



February 11, 2011

SENATE BILL No. 526

DIGEST OF SB 526 (Updated February 9, 2011 7:10 pm - DI 87)

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

Synopsis: Marion County government. Provides that on a date set by the mayor of the consolidated city and not later than January 1, 2013, the fire departments of all of the following are consolidated into the fire department of the consolidated city: (1) The townships in the county having the consolidated city. (2) A fire protection territory in the county having the consolidated city. Authorizes the consolidation of an excluded city's fire department into the fire department of the consolidated city if: (1) the legislative body of the excluded city, after approval by the executive of the excluded city, adopts an ordinance approving the consolidation; and (2) the legislative body of the consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation. Specifies that the consolidated fire department and the consolidated law enforcement department are divisions of the department of public safety. Provides that the maximum property tax levy of a consolidated city for property taxes first due and payable in 2012 shall be increased by an amount equal to the combined maximum property tax levies of each township and fire protection district for property taxes first due and payable in 2011 for fire protection and related services. Provides that for three years after a consolidation of a fire department, the consolidated city may levy a tax above the maximum property tax levy for the fire special service district in each township or excluded city that is necessary to phase out borrowing for fire and emergency services, and that thereafter the tax rate for the consolidated fire department must be uniform within the entire service area served by the consolidated fire
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Effective: Upon passage; July 1, 2011; January 1, 2012; January 1, 2013.

Merritt

January 18, 2011, read first time and referred to Committee on Local Government.
February 10, 2011, amended, reported favorably — Do Pass.

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department. Provides for the following transfers of township offices and functions to city and county government in a county having a consolidated city: (1) The operations of the township constables and township small claims courts shall be accounted for in the county budget beginning January 1, 2012. (2) The township duties and responsibilities concerning weed control and parks and recreation are transferred to the consolidated city on January 1, 2013. (3) Township trustees shall administer township assistance and maintain township cemeteries after December 31, 2013. (4) Township boards are abolished on January 1, 2013, with the county legislative body as their successor. (5) Township government is abolished on January 1, 2013, and statutes related to township government in a county having a consolidated city are repealed. Specifies that after abolition of a township government, the territory of the township comprises a taxing district for the payment of township indebtedness existing at the time of the abolition. Exempts from the property tax levy limits any amounts imposed by the consolidated city or the county to fund former township indebtedness. Provides that a transfer of duties between the townships and the county results in the transfer of property, equipment, personnel, records, rights, contracts, and indebtedness. Specifies that beginning July 1, 2011, the weed control board in a county having a consolidated city is the board of code enforcement. Adjusts the maximum property tax levy for the county to account for the transfer of other township powers and duties. Provides that each constable and deputy constable must successfully complete certain training courses. Specifies that beginning July 1, 2011, the police powers of a constable are to: (1) make arrests under a court order; (2) keep the peace in the court during court proceedings; (3) carry out the orders of the court; and (4) to take any police action for which the constable has received law enforcement training. Provides that the city-county council may, by ordinance, establish uniform standards for the provision of township assistance by each trustee throughout the county having a consolidated city. Requires township trustees and constables in a county having a consolidated city to file an economic statement of interest form in the same manner required by the county legislative body for elected county officials. Provides that the city-county council may establish by ordinance other requirements for trustees and constables in the same manner as requirements for other elected county officials are established. Requires the department of local government finance (DLGF) to determine whether the balance in each fund (other than a debt service fund) of a township in a county having a consolidated city exceeds the amount needed by the township to carry out the purposes of the fund. Specifies the factors to be considered by the DLGF in making the determination. Requires a township to transfer 90% of any excess amounts to the county treasurer for deposit in a fund that is administered by the controller of the consolidated city. Provides that excluded cities are entitled to a part of the excess amounts that would otherwise be administered by the controller. Specifies that money transferred from the townships may be used by the consolidated city or excluded city only upon appropriation by that municipality's fiscal body. Specifies that in a county having a consolidated city, the annual operating budget of a building authority is subject to review and approval by the city-county legislative body. Specifies that the consolidated law enforcement department is under the direction and control of the mayor. Provides that the city-county council may adopt an ordinance to transfer the sheriff's responsibilities for emergency communications a division of the department of public safety. Abolishes the Marion County board of commissioners effective July 1, 2011. Deletes provisions specifying that in a county having a consolidated city, an ordinance or resolution of the legislative body: (1) appropriating money for a constitutional office or officer or for a judicial office or officer; or (2) approving or modifying the budget of

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Digest Continued

a political subdivision that the legislative body is permitted by statute to review; is not subject to veto. Allows the city-county council to elect to provide revenue to the public library from the certified distribution of county option income tax (COIT) revenue. Specifies that in a county having a consolidated city, a property tax levy appeal by a civil taxing unit, other than an excluded city, is subject to the review and approval of the county legislative body and is subject to veto by the county executive. Provides that the members of a library board serving a library district that is partly or fully within the boundaries of a consolidated city and fully within the boundaries of one county shall be appointed as follows: (1) Four members appointed by the executive of the county in which the library district is located. (2) Two members appointed by the majority leader of the fiscal body of the county in which the library district is located. (3) One member appointed by the minority leader of the fiscal body of the county in which the library district is located. Requires the DLGF to adjust maximum permissible property tax levies and property tax rates as necessary to account for transfers of duties, powers, and obligations.

