. IC 36-8-11-4 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) A county
 23 legislative body may establish fire protection districts for any of the
 24 following purposes:

25 (1) Fire protection, including the capability for extinguishing all
 26 fires that might be reasonably expected because of the types of
 27 improvements, personal property, and real property within the
 28 boundaries of the district.

29 (2) Fire prevention, including identification and elimination of all
 30 potential and actual sources of fire hazard.

31 (3) Other purposes or functions related to fire protection and fire
 32 prevention.

33 (b) Any area may be established as a fire protection district, but one
 34 (1) part of a district may not be completely separate from another part.
 35 A municipality may be included in a district, but only if it consents by
 36 ordinance, unless a majority of the freeholders of the municipality have
 37 petitioned to be included in the district.

38 (c) Except as provided in subsection (d), the territory of a district
 39 may consist of:

40 (1) one (1) or more townships and parts of one (1) or more
 41 townships in the same county; or

42 (2) all of the townships in the same county.

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1 The boundaries of a district need not coincide with those of other
2 political subdivisions.

3 (d) The territory of a district may consist of a municipality that is
4 located in more than one (1) county.

5 **(e) The transfer of fire protection responsibilities to counties**
6 **under IC 36-6-1.1 or IC 36-6-1.2 from a township does not:**

7 **(1) terminate or otherwise affect a fire protection district in**
8 **existence under this chapter as of the effective date of the**
9 **transfer of the fire protection responsibilities; or**

10 **(2) terminate or otherwise affect the authority of a county**
11 **legislative body to establish fire protection districts under this**
12 **chapter.**

13 SECTION 76. IC 36-8-11-15 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. (a) The board:

15 (1) has the same powers and duties as a township executive **or**
16 **county executive** with respect to fire protection functions,
17 including those duties and powers prescribed by IC 36-8-13 **or**
18 **IC 36-8-13.6**, although all cooperative and joint actions permitted
19 by that chapter must be undertaken according to this chapter;

20 (2) has the same powers and duties as a township executive **or**
21 **county executive** relative to contracting with volunteer
22 firefighting companies, as prescribed by IC 36-8-12, **and**
23 **IC 36-8-13, or IC 36-8-13.6;**

24 (3) shall appoint, fix the compensation, and prescribe the duties
25 of a fiscal officer, secretarial staff, persons performing special and
26 temporary services or providing legal counsel, and other
27 personnel considered necessary for the proper functioning of the
28 district; however, a person appointed as fiscal officer must be
29 bonded by good and sufficient sureties in an amount ordered by
30 the county legislative body to protect the district from financial
31 loss;

32 (4) shall exercise general supervision of and make regulations for
33 the administration of the district's affairs;

34 (5) shall prescribe uniform rules pertaining to investigations and
35 hearings;

36 (6) shall supervise the fiscal affairs and responsibilities of the
37 district;

38 (7) may delegate to employees of the district the authority to
39 perform ministerial acts, except in cases in which final action of
40 the board is necessary;

41 (8) shall keep accurate and complete records of all departmental
42 proceedings, record and file all bonds and contracts, and assume

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1 responsibility for the custody and preservation of all papers and
 2 documents of the district;
 3 (9) shall make an annual report to the executive and the fiscal
 4 body of the county that at least lists the financial transactions of
 5 the district and a statement of the progress in accomplishing the
 6 purposes for which the district has been established;
 7 (10) shall adopt a seal and certify all official acts;
 8 (11) may sue and be sued collectively by its legal name ("Board
 9 of Fire Trustees, _____ Fire Protection District"), with
 10 service of process made on the chairman of the board, but costs
 11 may not be taxed against the members individually in an action;
 12 (12) may invoke any legal, equitable, or special remedy for the
 13 enforcement of this chapter or of proper action of the board taken
 14 in a court;
 15 (13) shall prepare and submit to the fiscal body of the county an
 16 annual budget for operation and maintenance expenses and for the
 17 retirement of obligations of the district, subject to review and
 18 approval by the fiscal body;
 19 (14) may, if advisable, establish one (1) or more advisory
 20 committees;
 21 (15) may enter into agreements with and accept money from a
 22 federal or state agency and enter into agreements with a
 23 municipality located within or outside the district, whether or not
 24 the municipality is a part of the district, for a purpose compatible
 25 with the purposes for which the district exists and with the
 26 interests of the municipality;
 27 (16) may accept gifts of money or other property to be used for
 28 the purposes for which the district is established;
 29 (17) may levy taxes at a uniform rate on the real and personal
 30 property within the district;
 31 (18) may issue bonds and tax anticipation warrants;
 32 (19) may incur other debts and liabilities;
 33 (20) may purchase or rent property;
 34 (21) may sell services or property that are produced incident to
 35 the operations of the district making a fair and reasonable charge
 36 for it;
 37 (22) may make contracts or otherwise enter into agreements with
 38 public or private persons and federal or state agencies for
 39 construction, maintenance, or operations of or in part of the
 40 district;
 41 (23) may receive and disburse money; and
 42 (24) may impose a false alarm fee or service charge under

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1 IC 36-8-13-4 or **IC 36-8-13.6-3.**

2 (b) Powers granted by this chapter may be used only to accomplish
3 the purpose or purposes as stated in the ordinance or resolution
4 establishing the district. However, an act of the board necessary and
5 proper to accomplish the purposes for which the district is established
6 is not invalid because it incidentally accomplishes a purpose other than
7 one for which the district is established.

