

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 526 be amended to read as follows:

- 1 Page 10, line 11, delete "2012" and insert "**the year following a**
- 2 **consolidation under IC 36-3-1-6.1 or IC 36-3-1-6.4**".
- 3 Page 10, line 14, delete "in 2011".
- 4 Page 10, line 14, after "services" delete "." and insert "**in the year**
- 5 **during which the consolidation under IC 36-3-1-6.1 or**
- 6 **IC 36-3-1-6.4 occurs**".
- 7 Page 10, line 26, delete "auditor." and insert "**treasurer**".
- 8 Page 11, line 15, delete "auditor." and insert "**treasurer**".
- 9 Page 13, line 12, after "of" delete "a" and insert "**any**".
- 10 Page 13, line 12, after "in a" insert "**county having a**".
- 11 Page 13, line 14, delete "IC 36-12-2-16(f);" and insert "**IC**
- 12 **36-3-7-6**";
- 13 Page 13, line 31, after "(i)," insert "**IC 36-3-7-6**".
- 14 Page 17, line 37, after "budget." insert "**Money budgeted for a**
- 15 **particular township's township assistance expenses and obligations**
- 16 **shall, as provided in the budget adopted by the county fiscal body,**
- 17 **be distributed to a township account established for that township**
- 18 **and administered by that township's trustee. Township assistance**
- 19 **expenses and obligations shall be paid by the township trustee from**
- 20 **the amounts in the township's account**".
- 21 Page 22, between lines 32 and 33, begin a new paragraph and insert:
- 22 "SECTION 25. IC 33-34-1-2 IS AMENDED TO READ AS
- 23 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 2. (a) There are
- 24 established township small claims courts in each county containing a
- 25 consolidated city.
- 26 (b) The name of each court shall be the " _____ Township of
- 27 Marion County Small Claims Court" (insert the name of the township
- 28 in the blank).
- 29 (c) **Except as provided by state law, the small claims courts**
- 30 **established under this chapter operate independently from the**

- 1 **circuit and superior courts.**
- 2 **(d) Except for adopting the budget and approving salaries, the**
- 3 **city-county council does not have authority over a small claims**
- 4 **court judge and the operations of a small claims court.**
- 5 **(e) The executive committee of the superior court does not have**
- 6 **authority over a small claims court judge and the operations of a**
- 7 **small claims court."**
- 8 Page 24, delete lines 3 through 24.
- 9 Page 25, line 27, after "established;" insert "**and**".
- 10 Page 25, line 29, delete "; and" and insert ".".
- 11 Page 25, delete line 30.
- 12 Page 25, line 38, delete "and be" and insert ";".
- 13 Page 25, delete line 39.
- 14 Page 29, line 10, delete "only to" and insert "**to all townships in a**
- 15 **county having a consolidated city, except those townships that**
- 16 **operate a fire department or participate in a fire protection**
- 17 **territory.**
- 18 **(b) Before September 1, 2011, a township may not expend or**
- 19 **encumber more than five percent (5%) of any fund without the**
- 20 **written approval of the controller of the consolidated city."**
- 21 Page 29, delete line 11.
- 22 Page 29, line 12, delete "(b)" and insert "(c)".
- 23 Page 29, line 15, delete "described in subsection (a)".
- 24 Page 29, line 29, delete "(c)" and insert "(d)".
- 25 Page 29, line 31, delete "(b)" and insert "(c)".
- 26 Page 29, line 34, delete "controller of the consolidated city." and
- 27 insert "**county treasurer to be deposited into a dedicated fund for**
- 28 **each township. The dedicated fund for each township shall be**
- 29 **designated as the _____ (insert name of township) excess**
- 30 **reserves fund.**
- 31 **(e) Money in a township excess reserves fund may be expended**
- 32 **only:**
- 33 **(1) upon appropriation of the county fiscal body; and**
- 34 **(2) to benefit the taxpayers of the township from which the**
- 35 **funds were derived.**
- 36 **(f) The county fiscal body shall appropriate all funds in a**
- 37 **township excess reserves fund:**
- 38 **(1) to satisfy debt obligations that would have otherwise been**
- 39 **borne by the taxpayers of that township; or**
- 40 **(2) if no debt described in subdivision (1) remains, to reduce**
- 41 **property taxes of the taxpayers of that township."**
- 42 Page 29, delete lines 35 through 42.
- 43 Page 30, delete lines 1 through 28.
- 44 Page 31, line 1, strike "under".
- 45 Page 31, reset in roman line 26.
- 46 Page 31, line 27, reset in roman "(3)".