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February 11, 2011

First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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SENATE BILL No. 526



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

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

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

6 OFFICIAL PRIMARY BALLOT

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

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

3 Vote for one (1) only

4 Representative in Congress

5 (1) AB _____

6 (2) CD _____

7 (3) EF _____

8 (4) GH _____

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

11 (1) Federal and state offices:

12 (A) President of the United States.

13 (B) United States Senator.

14 (C) Governor.

15 (D) United States Representative.

16 (2) Legislative offices:

17 (A) State senator.

18 (B) State representative.

19 (3) Circuit offices and county judicial offices:

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

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

26 (C) Judge of the probate court.

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

29 (E) Prosecuting attorney.

30 (F) Circuit court clerk.

31 (4) County offices:

32 (A) County auditor.

33 (B) County recorder.

34 (C) County treasurer.

35 (D) County sheriff.

36 (E) County coroner.

37 (F) County surveyor.

38 (G) County assessor.

39 (H) County commissioner.

40 (I) County council member.

41 (5) Township offices:

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

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

COPY



1 YES

2 NO

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 ~~section 11~~ of this chapter.

2 **(d) This subsection applies to taxes first due and payable after**

3 **2013. In a county having a consolidated city:**

4 **(1) the county shall estimate the amount necessary to meet the**

5 **cost of township assistance in the county for the ensuing**

6 **calendar year; and**

7 **(2) the county legislative body shall adopt with the county**

8 **budget a tax rate uniform throughout the county sufficient to**

9 **meet the estimated cost of township assistance.**

10 **The taxes collected as a result of the tax rate adopted under this**

11 **subsection shall be credited to the county's township assistance**

12 **fund established under IC 12-20-1-6.**

13 SECTION 5. IC 6-1.1-18.5-12, AS AMENDED BY

14 P.L.182-2009(ss), SECTION 130, IS AMENDED TO READ AS

15 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) Any civil taxing

16 unit that determines that it cannot carry out its governmental functions

17 for an ensuing calendar year under the levy limitations imposed by

18 section 3 of this chapter may:

19 (1) before October 20 of the calendar year immediately preceding

20 the ensuing calendar year; or

21 (2) in the case of a request described in section 16 of this chapter,

22 before December 31 of the calendar year immediately preceding

23 the ensuing calendar year;

24 appeal to the department of local government finance for relief from

25 those levy limitations. In the appeal the civil taxing unit must state that

26 it will be unable to carry out the governmental functions committed to

27 it by law unless it is given the authority that it is petitioning for. The

28 civil taxing unit must support these allegations by reasonably detailed

29 statements of fact.

30 (b) The department of local government finance shall immediately

31 proceed to the examination and consideration of the merits of the civil

32 taxing unit's appeal.

33 (c) In considering an appeal, the department of local government

34 finance has the power to conduct hearings, require any officer or

35 member of the appealing civil taxing unit to appear before it, or require

36 any officer or member of the appealing civil taxing unit to provide the

37 department with any relevant records or books.

38 (d) If an officer or member:

39 (1) fails to appear at a hearing after having been given written

40 notice requiring that person's attendance; or

41 (2) fails to produce the books and records that the department by

42 written notice required the officer or member to produce;

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

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

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

21 (g) The fiscal officer of a civil taxing unit that appeals under section
22 16 of this chapter for relief from levy limitations shall immediately file
23 a copy of the appeal petition with the county auditor and the county
24 treasurer of the county in which the unit is located. **In a county having
25 a consolidated city, the fiscal officer of a civil taxing unit, other
26 than an excluded city, shall also file a copy of the appeal petition
27 with the clerk of the county legislative body and the controller of
28 the consolidated city.**

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

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

- 39 (1) the civil taxing unit experienced a property tax revenue
40 shortfall that resulted from erroneous assessed valuation figures
41 being provided to the civil taxing unit;
42 (2) the erroneous assessed valuation figures were used by the civil

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

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

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

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

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

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

35 SECTION 7. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA
36 CODE AS A NEW SECTION TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2011]: **Sec. 22. (a) The ad valorem property**
38 **tax levy limits imposed by this chapter do not apply to ad valorem**
39 **property taxes imposed by a consolidated city to pay or fund any**
40 **indebtedness assumed, defeased, paid, or refunded under**
41 **IC 36-3-1-6.1 or IC 36-3-1-6.4.**

