

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 405 be amended to read as follows:

- 1 Page 1, delete lines 1 through 12, begin a new paragraph and insert:
2 "SECTION 1. IC 3-5-2-25 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 25. "Fiscal body"
4 means:
5 (1) county council, for a county not having a consolidated city;
6 (2) city-county council, for a consolidated city or county having
7 a consolidated city;
8 (3) common council, for a second or third class city;
9 (4) town council, for a town;
10 (5) ~~township board~~, for a township **in a county having a**
11 **consolidated city:**
12 **(A) the township board, before January 1, 2012; and**
13 **(B) the county fiscal body after December 31, 2011;**
14 **(6) for a township in a county not having a consolidated city:**
15 **(A) the township board, before January 1, 2013; and**
16 **(B) the county fiscal body after December 31, 2012; or**
17 ~~(6)~~ (7) governing body or budget approval body, for any other
18 political subdivision."
19 Page 8, line 29, after "(c)" insert "**This subsection applies only to**
20 **a county not having a consolidated city.**".
21 Page 9, between lines 13 and 14, begin a new paragraph and insert:
22 "**(d) This subsection applies only to a county having a**
23 **consolidated city. When formulating a proposed annual budget**
24 **estimate, the township trustee, the township board (before January**
25 **1, 2012), and (after December 31, 2011) the county fiscal body shall**
26 **consider the following:**
27 **(1) The ending balance that will remain in each township fund**
28 **relative to:**
29 **(A) the budgeted expenditures from the fund;**
30 **(B) the fund balance that must be maintained by the**

1 township on account of actual or anticipated delayed
 2 property tax billing, collection, or distribution; and
 3 (C) the amount of tax anticipation notes or warrants or
 4 other obligations incurred by the township on account of
 5 delayed property tax billing, collection, or distribution.
 6 (2) Whether the ending balance remaining in each township
 7 fund is excessive and should be used to reduce property tax
 8 levies. The factors described in subdivision (1) shall be
 9 considered in determining whether an ending balance in a
 10 township fund is excessive. If the township board (before
 11 January 1, 2012) or the county fiscal body (after December
 12 31, 2011) determines under this subdivision that the ending
 13 balance in a township fund is excessive, the township board or
 14 the county fiscal body shall transfer the excessive amount to
 15 the township's levy excess fund.
 16 (3) After December 31, 2011, with regard to a township
 17 capital improvement fund or cumulative building fund, the
 18 township capital improvement plan prepared under
 19 IC 36-6-10."

20 Page 10, line 17, after "2012)" insert "in the case of a county not
 21 having a consolidated city, or (after December 31, 2011) in the case
 22 of a county having a consolidated city,".

23 Page 10, line 38, delete "This subsection applies to township
 24 budgets adopted for 2012" and insert "This subsection applies to
 25 township budgets adopted for:

26 "(1) 2012 and 2013, in the case of a county not having a
 27 consolidated city; or

28 (2) 2012 in the case of a county having a consolidated city.".

29 Page 10, line 39, delete "and 2013.".

30 Page 10, line 39, beginning with "The" begin a new line blocked
 31 left.

32 Page 11, line 14, after "(h)" insert "This subsection applies only to
 33 a county not having a consolidated city.".

34 Page 12, between lines 8 and 9, begin a new paragraph and insert:

35 "(i) This subsection applies only to a county having a
 36 consolidated city. The following apply to township budgets adopted
 37 for 2012:

38 (1) Except as provided in subdivision (2), the total amount
 39 appropriated by the township board for a particular year
 40 (including any additional appropriations made for that year)
 41 may not exceed the result of:

42 (A) the total amount appropriated for the previous year
 43 (including any additional appropriations made for that
 44 year); multiplied by

45 (B) the assessed value growth quotient determined under
 46 IC 6-1.1-18.5-2 and applicable to the township for the