- 1 Page 31, line 27, delete "(2)".
- 2 Page 31, line 31, reset in roman "(4)".
- 3 Page 31, line 31, delete "(3)".
- 4 Page 31, line 33, reset in roman "(5)".
- 5 Page 31, line 33, delete "(4)".
- 6 Page 33, delete lines 36 through 42, begin a new paragraph and
- 7 insert:
- 8 "SECTION 45. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006,
- 9 SECTION 560, IS AMENDED TO READ AS FOLLOWS
- 10 [EFFECTIVE JANUARY 1, 2013]: Sec. 6.1. (a) This section applies
- 11 only in a county containing a consolidated city.
- 12 (b) If:
- 13 (1) the legislative body of the consolidated city adopts an
- 14 ordinance to consolidate a township fire department into the
- 15 fire department of the consolidated city (referred to as "the
- 16 consolidated fire department"), which is a division of the
- 17 department of public safety; and
- 18 (2) the trustee of that township and the mayor approve the
- 19 ordinance, the requirements of this subsection are satisfied.
- 20 (c) The following apply if the requirements of subsection ~~(g)~~ (b)
- 21 are satisfied:
- 22 (1) The fire ~~departments~~ department of the following are, on the
- 23 effective date of the consolidation, consolidated into the
- 24 consolidated fire department: of a consolidated city (referred to
- 25 as "the consolidated fire department"):
- 26 ~~(1)~~ **(A)** The township. for which the consolidation is
- 27 approved by the township legislative body and trustee and the
- 28 legislative body and mayor of the consolidated city.
- 29 ~~(2)~~ **(B)** Any fire protection territory established under
- 30 IC 36-8-19 that is located in a the township. described in
- 31 subdivision ~~(1)~~:
- 32 ~~(b)~~ **(2)** If the requirements of subsection ~~(g)~~ are satisfied, The
- 33 consolidated fire department shall, on the effective date of the
- 34 consolidation, provide fire protection services within an entity
- 35 described in subsection ~~(a)~~(1) or ~~(a)~~(2) in which the requirements
- 36 of subsection ~~(g)~~ are satisfied on the date agreed to in the
- 37 resolution of the township legislative body and the ordinance of
- 38 the legislative body of the consolidated city: subdivision **(1)(A)**
- 39 or **(1)(B)**.
- 40 ~~(c)~~ **(3)** If the requirements of subsection ~~(g)~~ are satisfied and the
- 41 fire department of an entity listed in subsection ~~(a)~~ is consolidated
- 42 into the fire department of the consolidated city, All of the
- 43 property, equipment, records, rights, and contracts of the
- 44 department consolidated into the fire department of the
- 45 consolidated city are:
- 46 ~~(1)~~ **(A)** transferred to; or

- 1 ~~(2)~~ **(B)** assumed by;
 2 the consolidated city on the effective date of the consolidation.
 3 However, real property other than real property used as a fire
 4 station may be transferred only on terms mutually agreed to by the
 5 legislative body and mayor of the consolidated city and the trustee
 6 and legislative body of the township in which that real property is
 7 located.
- 8 ~~(d)~~ **(4)** If the requirements of subsection (g) are satisfied and The
 9 fire department of an entity listed in subsection (a) **subdivision**
 10 **(1)** is consolidated into the **consolidated** fire department, ~~of the~~
 11 ~~consolidated city~~; the employees **firefighters** of the fire
 12 department consolidated into the **consolidated** fire department ~~of~~
 13 ~~the consolidated city who meet the minimum standards of the~~
 14 **consolidated fire department** cease employment with the
 15 department of the entity listed in subsection (a) **subdivision (1)**
 16 and become employees of the consolidated fire department on the
 17 effective date of the consolidation. ~~The consolidated city shall~~
 18 ~~assume all agreements with labor organizations that:~~
- 19 ~~(1) are in effect on the effective date of the consolidation; and~~
 20 ~~(2) apply to employees of the department consolidated into the~~
 21 ~~fire department of the consolidated city who become employees~~
 22 ~~of the consolidated fire department.~~
- 23 ~~(e)~~ **(5)** If the requirements of subsection (g) are satisfied and the
 24 fire department of an entity listed in subsection (a) is consolidated
 25 ~~into the fire department of a consolidated city~~; The indebtedness
 26 related to fire protection services incurred before the effective
 27 date of the consolidation by the entity or a building, holding, or
 28 leasing corporation on behalf of the entity whose fire department
 29 is consolidated into the consolidated fire department under
 30 **subsection (a) subdivision (1)** shall remain the debt of the entity
 31 and does not become and may not be assumed by the consolidated
 32 city. Indebtedness related to fire protection services that is
 33 incurred by the consolidated city before the effective date of the
 34 consolidation shall remain the debt of the consolidated city and
 35 property taxes levied to pay the debt may only be levied by the
 36 fire special service district.
- 37 ~~(f)~~ **(6)** If the requirements of subsection (g) are satisfied and the
 38 fire department of an entity listed in subsection (a) is consolidated
 39 ~~into the fire department of a consolidated city~~; The merit board
 40 and the merit system of the fire department **of an entity**
 41 **described in subdivision (1)** that is consolidated **into the**
 42 **consolidated fire department** are dissolved on the effective date
 43 of the consolidation, and the duties of the merit board are
 44 transferred to and assumed by the merit board for the consolidated
 45 fire department on the effective date of the consolidation.
- 46 ~~(g)~~ **A** township legislative body; after approval by the township