8 SECTION 77. IC 36-8-11-19 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 19. The department of
10 local government finance, when approving a rate and levy fixed by the
11 board, shall verify that a duplication of tax levies does not exist
12 between a fire protection district and a municipality, ~~or~~ township, **or**
13 **county** within the boundaries of the district, so that taxpayers do not
14 bear two (2) levies for the same service, except as provided by section
15 20 of this chapter.

16 SECTION 78. IC 36-8-11-21 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 21. This chapter does
18 not require a municipality, ~~or~~ township, **or county** to disband its fire
19 department unless its legislative body consents by ordinance.

20 SECTION 79. IC 36-8-12-1 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Except as
22 provided in section 10 of this chapter, this chapter applies to all units
23 except counties.

24 **(b) In a county in which township government is abolished**
25 **under IC 36-6-1.1 or IC 36-6-1.2, the powers and duties of a**
26 **township under this chapter are transferred to the county on the**
27 **date township government is abolished.**

28 SECTION 80. IC 36-8-12-13, AS AMENDED BY P.L.1-2010,
29 SECTION 154, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2011]: Sec. 13. (a) A volunteer fire department
31 may impose a charge on the owner of property, the owner of a vehicle,
32 or a responsible party (as defined in IC 13-11-2-191(e)) that is involved
33 in a hazardous material or fuel spill or chemical or hazardous material
34 related fire (as defined in IC 13-11-2-96(b)):

- 35 (1) that is responded to by the volunteer fire department; and
36 (2) that members of that volunteer fire department assisted in
37 extinguishing, containing, or cleaning up.

38 (b) The volunteer fire department shall bill the owner or responsible
39 party of the vehicle for the total dollar value of the assistance that was
40 provided, with that value determined by a method that the state fire
41 marshal shall establish under IC 36-8-12-16. A copy of the fire incident
42 report to the state fire marshal must accompany the bill. This billing

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1 must take place within thirty (30) days after the assistance was
2 provided. The owner or responsible party shall remit payment directly
3 to the governmental unit providing the service. Any money that is
4 collected under this section may be:

5 (1) deposited in the township firefighting fund established in
6 IC 36-8-13-4 **or the county firefighting fund established under**
7 **IC 36-8-13.6;**

8 (2) used to pay principal and interest on a loan made by the
9 department of homeland security established by IC 10-19-2-1 or
10 a division of the department for the purchase of new or used
11 firefighting and other emergency equipment or apparatus; or

12 (3) used for the purchase of equipment, buildings, and property
13 for firefighting, fire protection, and other emergency services.

14 (c) Any administrative fees charged by a fire department's agent
15 must be paid only from fees that are collected and allowed by Indiana
16 law and the fire marshal's schedule of fees.

17 (d) An agent who processes fees on behalf of a fire department shall
18 send all bills, notices, and other related materials to both the fire
19 department and the person being billed for services.

20 (e) All fees allowed by Indiana law and the fire marshal's fee
21 schedule must be itemized separately from any other charges.

22 (f) The volunteer fire department may maintain a civil action to
23 recover an unpaid charge that is imposed under subsection (a).

24 SECTION 81. IC 36-8-12-16, AS AMENDED BY
25 P.L.182-2009(ss), SECTION 436, IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) A volunteer fire
27 department that provides service within a jurisdiction served by the
28 department may establish a schedule of charges for the services that the
29 department provides not to exceed the state fire marshal's
30 recommended schedule for services. The volunteer fire department or
31 its agent may collect a service charge according to this schedule from
32 the owner of property that receives service if the following conditions
33 are met:

34 (1) At the following times, the department gives notice under
35 IC 5-3-1-4(d) in each political subdivision served by the
36 department of the amount of the service charge for each service
37 that the department provides:

38 (A) Before the schedule of service charges is initiated.

39 (B) When there is a change in the amount of a service charge.

40 (2) The property owner has not sent written notice to the
41 department to refuse service by the department to the owner's
42 property.

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- 1 (3) The bill for payment of the service charge:
- 2 (A) is submitted to the property owner in writing within thirty
- 3 (30) days after the services are provided; and
- 4 (B) includes a copy of a fire incident report in the form
- 5 prescribed by the state fire marshal, if the service was
- 6 provided for an event that requires a fire incident report.
- 7 (4) Payment is remitted directly to the governmental unit
- 8 providing the service.
- 9 (b) A volunteer fire department shall use the revenue collected from
- 10 the fire service charges under this section:
- 11 (1) for the purchase of equipment, buildings, and property for
- 12 firefighting, fire protection, or other emergency services;
- 13 (2) for deposit in the township firefighting fund established under
- 14 IC 36-8-13-4 or **in the county firefighting fund established**
- 15 **under IC 36-8-13.6; or**
- 16 (3) to pay principal and interest on a loan made by the department
- 17 of homeland security established by IC 10-19-2-1 or a division of
- 18 the department for the purchase of new or used firefighting and
- 19 other emergency equipment or apparatus.
- 20 (c) Any administrative fees charged by a fire department's agent
- 21 must be paid only from fees that are collected and allowed by Indiana
- 22 law and the fire marshal's schedule of fees.
- 23 (d) An agent who processes fees on behalf of a fire department shall
- 24 send all bills, notices, and other related materials to both the fire
- 25 department and the person being billed for services.
- 26 (e) All fees allowed by Indiana law and the fire marshal's fee
- 27 schedule must be itemized separately from any other charges.
- 28 (f) If at least twenty-five percent (25%) of the money received by a
- 29 volunteer fire department for providing fire protection or emergency
- 30 services is received under one (1) or more contracts with one (1) or
- 31 more political subdivisions (as defined in IC 34-6-2-110), the
- 32 legislative body of a contracting political subdivision must approve the
- 33 schedule of service charges established under subsection (a) before the
- 34 schedule of service charges is initiated in that political subdivision.
- 35 (g) A volunteer fire department that:
- 36 (1) has contracted with a political subdivision to provide fire
- 37 protection or emergency services; and
- 38 (2) charges for services under this section;
- 39 must submit a report to the legislative body of the political subdivision
- 40 before April 1 of each year indicating the amount of service charges
- 41 collected during the previous calendar year and how those funds have
- 42 been expended.