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

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- 1 **(1) "consolidating entity" means:**
- 2 **(A) a township;**
- 3 **(B) a fire protection territory; or**
- 4 **(C) an excluded city;**
- 5 **whose fire department is consolidated into the fire**
- 6 **department of a consolidated city under IC 36-3-1-6.1 or**
- 7 **IC 36-3-1-6.4; and**
- 8 **(2) "maximum levy" means the maximum permissible ad**
- 9 **valorem property tax levy under section 3 of this chapter.**
- 10 **(c) The maximum levy of a consolidated city for property taxes**
- 11 **first due and payable in 2012 shall be increased by an amount**
- 12 **equal to the combined maximum permissible ad valorem property**
- 13 **tax levies of each consolidating entity for property taxes first due**
- 14 **and payable in 2011 for fire protection and related services.**
- 15 **(d) For not more than three (3) years after a consolidation**
- 16 **under IC 36-3-1-6.1 or IC 36-3-1-6.4, the consolidated city may**
- 17 **levy a tax above the maximum permissible ad valorem property**
- 18 **tax levy for the fire special service district in each township or**
- 19 **excluded city that is necessary to phase out that consolidating**
- 20 **entity's borrowing for fire and emergency services.**
- 21 **SECTION 8. IC 6-1.1-24-6.8, AS ADDED BY P.L.98-2010,**
- 22 **SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
- 23 **JULY 1, 2011]: Sec. 6.8. (a) For purposes of this section, in a county**
- 24 **containing a consolidated city "county executive" refers to the board of**
- 25 **commissioners of the county as provided in IC 36-3-3-10: county**
- 26 **auditor.**
- 27 **(b) As used in this section, "vacant parcel" refers to a parcel that**
- 28 **satisfies all the following:**
- 29 **(1) A lien has been acquired on the parcel under section 6(a) of**
- 30 **this chapter.**
- 31 **(2) The parcel is unimproved on the date the parcel is offered for**
- 32 **sale under this chapter.**
- 33 **(3) The construction of a structure intended for residential use on**
- 34 **the parcel is permitted by law.**
- 35 **(4) On the date the parcel is offered for sale under this chapter,**
- 36 **the parcel is contiguous to one (1) or more parcels that satisfy the**
- 37 **following:**
- 38 **(A) One (1) or more of the following are located on the**
- 39 **contiguous parcel:**
- 40 **(i) A structure occupied for residential use.**
- 41 **(ii) A structure used in conjunction with a structure**
- 42 **occupied for residential use.**

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- 1 (B) The contiguous parcel is eligible for the standard
- 2 deduction under IC 6-1.1-12-37.
- 3 (c) The county legislative body may, by ordinance, establish criteria
- 4 for the identification of vacant parcels to be offered for sale under this
- 5 section. The criteria may include the following:
- 6 (1) Limitations on the use of the parcel under local zoning and
- 7 land use requirements.
- 8 (2) Minimum parcel area sufficient for construction of
- 9 improvements.
- 10 (3) Any other factor considered appropriate by the county
- 11 legislative body.
- 12 In a county containing a consolidated city, the county legislative body
- 13 may adopt an ordinance under this subsection only upon
- 14 recommendation by the ~~board of commissioners provided in~~
- 15 ~~IC 36-3-3-10:~~ **county auditor.**
- 16 (d) If the county legislative body adopts an ordinance under
- 17 subsection (c), the county executive shall for each tax sale:
- 18 (1) by resolution, identify each vacant parcel that the county
- 19 executive desires to sell under this section; and
- 20 (2) subject to subsection (e), give written notice to the owner of
- 21 record of each parcel referred to in subsection (b)(4) that is
- 22 contiguous to the vacant parcel.
- 23 (e) The notice under subsection (d)(2) with respect to each vacant
- 24 parcel must include at least the following:
- 25 (1) A description of the vacant parcel by:
- 26 (A) legal description; and
- 27 (B) parcel number or street address, or both.
- 28 (2) Notice that the county executive will accept written
- 29 applications from owners of parcels described in subsection (b)(4)
- 30 as provided in subsection (f).
- 31 (3) Notice of the deadline for applications referred to in
- 32 subdivision (2) and of the information to be included in the
- 33 applications.
- 34 (4) Notice that the vacant parcel will be sold to the successful
- 35 applicant for one dollar (\$1).
- 36 (5) Notice of the exemption provisions of subsection (l).
- 37 (f) To be eligible to purchase a vacant parcel under this section, the
- 38 owner of a contiguous parcel referred to in subsection (b)(4) must file
- 39 a written application with the county executive. The application must:
- 40 (1) identify the vacant parcel that the applicant desires to
- 41 purchase; and
- 42 (2) include any other information required by the county

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executive.

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

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

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

- (1) on behalf of the county, cause all delinquent taxes, special assessments, penalties, interest, and costs of sale with respect to the vacant parcels to be removed from the tax duplicate;
- (2) give notice of the final determination to:
 - (A) the successful applicant;
 - (B) the county auditor; and
 - (C) the township assessor, or the county assessor if there is no township assessor for the township.

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

- (1) the county auditor shall:
 - (A) collect the purchase price from each successful applicant; and
 - (B) subject to subsection (k), prepare a deed transferring each vacant parcel to the successful applicant; and
- (2) the township assessor or county assessor shall consolidate each vacant parcel sold and the contiguous parcel owned by the successful applicant into a single parcel.

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

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

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

- (1) Five (5) years after the transfer of title to the successful applicant.
- (2) The first transfer of title to the consolidated parcel that occurs after the consolidation.