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

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

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

30 ~~(2)~~ (8) Notwithstanding any other provision, a firefighter:

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

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

36 remains a member of the 1977 fund without being required to
 37 meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The
 38 firefighter shall receive credit for any service as a member of the
 39 1977 fund before the consolidation to determine the firefighter's
 40 eligibility for benefits under IC 36-8-8.

41 ~~(3)~~ (9) Notwithstanding any other provision, a firefighter:

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

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

46 remains a member of the 1937 fund. The firefighter shall receive

1 credit for any service as a member of the 1937 fund before the
2 consolidation to determine the firefighter's eligibility for benefits
3 under IC 36-8-7.

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

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

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

19 ~~(5)~~ **(11)** The amount levied in the year preceding the year in
20 which the consolidation is effective by the township whose fire
21 department is consolidated into the fire department of the
22 consolidated city for the township's cumulative building and
23 equipment fund for fire protection and related services is
24 transferred on the effective date of the consolidation to the
25 consolidated city's cumulative building and equipment fund for
26 fire protection and related services, which is hereby established.
27 The consolidated city is exempted from the requirements of
28 IC 36-8-14 and IC 6-1.1-41 regarding establishment of the
29 cumulative building and equipment fund for fire protection and
30 related services.

31 ~~(6)~~ **(12)** The local boards for the 1937 firefighters' pension fund
32 and the 1977 police officers' and firefighters' pension and
33 disability fund of the township are dissolved, and their services
34 are terminated not later than the effective date of the
35 consolidation. The duties performed by the local boards under
36 IC 36-8-7 and IC 36-8-8, respectively, are assumed by the
37 consolidated city's local board for the 1937 firefighters' pension
38 fund and local board for the 1977 police officers' and firefighters'
39 pension and disability fund, respectively. Notwithstanding any
40 other provision, the legislative body of the consolidated city may
41 adopt an ordinance to adjust the membership of the consolidated
42 city's local board to reflect the consolidation.

43 ~~(7)~~ **(13)** The consolidated city may levy property taxes within the
44 consolidated city's maximum permissible ad valorem property tax
45 levy limit to provide for the payment of the expenses for the
46 operation of the consolidated fire department. However, property

1 taxes to fund the pension obligation under IC 36-8-7 for members
 2 of the 1937 firefighters fund who were employees of the
 3 consolidated city at the time of the consolidation may be levied
 4 only by the fire special service district within the fire special
 5 service district. The fire special service district established under
 6 IC 36-3-1-6 may levy property taxes to provide for the payment
 7 of expenses for the operation of the consolidated fire department
 8 within the territory of the fire special service district. Property
 9 taxes to fund the pension obligation under IC 36-8-8 for members
 10 of the 1977 police officers' and firefighters' pension and disability
 11 fund who were members of the fire department of the
 12 consolidated city on the effective date of the consolidation may be
 13 levied only by the fire special service district within the fire
 14 special service district. Property taxes to fund the pension
 15 obligation for members of the 1937 firefighters fund who were
 16 not members of the fire department of the consolidated city on the
 17 effective date of the consolidation and members of the 1977
 18 police officers' and firefighters' pension and disability fund who
 19 were not members of the fire department of the consolidated city
 20 on the effective date of the consolidation may be levied by the
 21 consolidated city within the city's maximum permissible ad
 22 valorem property tax levy. However, these taxes may be levied
 23 only within the fire special service district and any townships that
 24 have consolidated fire departments under this section.

25 ~~(8) The executive of the consolidated city shall provide for an~~
 26 ~~independent evaluation and performance audit, due before March~~
 27 ~~1 of the year in which the consolidation is effective and before~~
 28 ~~March 1 in each of the following two (2) years, to determine:~~