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1 (h) The state fire marshal shall annually prepare and publish a
2 recommended schedule of service charges for fire protection services.

3 (i) The volunteer fire department or its agent may maintain a civil
4 action to recover an unpaid service charge under this section.

5 SECTION 82. IC 36-8-12-17, AS AMENDED BY P.L.107-2007,
6 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2011]: Sec. 17. (a) If a political subdivision has not imposed
8 its own false alarm fee or service charge, a volunteer fire department
9 that provides service within the jurisdiction may establish a service
10 charge for responding to false alarms. The volunteer fire department
11 may collect the false alarm service charge from the owner of the
12 property if the volunteer fire department dispatches firefighting
13 apparatus or personnel to a building or premises in the township **or, in**
14 **a county in which township government is abolished under**
15 **IC 36-6-1.1 or IC 36-6-1.2, in the area served by the volunteer fire**
16 **department** in response to:

17 (1) an alarm caused by improper installation or improper
18 maintenance; or

19 (2) a drill or test, if the fire department is not previously notified
20 that the alarm is a drill or test.

21 However, if the owner of property that constitutes the owner's residence
22 establishes that the alarm is under a maintenance contract with an
23 alarm company and that the alarm company has been notified of the
24 improper installation or maintenance of the alarm, the alarm company
25 is liable for the payment of the fee or service charge.

26 (b) Before establishing a false alarm service charge, the volunteer
27 fire department must provide notice under IC 5-3-1-4(d) in each
28 political subdivision served by the department of the amount of the
29 false alarm service charge. The notice required by this subsection must
30 be given:

31 (1) before the false alarm service charge is initiated; and

32 (2) before a change in the amount of the false alarm service
33 charge.

34 (c) A volunteer fire department may not collect a false alarm service
35 charge from a property owner or alarm company unless the
36 department's bill for payment of the service charge:

37 (1) is submitted to the property owner in writing within thirty (30)
38 days after the false alarm; and

39 (2) includes a copy of a fire incident report in the form prescribed
40 by the state fire marshal.

41 (d) A volunteer fire department shall use the money collected from
42 the false alarm service charge imposed under this section:

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- 1 (1) for the purchase of equipment, buildings, and property for fire
- 2 fighting, fire protection, or other emergency services;
- 3 (2) for deposit in the township firefighting fund established under
- 4 IC 36-8-13-4 or **the county firefighting fund established under**
- 5 **IC 36-8-13.6; or**
- 6 (3) to pay principal and interest on a loan made by the department
- 7 of homeland security established by IC 10-19-2-1 or a division of
- 8 the department for the purchase of new or used firefighting and
- 9 other emergency equipment or apparatus.
- 10 (e) If at least twenty-five percent (25%) of the money received by a
- 11 volunteer fire department for providing fire protection or emergency
- 12 services is received under one (1) or more contracts with one (1) or
- 13 more political subdivisions (as defined in IC 34-6-2-110), the
- 14 legislative body of a contracting political subdivision must approve the
- 15 false alarm service charge established under subsection (a) before the
- 16 service charge is initiated in that political subdivision.
- 17 (f) A volunteer fire department that:
- 18 (1) has contracted with a political subdivision to provide fire
- 19 protection or emergency services; and
- 20 (2) imposes a false alarm service charge under this section;
- 21 must submit a report to the legislative body of the political subdivision
- 22 before April 1 of each year indicating the amount of false alarm
- 23 charges collected during the previous calendar year and how those
- 24 funds have been expended.
- 25 (g) The volunteer fire department may maintain a civil action to
- 26 recover unpaid false alarm service charges imposed under this section.
- 27 SECTION 83. IC 36-8-12.2-2 IS AMENDED TO READ AS
- 28 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. As used in this
- 29 chapter, "fire department" means a fire department that:
- 30 (1) is established under IC 36-8-2-3, or IC 36-8-13-3(a)(1), or
- 31 **IC 36-8-13.6; and**
- 32 (2) employs:
- 33 (A) both full-time paid members and volunteer members; or
- 34 (B) only full-time paid members.
- 35 SECTION 84. IC 36-8-12.2-8 IS AMENDED TO READ AS
- 36 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) Money collected
- 37 under this chapter must be deposited in one (1) of the following:
- 38 (1) The general fund of the unit that established the fire
- 39 department under IC 36-8-2-3, or IC 36-8-13-3(a)(1), or
- 40 **IC 36-8-13.6.**
- 41 (2) A hazardous materials response fund established under section
- 42 8.1 of this chapter by a city or town having a fire department

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- 1 established under IC 36-8-2-3.
- 2 (b) Money collected under this chapter may be used only for the
- 3 following:
- 4 (1) Purchase of supplies and equipment used in providing
- 5 hazardous materials emergency assistance under this chapter.
- 6 (2) Training for members of the fire department in skills
- 7 necessary for providing hazardous materials emergency assistance
- 8 under this chapter.
- 9 (3) Payment to persons with which the fire department contracts
- 10 to provide services related to the hazardous materials emergency
- 11 assistance provided by the fire department under this chapter.