SECTION 9. IC 6-3.5-6-18, AS AMENDED BY P.L.182-2009(ss),

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1 SECTION 222, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2011]: Sec. 18. (a) The revenue a county
 3 auditor receives under this chapter shall be used to:
 4 (1) replace the amount, if any, of property tax revenue lost due to
 5 the allowance of an increased homestead credit within the county;
 6 (2) fund the operation of a public communications system and
 7 computer facilities district as provided in an election, if any, made
 8 by the county fiscal body under IC 36-8-15-19(b);
 9 (3) fund the operation of a public transportation corporation as
 10 provided in an election, if any, made by the county fiscal body
 11 under IC 36-9-4-42;
 12 **(4) fund the operation of a public library in a consolidated city**
 13 **as provided in an election, if any, made by the county fiscal**
 14 **body under IC 36-12-2-16(f);**
 15 ~~(4)~~ **(5)** make payments permitted under IC 36-7-14-25.5 or
 16 IC 36-7-15.1-17.5;
 17 ~~(5)~~ **(6)** make payments permitted under subsection (i);
 18 ~~(6)~~ **(7)** make distributions of distributive shares to the civil taxing
 19 units of a county; and
 20 ~~(7)~~ **(8)** make the distributions permitted under sections 27, 28, 29,
 21 30, 31, 32, and 33 of this chapter.
 22 (b) The county auditor shall retain from the payments of the county's
 23 certified distribution an amount equal to the revenue lost, if any, due to
 24 the increase of the homestead credit within the county. This money
 25 shall be distributed to the civil taxing units and school corporations of
 26 the county as though they were property tax collections and in such a
 27 manner that no civil taxing unit or school corporation shall suffer a net
 28 revenue loss due to the allowance of an increased homestead credit.
 29 (c) The county auditor shall retain:
 30 (1) the amount, if any, specified by the county fiscal body for a
 31 particular calendar year under subsection (i), IC 36-7-14-25.5,
 32 IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the
 33 county's certified distribution for that same calendar year; and
 34 (2) the amount of an additional tax rate imposed under section 27,
 35 28, 29, 30, 31, 32, or 33 of this chapter.
 36 The county auditor shall distribute amounts retained under this
 37 subsection to the county.
 38 (d) All certified distribution revenues that are not retained and
 39 distributed under subsections (b) and (c) shall be distributed to the civil
 40 taxing units of the county as distributive shares.
 41 (e) The amount of distributive shares that each civil taxing unit in
 42 a county is entitled to receive during a month equals the product of the

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1 following:

2 (1) The amount of revenue that is to be distributed as distributive

3 shares during that month; multiplied by

4 (2) A fraction. The numerator of the fraction equals the allocation

5 amount for the civil taxing unit for the calendar year in which the

6 month falls. The denominator of the fraction equals the sum of the

7 allocation amounts of all the civil taxing units of the county for

8 the calendar year in which the month falls.

9 (f) The department of local government finance shall provide each

10 county auditor with the fractional amount of distributive shares that

11 each civil taxing unit in the auditor's county is entitled to receive

12 monthly under this section.

13 (g) Notwithstanding subsection (e), if a civil taxing unit of an

14 adopting county does not impose a property tax levy that is first due

15 and payable in a calendar year in which distributive shares are being

16 distributed under this section, that civil taxing unit is entitled to receive

17 a part of the revenue to be distributed as distributive shares under this

18 section within the county. The fractional amount such a civil taxing

19 unit is entitled to receive each month during that calendar year equals

20 the product of the following:

21 (1) The amount to be distributed as distributive shares during that

22 month; multiplied by

23 (2) A fraction. The numerator of the fraction equals the budget of

24 that civil taxing unit for that calendar year. The denominator of

25 the fraction equals the aggregate budgets of all civil taxing units

26 of that county for that calendar year.

27 (h) If for a calendar year a civil taxing unit is allocated a part of a

28 county's distributive shares by subsection (g), then the formula used in

29 subsection (e) to determine all other civil taxing units' distributive

30 shares shall be changed each month for that same year by reducing the

31 amount to be distributed as distributive shares under subsection (e) by

32 the amount of distributive shares allocated under subsection (g) for that

33 same month. The department of local government finance shall make

34 any adjustments required by this subsection and provide them to the

35 appropriate county auditors.

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

37 revenues received under this chapter (other than revenues attributable

38 to a tax rate imposed under section 30, 31, or 32 of this chapter) to the

39 payment of bonds or lease rentals to finance a qualified economic

40 development tax project under IC 36-7-27 in that county or in any other

41 county if the county fiscal body determines that the project will

42 promote significant opportunities for the gainful employment or

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1 retention of employment of the county's residents.
 2 SECTION 10. IC 6-3.5-6-18.5, AS AMENDED BY P.L.146-2008,
 3 SECTION 339, IS AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JANUARY 1, 2013]: Sec. 18.5. (a) This section applies
 5 to a county containing a consolidated city.

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

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

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

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

31	Center Township	\$1,898,145
32	Decatur Township	\$164,103
33	Franklin Township	\$173,934
34	Lawrence Township	\$890,086
35	Perry Township	\$854,544
36	Pike Township	\$1,410,375
37	Warren Township	\$1,027,721
38	Washington Township	\$1,017,890
39	Wayne Township	\$988,397
40	Lawrence-City	\$648,848
41	Beech Grove	\$639,017
42	Southport	\$18,906

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Speedway \$546,000

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

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

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

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

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

STEP FIVE: Determine the ratio of:

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

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

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the **distribution** ratio established under subdivision (1).