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

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

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

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

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

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

1 Delete pages 34 through 39.

2 Page 40, delete lines 1 through 16.

3 Page 43, between lines 26 and 27, begin a new line block indented
4 and insert:

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

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

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

16 Page 48, line 8, delete "The controller," and insert **"Each township**
17 **trustee,"**.

18 Page 49, between lines 30 and 31, begin a new paragraph and insert:

19 **"SECTION 56. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE**
20 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
21 **1, 2011]: Sec. 6. The governing body of a public library located in**
22 **the county may recommend and the county fiscal body may elect**
23 **to provide revenue to the public library from part of the certified**
24 **distribution, if any, that the county is to receive during that same**
25 **year under IC 6-3.5-6-17. To make the election, the county fiscal**
26 **body must adopt an ordinance before November 1 of the preceding**
27 **year. The county fiscal body must specify in the ordinance the**
28 **amount of the certified distribution that is to be used to provide**
29 **revenue to the public library. If such an ordinance is adopted, the**
30 **county fiscal body shall immediately send a copy of the ordinance**
31 **to the county auditor."**

32 Page 50, line 3, delete "and".

33 Page 50, line 4, after "IC 23-14" delete "." and insert **"; and**

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

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

45 Page 50, line 18, delete "administer" and insert **"perform the duties**
46 **assigned to the trustee under section 2 of this chapter."**

- 1 Page 50, delete lines 19 through 20.
 2 Page 50, line 22, delete "uniform".
 3 Page 50, line 22, after "standards" insert "**applicable throughout**
 4 **the county**".
 5 Page 50, between lines 38 and 39, begin a new paragraph and insert:
 6 "**Sec. 7. (a) This section applies only to a township or fire**
 7 **protection territory that has not consolidated into the consolidated**
 8 **fire department under IC 36-3-1-6.1.**
 9 **(b) The township fire department and its fire protection**
 10 **territory, if any, shall coordinate with the consolidated fire**
 11 **department:**
 12 **(1) to ensure sufficient fire protection coverage throughout**
 13 **the consolidated city; and**
 14 **(2) to achieve savings through joint purchasing."**
 15 Page 50, line 39, delete "7." and insert "8".
 16 Page 51, line 16, delete "The" and insert "**Except as provided in**
 17 **section 12 of this chapter, the**".
 18 Page 51, line 28, delete "8." and insert "9".
 19 Page 51, line 35, delete "9." and insert "10".
 20 Page 52, line 1, delete "The" and insert "**Except as provided in**
 21 **section 12 of this chapter, the**".
 22 Page 52, line 5, delete "7" and insert "8".
 23 Page 52, line 9, delete "10." and insert "11".
 24 Page 52, between lines 14 and 15, begin a new paragraph and insert:
 25 "**Sec. 12. (a) If the office of township trustee becomes vacant, the**
 26 **office shall be filled as provided in IC 3-13-10 or IC 3-13-11.**
 27 **(b) An acting trustee, a designee appointed under this section,**
 28 **or an individual chosen under IC 3-13-10 or IC 3-13-11 to fill a**
 29 **vacancy in the office of township trustee may not approve the**
 30 **consolidation of the township's fire department into the**
 31 **consolidated fire department under IC 36-3-1-6.1 or any other**
 32 **law."**
 33 Page 53, line 13, delete "On" and insert "**Except as provided in**
 34 **subsections (c) and (d), on**".
 35 Page 53, between lines 22 and 23, begin a new paragraph and
 36 insert"
 37 "**(c) This subsection applies only to a township that does not**
 38 **consolidate its fire department under IC 36-3-1-6.1. In the case of**
 39 **employees of the township fire department who become county**
 40 **employees under this section, the township trustee (and not any**
 41 **county official or employee) remains responsible for and retains**
 42 **the powers and duties related to hiring, supervising, disciplining,**
 43 **and firing those employees.**
 44 **(d) This subsection applies only to a township that does not**
 45 **consolidate its fire department under IC 36-3-1-6.1. The assets,**
 46 **debts, property rights, equipment, records, and contracts of the**

- 1 **township related to providing fire protection are not transferred**
- 2 **to the county."**
- 3 Page 53, line 23, delete "(c)" and insert "(e)".
- 4 Page 53, line 27, delete "(d)" and insert "(f)".
- 5 Page 53, line 40, after "are" insert ", **except to the extent provided**
- 6 **in section 4(c) and 4(d) of this chapter,"**.
- 7 Page 65, line 35, delete "JANUARY 1, 2012]:" and insert "JULY 1,
- 8 2011]:".
- 9 Page 66, line 3, after "members" insert ", **not more than three (3)**
- 10 **of whom may be of the same political party,"**.
- 11 Page 66, line 28, delete "The library board may recommend and the
- 12 county fiscal" and insert "**Sections 8, 18, and 20 of this chapter do**
- 13 **not apply to a public library described in subsection (a)."**
- 14 Page 66, delete lines 29 through 38.
- 15 Page 66, line 41, delete "JANUARY 1, 2012]:" and insert "JULY 1,
- 16 2011]:".
- 17 Renumber all SECTIONS consecutively.
(Reference is to SB 526 as printed February 11, 2011.)

Senator YOUNG R MICHAEL