12 SECTION 85. IC 36-8-13-1, AS AMENDED BY P.L.227-2005,
 13 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2011]: Sec. 1. **(a) Except as provided in subsections (b)**
 15 **through (c), this chapter applies to all townships. However,**

16 **(b) This chapter does not apply to a township in which the fire**
 17 **department of the township has been consolidated under IC 36-3-1-6.1**
 18 **or, after December 31, 2011, IC 36-3-1-6.4.**

19 **(c) In a county in which township government is abolished**
 20 **under IC 36-6-1.1 or IC 36-6-1.2, the powers and duties of a**
 21 **township under this chapter are transferred to the county on the**
 22 **date township government is abolished.**

23 SECTION 86. IC 36-8-13.5-1, AS ADDED BY P.L.65-2008,
 24 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2011]: Sec. 1. **(a) Except as provided in subsection (b), this**
 26 **chapter applies to all townships except a township in which the fire**
 27 **department of the township has been consolidated under IC 36-3-1-6.1**
 28 **or, after December 31, 2011, IC 36-3-1-6.4.**

29 **(b) The powers and duties under this chapter of a township are**
 30 **transferred to the county on the date township government is**
 31 **abolished.**

32 SECTION 87. IC 36-8-13.6 IS ADDED TO THE INDIANA CODE
 33 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2011]:

35 **Chapter 13.6. County Fire Protection and Emergency Services**

36 **Sec. 1. (a) This chapter does not apply to a county having a**
 37 **consolidated city.**

38 **(b) This chapter applies after township powers and duties are**
 39 **transferred to the county under IC 36-6-1.1 or IC 36-6-1.2.**

40 **Sec. 2. (a) The executive of a county, with the approval of the**
 41 **legislative body, may do the following in carrying out the county's**
 42 **responsibility to provide fire protection services:**

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- 1 **(1) Purchase firefighting and emergency services apparatus**
- 2 **and equipment for the county, provide for the housing, care,**
- 3 **maintenance, operation, and use of the apparatus and**
- 4 **equipment to provide services within the county but outside**
- 5 **the corporate boundaries of municipalities, and employ**
- 6 **full-time or part-time personnel to operate the apparatus and**
- 7 **equipment and to provide services in that area. Preference in**
- 8 **employment under this section shall be given according to the**
- 9 **following priority:**
- 10 **(A) A war veteran who has been honorably discharged**
- 11 **from the United States armed forces.**
- 12 **(B) A person whose mother or father was a:**
- 13 **(i) firefighter of a unit;**
- 14 **(ii) municipal police officer; or**
- 15 **(iii) county police officer;**
- 16 **who died in the line of duty (as defined in IC 5-10-10-2).**
- 17 **A person described in this subdivision may not receive a**
- 18 **preference for employment unless the person applies for**
- 19 **employment and meets all employment requirements**
- 20 **prescribed by law, including physical and age requirements,**
- 21 **and all employment requirements prescribed by the fire**
- 22 **department.**
- 23 **(2) Contract with a municipality in the county or in a**
- 24 **contiguous county that maintains adequate firefighting or**
- 25 **emergency services apparatus and equipment to provide fire**
- 26 **protection or emergency services in the county in accordance**
- 27 **with IC 36-1-7.**
- 28 **(3) Cooperate with a municipality in the county or in a**
- 29 **contiguous county in the purchase, maintenance, and upkeep**
- 30 **of firefighting or emergency services apparatus and**
- 31 **equipment for use in the municipality and county in**
- 32 **accordance with IC 36-1-7.**
- 33 **(4) Contract with a volunteer fire department that has been**
- 34 **organized to fight fires in the county for the use and operation**
- 35 **of firefighting apparatus and equipment that has been**
- 36 **purchased by the county in order to save the private and**
- 37 **public property of the county from destruction by fire,**
- 38 **including use of the apparatus and equipment in an adjoining**
- 39 **county by the department if the department has made a**
- 40 **contract with the executive of the adjoining county to furnish**
- 41 **firefighting service within the county.**
- 42 **(5) Contract with a volunteer fire department that maintains**

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1 adequate firefighting service in accordance with IC 36-8-12.
 2 (b) This subsection applies only to counties that provide fire
 3 protection or emergency services, or both, under subsection (a)(1)
 4 and to municipalities that have all municipal territory completely
 5 within a county and do not have a full-time paid fire department.
 6 A county may provide fire protection or emergency services, or
 7 both, without contracts inside the corporate boundaries of the
 8 municipalities if, before July 1 of a year, the following occur:

9 (1) The legislative body of the municipality adopts an
 10 ordinance to have the county provide the services without a
 11 contract.

12 (2) The county legislative body passes a resolution approving
 13 the county's provision of the services without contracts to the
 14 municipality.

15 In a county providing services to a municipality under this section,
 16 the legislative body of either the county or a municipality in the
 17 county may opt out of participation under this subsection by
 18 adopting an ordinance or a resolution, respectively, before July 1
 19 of a year.