1 particular year.
 2 **(2) If the township board or (after December 31, 2011) the**
 3 **county fiscal body determines after a public hearing that the**
 4 **township cannot carry out its governmental functions for a**
 5 **year under the appropriation limitations imposed by**
 6 **subdivision (1), the township board or (after December 31,**
 7 **2011) the county fiscal body may appeal before October 20 of**
 8 **the current year to the department of local government**
 9 **finance for relief from the appropriation limitations for the**
 10 **ensuing year. In the appeal, the township board or (after**
 11 **December 31, 2011) the county fiscal body must state that the**
 12 **township will be unable to carry out the governmental**
 13 **functions committed to it by law unless the township is given**
 14 **relief from the appropriation limits. The township board or**
 15 **(after December 31, 2011) the county fiscal body must support**
 16 **the appeal by reasonably detailed statements of fact. The**
 17 **department of local government finance shall review the**
 18 **merits of the appeal. If the department of local government**
 19 **finance determines after reviewing the appeal that the**
 20 **township cannot carry out its governmental functions for the**
 21 **year under the appropriation limitations imposed by**
 22 **subdivision (1), the department of local government finance**
 23 **may grant relief from those appropriation limitations in the**
 24 **manner determined to be appropriate by the department of**
 25 **local government finance.**

26 **This subsection expires January 1, 2014."**

27 Page 18, line 26, delete "The board consists of".

28 Page 18, delete line 27, begin a new paragraph and insert:

29 **"(b) This subsection applies only to a county not having a**
 30 **consolidated city. The board consists of the following members:"**

31 Page 18 after line 42, begin a new paragraph and insert:

32 **"(c) This subsection applies only to a county having a**
 33 **consolidated city. The board consists of the following members:**

34 **(1) Two (2) trustees of townships in the county.**

35 **(2) One (1) person employed by a faith based human service**
 36 **provider agency.**

37 **(3) One (1) person employed by a government funded human**
 38 **service provider agency.**

39 **(4) One (1) person employed by a nonprofit human service**
 40 **provider agency.**

41 **(5) Two (2) citizen members who:**

42 **(A) are not employed by; and**

43 **(B) are not a party to a contract with;**

44 **a township or a human service provider agency.**

45 **(6) One (1) member of the county fiscal body.**

46 **(7) One (1) member of the fiscal body of the municipality in**
 47 **the county with the largest population."**

1 Page 19, line 1, delete "(b)" and insert "(d)".

2 Page 24, delete lines 38 through 42, begin a new paragraph and
3 insert:

4 "SECTION 24. IC 13-11-2-86 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 86. "Fiscal body"
6 means:

- 7 (1) the county council, for a county not having a consolidated city;
8 (2) the city-county council of a consolidated city and county;
9 (3) the common council of a city;
10 (4) the town council of a town;
11 ~~(5) the township board; or~~ **for a township in a county having a**
12 **consolidated city:**
13 **(A) the township board, before January 1, 2012; and**
14 **(B) the county fiscal body after December 31, 2011;**
15 **(6) for a township in a county not having consolidated city:**
16 **(A) the township board, before January 1, 2013; and**
17 **(B) the county fiscal body after December 31, 2012; or**
18 ~~(7)~~ (7) the board of directors of a conservancy district.

19 SECTION 25. IC 36-1-2-6, AS AMENDED BY P.L.186-2006,
20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2011]: Sec. 6. "Fiscal body" means:

- 22 (1) county council, for a county not having a consolidated city;
23 (2) city-county council, for a consolidated city or county having
24 a consolidated city;
25 (3) common council, for a city other than a consolidated city;
26 (4) town council, for a town;
27 ~~(5) township board;~~ **for a township in a county having a**
28 **consolidated city:**
29 **(A) the township board, before January 1, 2012; and**
30 **(B) the county fiscal body after December 31, 2011;**
31 **(6) for a township in a county not having a consolidated city:**
32 **(A) the township board, before January 1, 2013; and**
33 **(B) the county fiscal body after December 31, 2012;**
34 ~~(7)~~ (7) governing body or budget approval body, for any other
35 political subdivision that has a governing body or budget approval
36 body; or
37 ~~(7)~~ **(8) chief executive officer of any other political subdivision**
38 **that does not have a governing body or budget approval body.**