STEP SEVEN: For each taxing unit, determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit, determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the **distribution** ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 for the qualifying civil taxing unit during the

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

7 (c) The welfare allocation amount is an amount equal to the sum of
8 the property taxes imposed by the county in 1999 for the county's
9 welfare fund and welfare administration fund and the property taxes
10 imposed by the county in 2008 for the county's county medical
11 assistance to wards fund, family and children's fund, children's
12 psychiatric residential treatment services fund, county hospital care for
13 the indigent fund, children with special health care needs county fund,
14 plus, in the case of Marion County, thirty-five million dollars
15 (\$35,000,000).

16 SECTION 11. IC 12-20-1-6 IS ADDED TO THE INDIANA CODE
17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
18 1, 2011]: **Sec. 6. (a) This section applies:**

- 19 (1) only after December 31, 2012; and
- 20 (2) only to a county having a consolidated city.
- 21 (b) The county shall establish a township assistance fund for the
22 county.
- 23 (c) The fund must be raised by a tax levy that:
 - 24 (1) is in addition to all other tax levies authorized; and
 - 25 (2) shall be levied annually by the county fiscal body on all
26 taxable property in the county in the amount necessary to pay
27 the items, awards, claims, allowances, assistance, and other
28 expenses set forth in the annual township assistance budget
29 for the county.

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

32 (e) The following shall be paid into the county's township
33 assistance fund:

- 34 (1) All receipts from the tax imposed under this section.
- 35 (2) Any other money required by law to be placed in the fund.
- 36 (f) The fund is available for the purpose of paying expenses and
37 obligations set forth in the annual budget.

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

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

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1 SECTION 12. IC 15-16-7-4, AS ADDED BY P.L.2-2008,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 4. (a) The weed control board **in a county not**
4 **having a consolidated city** consists of the following members to be
5 appointed by the authorizing body:

- 6 (1) One (1) township trustee of the county.
- 7 (2) One (1) soil and water conservation district supervisor.
- 8 (3) One (1) representative from the agricultural community of the
9 county.
- 10 (4) One (1) representative from the county highway department
11 or an appointee of the county commissioners.
- 12 (5) One (1) cooperative extension service agent from the county
13 to serve in a nonvoting advisory capacity.

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

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

21 SECTION 13. IC 15-16-7-4.5 IS ADDED TO THE INDIANA
22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2011]: **Sec. 4.5. In a county having a**
24 **consolidated city and subject to IC 36-3-4-23, the board of code**
25 **enforcement is the weed control board. A cooperative extension**
26 **service agent from the county shall advise the board in a nonvoting**
27 **capacity.**

28 SECTION 14. IC 15-16-7-5, AS ADDED BY P.L.2-2008,
29 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2011]: Sec. 5. The weed control board **in a county not having**
31 **a consolidated city** may:

- 32 (1) appoint an executive director; and
 - 33 (2) employ necessary technical, professional, and other assistants.
- 34 The board shall fix the qualifications, duties, and salaries of these
35 employees subject to the approval of the county council.

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

- 41 (1) serve as inspectors for the weed control board;
- 42 (2) make periodic inspections; and

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1 (3) report their findings to the board and the executive director, if
2 any.

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

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

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

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

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

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

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

25 SECTION 17. IC 15-16-8-0.5 IS ADDED TO THE INDIANA
26 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
27 [EFFECTIVE JANUARY 1, 2013]: **Sec. 0.5. (a) The powers and**
28 **duties established by this chapter are conferred and imposed:**

- 29 (1) **in a county having a consolidated city, on the county with**
30 **respect to property in the county; and**
- 31 (2) **in all other counties, on the township trustee with respect**
32 **to property in the township.**

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

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

41 (d) **Any reference to "township fund" in this chapter is**
42 **considered in the case of a county having a consolidated city to be**

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1 a reference to the appropriate county fund designated by
2 ordinance of the county legislative body.

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

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

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

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

18 SECTION 19. IC 23-14-33-3.5 IS ADDED TO THE INDIANA
19 CODE AS A NEW SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JANUARY 1, 2013]: Sec. 3.5. (a) In a county having
21 a consolidated city, the county (rather than the township) may levy
22 the cemetery tax under IC 23-14-68-4.

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

26 SECTION 20. IC 23-14-75-1, AS AMENDED BY P.L.163-2006,
27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2011]: Sec. 1. This chapter applies to a city, town, or
29 township, or county having a consolidated city that:

- 30 (1) owns a cemetery that has been in existence for at least thirty
- 31 (30) years; or
- 32 (2) desires to own a public cemetery.