20 Sec. 3. (a) Each county shall establish a county firefighting fund
 21 that is to be the exclusive fund used by the county for the payment
 22 of costs attributable to providing fire protection or emergency
 23 services under the methods prescribed in section 2 of this chapter
 24 and for no other purposes. The money in the fund may be paid out
 25 by the county executive with the consent of the county legislative
 26 body.

27 (b) Each county may levy, for each year, a tax for the county
 28 firefighting fund. Other than a county providing fire protection or
 29 emergency services, or both, to municipalities in the county under
 30 section 2(b) of this chapter, the tax levy is on all taxable real and
 31 personal property in the county that is outside the corporate
 32 boundaries of municipalities and that is not included in a fire
 33 protection territory or fire protection district. Subject to the levy
 34 limitations contained in IC 6-1.1-18.5, the county levy is to be in an
 35 amount sufficient to pay all costs attributable to fire protection and
 36 emergency services that are not paid from other revenues available
 37 to the fund. The tax rate and levy shall be established in
 38 accordance with the procedures set forth in IC 6-1.1-17.

39 (c) In addition to the tax levy and service charges received
 40 under IC 36-8-12-13 and IC 36-8-12-16, the executive may accept
 41 donations to the county for firefighting and other emergency
 42 services and shall place the donations in the fund, keeping an

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1 accurate record of the sums received. A person may also donate
2 partial payment of any purchase of firefighting or other emergency
3 services equipment made by the county.

4 (d) If a fire department serving a county dispatches fire
5 apparatus or personnel to a building or premises in the county in
6 response to:

7 (1) an alarm caused by improper installation or improper
8 maintenance; or

9 (2) a drill or test, if the fire department is not previously
10 notified that the alarm is a drill or test;

11 the county may impose a fee or service charge upon the owner of
12 the property. However, if the owner of property that constitutes
13 the owner's residence establishes that the alarm is under a
14 maintenance contract with an alarm company and that the alarm
15 company has been notified of the improper installation or
16 maintenance of the alarm, the alarm company is liable for the
17 payment of the fee or service charge.

18 (e) The amount of a fee or service charge imposed under
19 subsection (d) shall be determined by the county legislative body.
20 All money received by the county from the fee or service charge
21 must be deposited in the county's firefighting fund.

22 Sec. 4. (a) This section applies to a county that provides fire
23 protection or emergency services, or both, to a municipality in the
24 county under section 2(b) of this chapter.

25 (b) With the consent of the county legislative body, the county
26 executive shall pay the expenses for fire protection and emergency
27 services in the county, both inside and outside the corporate
28 boundaries of participating municipalities, from any combination
29 of the following county funds, regardless of when the funds were
30 established:

31 (1) The county firefighting fund under section 3(a) of this
32 chapter.

33 (2) The cumulative building and equipment fund under
34 IC 36-8-14.

35 (3) The debt fund for taxes levied under sections 7 and 8 of
36 this chapter.

37 (c) Subject to the levy limitations contained in IC 6-1.1-18.5, the
38 tax rate and levy for the county firefighting fund, the cumulative
39 building and equipment fund, or the debt fund are to be in an
40 amount sufficient to pay all costs attributable to fire protection or
41 emergency services that are provided to the county and the
42 participating municipalities that are not paid from other available

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1 revenues. The tax rate and levy for each fund shall be established
2 in accordance with the procedures set forth in IC 6-1.1-17 and
3 apply both inside and outside the corporate boundaries of
4 participating municipalities.

5 (d) The county executive may accept donations for firefighting
6 and emergency services. The county executive shall place donations
7 in the county firefighting fund. A person may donate partial
8 payment of a purchase of firefighting or emergency services
9 equipment made by the county.

10 Sec. 5. (a) For counties and municipalities that elect to have the
11 county provide fire protection and emergency services under
12 section 2(b) of this chapter, the department of local government
13 finance shall adjust each county's and each municipality's
14 maximum permissible ad valorem property tax levy in the year
15 following the year in which the change is elected, as determined
16 under IC 6-1.1-18.5-3, to reflect the change from providing fire
17 protection under a contract between the municipality and the
18 county to allowing the county to impose a property tax levy on the
19 taxable property located within the corporate boundaries of each
20 municipality. Each municipality's maximum permissible ad
21 valorem property tax levy shall be reduced by the amount of the
22 municipality's property tax levy that was imposed by the
23 municipality to meet the obligations to the county under the fire
24 protection contract. The county's maximum permissible ad
25 valorem property tax levy shall be increased by the product of:

- 26 (1) one and five-hundredths (1.05); multiplied by
- 27 (2) the amount the county received:
 - 28 (A) in the year in which the change is elected; and
 - 29 (B) as fire protection contract payments from all
 - 30 municipalities whose levy is decreased under this section.

31 (b) For purposes of determining a county's or municipality's
32 maximum permissible ad valorem property tax levy under
33 IC 6-1.1-18.5-3 for years following the first year after the year in
34 which the change is elected, a county's or municipality's maximum
35 permissible ad valorem property tax levy is the levy after the
36 adjustment made under subsection (a).

37 Sec. 6. After a sufficient appropriation has been made and
38 approved and is available for the purchase of firefighting
39 apparatus and equipment, including housing, the county executive,
40 with the approval of the county legislative body, may purchase
41 firefighting apparatus and equipment for the county on an
42 installment conditional sale or mortgage contract running for a

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- period not exceeding:
- (1) six (6) years; or
- (2) fifteen (15) years for a county that is purchasing the firefighting equipment with funding from the:
 - (A) state or its instrumentalities; or
 - (B) federal government or its instrumentalities.