39 SECTION 26. IC 36-1-2-9, AS AMENDED BY P.L.186-2006,
40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2011]: Sec. 9. "Legislative body" means: ~~the:~~

- 42 (1) **the** board of county commissioners, for a county not subject
43 to IC 36-2-3.5 or IC 36-3-1;
44 (2) **the** county council, for a county subject to IC 36-2-3.5;
45 (3) **the** city-county council, for a consolidated city or county
46 having a consolidated city;

- 1 (4) **the common council, for a city other than a consolidated city;**
 2 (5) **the town council, for a town;**
 3 (6) ~~township board~~, for a township **in a county having a**
 4 **consolidated city:**
 5 (A) **the township board, before January 1, 2012; and**
 6 (B) **the county fiscal body after December 31, 2011;**
 7 (7) **for a township in a county not having a consolidated city:**
 8 (A) **the township board, before January 1, 2013; and**
 9 (B) **the county fiscal body after December 31, 2012;**
 10 ~~(7)~~ (8) **the governing body of any other political subdivision that**
 11 **has a governing body; or**
 12 ~~(8)~~ (9) **the chief executive officer of any other political**
 13 **subdivision that does not have a governing body."**

14 Page 25, delete lines 1 through 39.

15 Page 27, delete lines 14 through 16, begin a new paragraph and
 16 insert:

17 "SECTION 30. IC 36-6-6-1.1 IS ADDED TO THE INDIANA
 18 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 19 **[EFFECTIVE JULY 1, 2011]: Sec. 1.1. (a) This section applies only**
 20 **to a county not having a consolidated city."**

21 Page 28, between lines 14 and 15, begin a new paragraph and insert:

22 "SECTION 31. IC 36-6-6-1.2 IS ADDED TO THE INDIANA
 23 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 24 **[EFFECTIVE JULY 1, 2011]: Sec. 1.2. (a) This section applies only**
 25 **to a county having a consolidated city.**

26 (b) **On January 1, 2013, the township boards in the county are**
 27 **abolished.**

28 (c) **After December 31, 2011:**

- 29 (1) **the county fiscal body is the fiscal body and legislative**
 30 **body of each township in the county; and**
 31 (2) **the county fiscal body shall exercise the legislative and**
 32 **fiscal powers assigned in the Indiana Code to township**
 33 **boards, including the authority to adopt the township's annual**
 34 **budget and to levy township property taxes for township**
 35 **funds.**

36 (d) **Notwithstanding any other provision, after December 31,**
 37 **2011, the only duty and responsibility of a township board is to**
 38 **formulate and submit to the county fiscal body a proposed budget,**
 39 **tax rate, and levy under IC 6-1.1-17.**

40 (e) **The abolishment of a township board under subsection (b)**
 41 **does not invalidate:**

- 42 (1) **any resolutions, fees, or schedules adopted or other actions**
 43 **taken by the township board before January 1, 2012; or**
 44 (2) **any appointments made by the township board before**
 45 **January 1, 2012.**

46 (f) **After December 31, 2011, any reference:**

- 1 **(1) in the Indiana Code;**
- 2 **(2) in the Indiana Administrative Code; or**
- 3 **(3) in any resolution;**
- 4 **to the township board shall be considered a reference to the county**
- 5 **fiscal body."**
- 6 Page 28, line 19, delete "This chapter applies after December 31,
- 7 2012." and insert "**This chapter applies:**
- 8 **(1) after December 31, 2012, in a county not having a**
- 9 **consolidated city; and**
- 10 **(2) after December 31, 2011, in a county having a consolidated**
- 11 **city."**
- 12 Renumber all SECTIONS consecutively.
(Reference is to SB 405 as printed February 14, 2011.)

Senator MERRITT