33 SECTION 21. IC 23-14-75-2, AS AMENDED BY P.L.163-2006,
34 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2011]: Sec. 2. If land has not been appropriated or set apart by
36 the owners by platting for a public cemetery and it is necessary to
37 purchase real estate for the cemetery:

- 38 (1) the legislative body of the city, or town, or county having a
39 consolidated city; or
- 40 (2) the executive of the township;

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

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1 SECTION 22. IC 32-26-4-2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. (a) As used in
 3 this section, "county official" means the official designated under
 4 IC 36-3-5-2 as responsible for administering this chapter. In a
 5 county having a consolidated city, the county official (rather than
 6 the township trustee) is responsible for administering this chapter
 7 after December 31, 2012.

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

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

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

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

- 35 (1) cause the fences to be cut and trimmed or obstructions or
- 36 growths removed in accordance with this chapter; and
- 37 (2) burn the brush trimmed from the fences.

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

40 ~~(e)~~ (f) The township trustee, county highway superintendent, ~~or~~
 41 Indiana department of transportation, **or county official** having charge
 42 of the work performed under subsection ~~(d)~~ (e) shall prepare an

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1 itemized statement of the total cost of the work of removing the
 2 obstructions or growths and shall sign and certify the statement to the
 3 county auditor of the county in which the land is located. The county
 4 auditor shall place the statement on the tax duplicates. The county
 5 treasurer shall collect the costs entered on the duplicates at the same
 6 time and in the same manner as road taxes are collected. The treasurer
 7 may not issue a receipt for road taxes unless the costs entered on the
 8 duplicates are paid in full at the same time the road taxes are paid. If
 9 the costs are not paid when due, the costs shall become delinquent,
 10 bear the same interest, be subject to the same penalties, and be
 11 collected at the same time and in the same manner as other unpaid and
 12 delinquent taxes.

13 SECTION 23. IC 32-26-4-3 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. The
 15 prosecuting attorney shall prosecute a suit under section ~~2(e)~~ **2(f)** of
 16 this chapter in the name of the state on relation of the supervisor or
 17 county highway superintendent. The prosecuting attorney shall receive
 18 a fee of ten dollars (\$10), collected as a part of the costs of the suit, for
 19 bringing a suit under this section.

20 SECTION 24. IC 32-26-9-0.6 IS ADDED TO THE INDIANA
 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JANUARY 1, 2013]: **Sec. 0.6. (a) As used in this**
 23 **chapter, "county official" means the official designated under**
 24 **IC 36-3-5-4 as responsible for administering this chapter. In a**
 25 **county having a consolidated city, the county official (rather than**
 26 **the township trustee) is responsible for administering this chapter**
 27 **after December 31, 2012.**

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

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

33 SECTION 25. IC 33-34-1-6 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 6. A division of
 35 the small claims court must be a full-time division or a part-time
 36 division as determined by the ~~individual township boards~~ **city-county**
 37 **council** following a hearing conducted under section 7 of this chapter.

38 SECTION 26. IC 33-34-1-8 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 8. The ~~township~~
 40 ~~trustee clerk of the city-county council~~ shall give ten (10) days notice
 41 of all hearings held under section 7 of this chapter in one (1) or more
 42 newspapers of general circulation in the county.

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1 SECTION 27. IC 33-34-1-9, AS AMENDED BY P.L.174-2006,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2012]: Sec. 9. Not more than ~~two (2)~~ **six (6)** weeks after
4 a hearing is conducted under section 7 of this chapter, the ~~township~~
5 **board city-county council** shall, after considering the evidence,
6 opinions, advice, and suggestions presented at the hearing, enter an
7 order concerning:

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

16 SECTION 28. IC 33-34-2-5 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 5. (a) The salary
18 of a judge who serves full time must be in an amount ~~determined by the~~
19 ~~township board of the township in which the small claims court is~~
20 **located established by ordinance of the city-county council.**

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

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

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

30 SECTION 29. IC 33-34-2-6 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 6. (a) The annual
32 salary of a judge shall be paid in ~~twelve (12)~~ **equal monthly**
33 **installments by the township trustee the same installments as other**
34 **elected county officials.**

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

38 SECTION 30. IC 33-34-2-14 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 14. (a) The
40 resignation of a judge shall be delivered to the clerk of the circuit court.
41 The clerk shall advise the circuit court. ~~and appropriate township~~
42 ~~board.~~

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

3 SECTION 31. IC 33-34-6-1, AS AMENDED BY P.L.174-2006,
4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JANUARY 1, 2012]: Sec. 1. The ~~township trustee~~ **county** shall provide
6 a courtroom and an office for each judge in a convenient location
7 within the township that has:

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

14 SECTION 32. IC 33-34-6-2, AS AMENDED BY P.L.174-2006,
15 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JANUARY 1, 2012]: Sec. 2. ~~A township~~ **The county** shall:

- 17 (1) furnish all:
 - 18 (A) supplies, including all blanks, forms, stationery, and
 - 19 papers of every kind, required for use in all cases in the
 - 20 township small claims court; and
 - 21 (B) furniture, books, and other necessary equipment and
 - 22 supplies; and
- 23 (2) provide for all necessary maintenance and upkeep of the
- 24 facilities where court is held.