The purchase shall be amortized in equal or approximately equal installments payable on January 1 and July 1 each year.

Sec. 7. (a) Subject to section 8 of this chapter, the executive and legislative body, on behalf of the county, also may borrow the necessary money from a financial institution in Indiana to make the purchase on the same terms. The executive and legislative body shall, on behalf of the county, execute and deliver to the institution the negotiable note or bond of the county for the sum borrowed. The note or bond must bear interest, with both principal and interest payable in equal or approximately equal installments on January 1 and July 1 each year over a period not exceeding six (6) years.

(b) The first installment of principal and interest on a contract, chattel mortgage, note, or bond is due on the next January 1 or July 1 following the first tax collection for which it is possible for the county to levy a tax. The executive and legislative body shall appropriate and levy a tax each year sufficient to pay the obligation according to its terms. An obligation of the county executed under this chapter is a valid and binding obligation of the county, notwithstanding any tax limitation, debt limitation, bonding, borrowing, or other statute to the contrary.

Sec. 8. (a) If the executive and the legislative body determine that money should be borrowed under section 7 of this chapter, at least ten (10) taxpayers in the county who disagree with the determination may file a petition in the office of the county auditor not more than thirty (30) days after notice of the determination is given. The petition must state the taxpayers' objections and the reasons why the taxpayers believe the borrowing to be unnecessary or unwise.

(b) The county auditor immediately shall certify a copy of the petition, together with other data necessary to present the questions involved, to the department of local government finance. Upon receipt of the certified petition and other data, the department of local government finance shall fix a date, time, and place for the hearing of the matter. The hearing shall be held at least five (5) and not more than thirty (30) days after the receipt of

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the certified documents.

(c) The hearing shall be held in the county where the petition arose.

(d) Notice of the hearing shall be given by the department of local government finance to the county and to the first ten (10) taxpayer petitioners listed on the petition by letter. The letter shall be sent to the first ten (10) taxpayer petitioners at the taxpayer's usual place of residence at least five (5) days before the date of the hearing.

(e) A:

- (1) taxpayer who signed a petition filed under subsection (a);
- or
- (2) county against which a petition under subsection (a) is filed;

may petition for judicial review of the final determination of the department of local government finance under subsection (a). The petition must be filed in the tax court not more than forty-five (45) days after the date of the department's final determination.

Sec. 9. (a) All purchases of firefighting apparatus and equipment shall be made in the manner provided by statute for the purchase of county supplies. If the amount involved is sufficient to require notice under statutes for bids in connection with the purchase of apparatus or equipment, the notice must offer all bidders the opportunity of proposing to sell the apparatus or equipment to the county upon a conditional sale or mortgage contract.

(b) A bidder proposing to sell on a conditional sale or mortgage contract shall state in the bidder's bid the proposed interest rate and terms of the conditional sale or contract, to be considered by the county executive and legislative body in determining the best bid received.

(c) All bids submitted must specify the cash price at which the bidder proposes to sell the apparatus or equipment to the county so that the executive and legislative body may determine whether it is in the best interest of the county to purchase the apparatus or equipment on the terms of a conditional sale or mortgage contract proposed by the bidder or to purchase the apparatus or equipment for cash if sufficient funds are available or can be raised by negotiating a loan with a financial institution in accordance with this section.

Sec. 10. A county having a regularly organized fire department employing full-time firefighters may procure at the county's

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expense:

- (1) an insurance policy for each member of the department insuring the member against the loss of life or dismemberment while in the performance of regularly assigned duties; and**
- (2) group insurance providing supplemental income protection for a member of the department who has been injured during the course of employment.**

The insurance coverage shall be selected with the consent of the members and is supplemental to other benefits provided the injured member by law.

Sec. 11. (a) A county shall pay for the care of a full-time, paid firefighter who:

- (1) suffers an injury; or**
- (2) contracts an illness;**

during the performance of the firefighter's duty.

(b) The county shall pay for the following expenses incurred by a firefighter described in subsection (a):

- (1) Medical and surgical care.**
- (2) Medicines and laboratory, curative, and palliative agents and means.**
- (3) X-ray, diagnostic, and therapeutic services, including during the recovery period.**
- (4) Hospital and special nursing care if the physician or surgeon in charge considers it necessary for proper recovery.**

(c) Expenditures required by subsection (a) shall be paid from the county firefighting fund established under section 3 of this chapter.

(d) A county that has paid for the care of a firefighter under subsection (a) has a cause of action for reimbursement of the amount paid under subsection (a) against any third party against whom the firefighter has a cause of action for an injury sustained because of, or an illness caused by, the third party. The county's cause of action under this subsection is in addition to, and not in place of, the cause of action of the firefighter against the third party.

Sec. 12. Notwithstanding section 3 of this chapter, a county fiscal body may, after township government has been abolished under IC 36-6-1.1 or IC 36-6-1.2, authorize the county executive to borrow a specified sum from a county fund other than the county firefighting fund if the county fiscal body finds that the emergency requiring the expenditure of money is related to paying the

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1 **operating expenses of a county fire department or a volunteer fire**
 2 **department. The county fiscal body shall provide for payment of**
 3 **the debt by imposing a levy to the credit of the fund from which the**
 4 **amount was borrowed under this subsection.**

5 SECTION 88. IC 36-8-14-1 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) **Subject to**
 7 **subsection (b)**, this chapter applies to all units except counties.