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

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

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

- 39 (1) name of the candidate; and
- 40 (2) court for which the candidate is to serve.
- 41 (b) Each small claims court shall have a constable who:
 - 42 (1) acts as the bailiff of the court;

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- 1 (2) serves the court's personal service of process;
- 2 (3) has police powers to:
 - 3 (A) make arrests **under a court order**;
 - 4 (B) keep the peace **in the court during court proceedings**;
 - 5 ~~and~~
 - 6 (C) carry out the orders of the court; **and**
 - 7 **(D) take any other police action for which the constable has**
 - 8 **received training by the law enforcement training board**
 - 9 **established by IC 5-2-1-3;**
- 10 (4) must meet the qualifications prescribed by IC 3-8-1-31;
- 11 (5) is compensated for each process that is delivered to effect
- 12 personal service when serving as the bailiff for the court;
- 13 (6) is responsible for:
 - 14 (A) the preparation and mailing of all registered or certified
 - 15 service and is compensated for each process served by mail;
 - 16 and
 - 17 (B) all the official acts of the deputies;
- 18 (7) is compensated solely from the service of process fees
- 19 collected under IC 33-34-8-1; ~~and~~
- 20 (8) may require a deputy to give a bond for the proper discharge
- 21 of the deputy's duties for an amount fixed by the constable;
- 22 **(9) must file an economic statement of interest form in the**
- 23 **same manner required by the city-county council for elected**
- 24 **county officials and is subject to any other requirements the**
- 25 **city-county council establishes by ordinance for the constable**
- 26 **in the same manner as requirements for other elected county**
- 27 **officials are established;**
- 28 **(10) must satisfy the training requirements prescribed by**
- 29 **section 5 of this chapter; and**
- 30 **(11) must be sworn in by the clerk of the circuit court.**
- 31 (c) The elected constable may appoint full-time and part-time
- 32 ~~deputies~~ **deputy constables** for assistance in the performance of
- 33 official duties who:
 - 34 (1) perform all the official duties required to be performed by the
 - 35 constable;
 - 36 (2) possess the same statutory ~~and common law~~ powers and
 - 37 authority as the constable;
 - 38 (3) must take the same oath required of the constable **and be**
 - 39 **sworn in by the clerk of the circuit court;**
 - 40 (4) are compensated solely from the service of process fees
 - 41 collected under IC 33-34-8-1; ~~and~~
 - 42 (5) serve at the pleasure of the constable and may be dismissed at

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1 any time with or without cause;

2 **(6) if the deputy constable is a full-time deputy constable,**

3 **must file an economic statement of interest form in the same**

4 **manner required by the city-county council for county**

5 **officials; and**

6 **(7) must satisfy the training requirements prescribed by**

7 **section 5 of this chapter.**

8 (d) If there is an:

9 (1) emergency; or

10 (2) inability of a constable to carry out the constable's duties;

11 the judge may appoint a special constable to carry out the duties of the

12 constable during the emergency or inability.

13 **(e) Upon taking the oath of office, a constable or deputy**

14 **constable shall provide written notice of the following to the county**

15 **sheriff and the law enforcement training board established by**

16 **IC 5-2-1-3:**

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

18 **(2) The constable's or deputy constable's law enforcement**

19 **identification card number.**

20 **(3) The date upon which the constable or deputy constable**

21 **was sworn in by the clerk of the circuit court.**

22 **(4) That the constable or deputy constable has been issued an**

23 **official badge to perform the duties of a constable.**

24 SECTION 35. IC 33-34-6-5 IS ADDED TO THE INDIANA CODE

25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

26 1, 2011]: **Sec. 5. (a) Except as provided in subsection (f), each**

27 **constable must successfully complete the training course offered**

28 **under section 6(a) of this chapter within six (6) months after taking**

29 **office.**

30 **(b) Each deputy constable must successfully complete the**

31 **training course offered under section 6(a) of this chapter within six**

32 **(6) months after becoming a deputy constable.**

33 **(c) Each constable and each deputy constable must successfully**

34 **complete the annual training course offered under section 6(b) of**

35 **this chapter each year after the year in which the constable or**

36 **deputy constable receives training under section 6(a) of this**

37 **chapter.**

38 **(d) The law enforcement training board established by**

39 **IC 5-2-1-3 shall keep a log of all constables and deputy constables**

40 **who have been trained and who have been issued badges.**

41 **(e) If a constable or deputy constable fails to successfully**

42 **complete the training required by this chapter, the constable or**

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1 deputy constable is prohibited from performing any official
 2 function of the office or from wearing or otherwise displaying a
 3 badge or other regalia to give the impression of police powers.

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

10 SECTION 36. IC 33-34-6-6 IS ADDED TO THE INDIANA CODE
 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 12 1, 2011]: Sec. 6. (a) The law enforcement training board established
 13 by IC 5-2-1-3 shall create and offer a training course for constables
 14 and deputy constables. The training course must include at least
 15 forty (40) hours of instruction, with one (1) of those forty (40)
 16 hours addressing ethics.

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

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

- 27 (1) provide the forms, blanks, court calendar books, judgment
 28 dockets, and fee books; and
 29 (2) make rules and instructions to direct the judges in keeping
 30 records and making reports.