8 **(b) This chapter also applies to a county in which township**
 9 **government is abolished under IC 36-6-1.1 or IC 36-6-1.2. A county**
 10 **described in this subsection may:**

11 (1) **establish a cumulative building and equipment fund under**
 12 **this chapter; and**

13 (2) **impose a property tax levy under this chapter beginning**
 14 **with property taxes first due and payable in the calendar year**
 15 **in which township powers and duties are transferred to the**
 16 **county under IC 36-6-1.1 or IC 36-6-1.2.**

17 SECTION 89. IC 36-8-14-2 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) As used in this
 19 section, "emergency medical services" has the meaning set forth in
 20 IC 16-18-2-110.

21 (b) As used in this section, "volunteer fire department" has the
 22 meaning set forth in IC 36-8-12-2.

23 (c) The legislative body of a unit or the board of fire trustees of a
 24 fire protection district may provide a cumulative building and
 25 equipment fund under IC 6-1.1-41 for the following purposes:

26 (1) The:

27 (A) purchase, construction, renovation, or addition to
 28 buildings; or

29 (B) purchase of land;

30 used by the fire department or a volunteer fire department serving
 31 the unit.

32 (2) The purchase of firefighting equipment for use of the fire
 33 department or a volunteer fire department serving the unit,
 34 including making the required payments under a lease rental with
 35 option to purchase agreement made to acquire the equipment.

36 (3) In a municipality, the purchase of police radio equipment.

37 (4) The:

38 (A) purchase, construction, renovation, or addition to a
 39 building;

40 (B) purchase of land; or

41 (C) purchase of equipment;

42 for use of a provider of emergency medical services under

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1 IC 16-31-5 to the unit establishing the fund.

2 (d) In addition to the requirements of IC 6-1.1-41, before a
3 cumulative fund may be established by a township fire protection
4 district, the county legislative body which appoints the trustees of the
5 fire protection district must approve the establishment of the fund.

6 **(e) A cumulative building and equipment fund may be**
7 **established in each county in which township government is**
8 **abolished under IC 36-6-1.1 or IC 36-6-1.2.**

9 SECTION 90. IC 36-8-14-4 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) To provide for
11 the cumulative building and equipment fund established under this
12 chapter, the legislative body may levy a tax on all taxable property
13 within the taxing district in compliance with IC 6-1.1-41. The tax rate
14 may not exceed three and thirty-three hundredths cents (\$0.0333) on
15 each one hundred dollars (\$100) of assessed valuation of property in
16 the taxing district.

17 (b) As the tax is collected, it shall be deposited in a qualified public
18 depository or depositories and held in a special fund to be known as:

19 (1) the "building or remodeling, firefighting, and police radio
20 equipment fund" in the case of a municipality; or ~~as~~

21 (2) the "building or remodeling and fire equipment fund" in the
22 case of a township, **a county (if township government is**
23 **abolished in the county under IC 36-6-1.1 or IC 36-6-1.2), or**
24 **a fire protection district.**

25 SECTION 91. IC 36-8-19-1, AS AMENDED BY P.L.227-2005,
26 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2011]: Sec. 1. (a) Except as provided in section 1.5 of this
28 chapter, this chapter applies to any geographic area that is established
29 as a fire protection territory.

30 **(b) In a county in which township government is abolished**
31 **under IC 36-6-1.1 or IC 36-6-1.2, the powers and duties related to**
32 **parks and recreation of a township under this chapter are**
33 **transferred to the county on the date township government is**
34 **abolished.**

35 SECTION 92. IC 36-8-19-1.5, AS AMENDED BY P.L.1-2006,
36 SECTION 583, IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2011]: Sec. 1.5. (a) If the fire department of a
38 township is consolidated under IC 36-3-1-6.1, after the effective date
39 of the consolidation the township may not establish a fire protection
40 territory under this chapter.

41 (b) A fire protection territory that is established before the effective
42 date of the consolidation in a ~~township~~ **political subdivision** in which

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1 the township's political subdivision's fire department is consolidated
2 under IC 36-3-1-6.1, **IC 36-3-1-6.4, or IC 36-3-1-6.5** becomes part of
3 the geographic area in which the fire department of a consolidated city
4 provides fire protection services.

5 SECTION 93. IC 36-8-19-1.7 IS ADDED TO THE INDIANA
6 CODE AS A NEW SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2011]: **Sec. 1.7. (a) Except as otherwise**
8 **provided, the abolition of township government under IC 36-6-1.1**
9 **or IC 36-6-1.2 and the transfer of fire protection responsibilities to**
10 **counties do not terminate or otherwise affect a fire protection**
11 **territory in existence in the county on the date township**
12 **government is abolished.**

13 (b) The following apply after township powers and duties are
14 transferred to the county under IC 36-6-1.1 if a township in the
15 county is a participating unit as of that date:

16 (1) The township ceases to be a participating unit.

17 (2) The county shall become a participating unit and shall
18 assume the powers, duties, rights, responsibilities, and
19 obligations previously held by the township that was a
20 participating unit (including the township's share of any debt
21 issued under this chapter).

22 (3) The department of local government finance shall make
23 any necessary adjustments to the maximum permissible ad
24 valorem property tax levy for the county firefighting fund to
25 take into account the transfer of powers, duties, rights,
26 responsibilities, and obligations under this section.

27 SECTION 94. IC 36-8-19-8, AS AMENDED BY P.L.182-2009(ss),
28 SECTION 443, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2011]: **Sec. 8. (a)** Upon the adoption of
30 identical ordinances or resolutions, or both, by the participating units
31 under section 6 of this chapter, the designated provider unit must
32 establish a fire protection territory fund from which all expenses of
33 operating and maintaining the fire protection services within the
34 territory, including repairs, fees, salaries, depreciation on all
35 depreciable assets, rents, supplies, contingencies, and all other
36 expenses lawfully incurred within the territory shall be paid. The
37 purposes described in this subsection are the sole purposes of the fund,
38 and money in the fund may not be used for any other expenses. Except
39 as allowed in subsections (d) and (e) and section 8.5 of this chapter, the
40 provider unit is not authorized to transfer money out of the fund at any
41 time.

42 (b) The fund consists of the following:

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1 (1) All receipts from the tax imposed under this section.

2 (2) Any money transferred to the fund by the provider unit as
3 authorized under subsection (d).

4 (3) Any receipts from a false alarm fee or service charge imposed
5 by the participating units under IC 36-8-13-4 **or IC 36-8-13.6.**

6 (4) Any money transferred to the fund by a participating unit
7 under section 8.6 of this chapter.

8 (c) The provider unit, with the assistance of each of the other
9 participating units, shall annually budget the necessary money to meet
10 the expenses of operation and maintenance of the fire protection
11 services within the territory, plus a reasonable operating balance, not
12 to exceed twenty percent (20%) of the budgeted expenses. Except as
13 provided in IC 6-1.1-18.5-10.5, after estimating expenses and receipts
14 of money, the provider unit shall establish the tax levy required to fund
15 the estimated budget. The amount budgeted under this subsection shall
16 be considered a part of each of the participating unit's budget.

17 (d) If the amount levied in a particular year is insufficient to cover
18 the costs incurred in providing fire protection services within the
19 territory, the provider unit may transfer from available sources to the
20 fire protection territory fund the money needed to cover those costs. In
21 this case:

22 (1) the levy in the following year shall be increased by the amount
23 required to be transferred; and

24 (2) the provider unit is entitled to transfer the amount described
25 in subdivision (1) from the fund as reimbursement to the provider
26 unit.

27 (e) If the amount levied in a particular year exceeds the amount
28 necessary to cover the costs incurred in providing fire protection
29 services within the territory, the levy in the following year shall be
30 reduced by the amount of surplus money that is not transferred to the
31 equipment replacement fund established under section 8.5 of this
32 chapter. The amount that may be transferred to the equipment
33 replacement fund may not exceed five percent (5%) of the levy for that
34 fund for that year. Each participating unit must agree to the amount to
35 be transferred by adopting an ordinance (if the unit is a county or
36 municipality) or a resolution (if the unit is a township) that specifies an
37 identical amount to be transferred.

38 (f) The tax under this section is subject to the tax levy limitations
39 imposed under IC 6-1.1-18.5-10.5.

40 SECTION 95. IC 36-9-17.5-1 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. **(a) Except as**
42 **provided in subsection (b),** this chapter applies to all townships.

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1 **(b) In a county in which township government is abolished**
 2 **under IC 36-6-1.1 or IC 36-6-1.2, the powers and duties of a**
 3 **township under this chapter are transferred to the county on the**
 4 **date township government is abolished.**

5 SECTION 96. IC 36-10-7-1 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. **(a) Except as**
 7 **provided in subsection (b), this chapter applies to the townships**
 8 **indicated in each section.**

9 **(b) In a county in which township government is abolished**
 10 **under IC 36-6-1.1 or IC 36-6-1.2, the powers and duties of a**
 11 **township under this chapter are transferred to the county on the**
 12 **date township government is abolished.**

13 SECTION 97. IC 36-10-7.5-1 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. **(a) Except as**
 15 **provided in subsection (b), this chapter applies to all townships.**

16 **(b) In a county in which township government is abolished**
 17 **under IC 36-6-1.1 or IC 36-6-1.2, the powers and duties of a**
 18 **township under this chapter are transferred to the county on the**
 19 **date township government is abolished.**

20 SECTION 98. IC 36-12-1-7.5 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2011]: Sec. 7.5. **(a) In a county in which**
 23 **township government is abolished under IC 36-6-1.1 or**
 24 **IC 36-6-1.2, all powers, duties, responsibilities, and obligations of**
 25 **the township with respect to a public library, library district, or**
 26 **provision or receipt of library services by contract are transferred**
 27 **to the county on the date township government is abolished.**

28 **(b) The abolition of township government and the transfer of**
 29 **township powers and duties to the county under IC 36-6-1.1 or**
 30 **IC 36-6-1.2 do not terminate a public library, library district, or**
 31 **contract for provision or receipt of library services in existence at**
 32 **the time the township governments is abolished and the powers and**
 33 **duties are transferred.**

34 SECTION 99. THE FOLLOWING ARE REPEALED [EFFECTIVE
 35 JANUARY 1, 2012]: IC 3-11-1.5-32.5; IC 36-6-6-2; IC 36-6-6-2.2;
 36 IC 36-6-6-2.5; 36-6-6-3; 36-6-6-4; 36-6-6-5; 36-6-6-7.

37 SECTION 100. [EFFECTIVE JULY 1, 2011] **(a) The legislative**
 38 **services agency, as directed by the legislative council, shall if**
 39 **requested by the legislative council prepare legislation for**
 40 **introduction in the 2012 regular session of the general assembly to**
 41 **organize and correct statutes affected by this act, if necessary.**

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

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1 SECTION 101. **An emergency is declared for this act.**

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