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

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

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- 1 (b) The ~~court~~ **county auditor** shall:
- 2 (1) semiannually distribute to the auditor of state:
- 3 (A) all automated record keeping fees (IC 33-37-5-21)
- 4 received by the court for deposit in the homeowner protection
- 5 unit account established by IC 4-6-12-9 and the state user fee
- 6 fund established under IC 33-37-9;
- 7 (B) all public defense administration fees collected by the
- 8 court under IC 33-37-5-21.2 for deposit in the state general
- 9 fund;
- 10 (C) sixty percent (60%) of all court administration fees
- 11 collected by the court under IC 33-37-5-27 for deposit in the
- 12 state general fund;
- 13 (D) all judicial insurance adjustment fees collected by the
- 14 court under IC 33-37-5-25 for deposit in the judicial branch
- 15 insurance adjustment account established by IC 33-38-5-8.2;
- 16 and
- 17 (E) seventy-five percent (75%) of all judicial salaries fees
- 18 collected by the court under IC 33-37-5-26 for deposit in the
- 19 state general fund; and
- 20 (2) distribute monthly to the county auditor all document storage
- 21 fees received by the court.

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

29 (c) ~~The court semiannually shall pay to the township trustee of the~~
 30 ~~township in which the court is located~~ The remaining forty percent
 31 (40%) of the court administration fees described under subsection
 32 (b)(1)(C) **shall be:**

- 33 (1) **deposited in the county general fund and credited to the**
- 34 **small claims court account described in section 5 of this**
- 35 **chapter; and**
- 36 (2) **used by the county** to fund the operations of the small claims
- 37 court. ~~in the trustee's township.~~

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

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township small claims court.

SECTION 40. IC 34-30-2-58, AS AMENDED BY P.L.2-2008, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 58. IC 15-16-8-4 (Concerning township trustees, **county officials in a county having a consolidated city**, or persons hired by them for the removal of detrimental plants upon another person's real property).

SECTION 41. IC 36-1-8-17 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17. (a) This section applies only to townships in a county having a consolidated city.**

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

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

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

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

- (1) the total amount transferred by the township in which the excluded city is located; multiplied by**
- (2) a fraction equal to:**
 - (A) the amount of the excluded city's assessed valuation**

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that is within the township; divided by
(B) the total amount of the township's assessed valuation.
The balance of all funds not transferred to the excluded cities shall be used by the consolidated city.

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

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

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

SECTION 42. IC 36-3-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) When a first class city becomes a consolidated city, the officers who become the executive and legislative body of the consolidated city under section 4(c) of this chapter also become the executive and legislative body of the county.

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

- (1) The county treasurer.
- (2) The county auditor.
- (3) The county assessor.

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1 ~~These three (3) officers then serve ex officio as commissioners under~~
2 ~~IC 36-3-3-10:~~

3 SECTION 43. IC 36-3-1-5.1, AS AMENDED BY P.L.182-2009(ss),
4 SECTION 400, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2011]: Sec. 5.1. (a) Except for those duties that
6 are reserved by law to the county sheriff in this section, the city-county
7 legislative body may by majority vote adopt an ordinance, approved by
8 the mayor, to consolidate the police department of the consolidated city
9 and the county sheriff's department **into the consolidated law**
10 **enforcement department, which must be a division of the**
11 **department of public safety.**

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

- 14 (1) holds a public hearing on the proposed consolidation; and
- 15 (2) determines that:
 - 16 (A) reasonable and adequate police protection can be provided
 - 17 through the consolidation; and
 - 18 (B) the consolidation is in the public interest.

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

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

- 25 (1) County jail operations and facilities.
- 26 ~~(2) Emergency communications:~~
- 27 ~~(3)~~ **(2)** Security for buildings and property owned by:
 - 28 (A) the consolidated city;
 - 29 (B) the county; or
 - 30 (C) both the consolidated city and county.
- 31 ~~(4)~~ **(3)** Service of civil process and collection of taxes under tax
32 warrants.
- 33 ~~(5)~~ **(4)** Sex and violent offender registration.

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

- 36 (1) The department of local government finance shall adjust the
37 maximum permissible ad valorem property tax levy of the
38 consolidated city and the county for property taxes first due and
39 payable in the year a consolidation takes effect under this section.
40 When added together, the adjustments under this subdivision
41 must total zero (0).
- 42 (2) The ordinance must specify which law enforcement officers

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

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

25 (9) The executive of the consolidated city shall provide for an
 26 independent evaluation and performance audit, due before March
 27 1 of the year following the adoption of the consolidation
 28 ordinance and for 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 budget
 35 committee.

36 (9) Notwithstanding any other requirements of this section,
 37 the city-county legislative body may also adopt an ordinance
 38 to transfer the sheriff's responsibilities for emergency
 39 communications to a division of the department of public
 40 safety, with the transfer taking effect on the date specified in
 41 the ordinance.

42 SECTION 44. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006,

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1 SECTION 560, IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 6.1. (a) This section applies
3 only in a county containing a consolidated city. ~~If the requirements of~~
4 ~~subsection (g) are satisfied;~~

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

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

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

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

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

36 ~~(c) If the requirements of subsection (g) are satisfied and the fire~~
37 ~~department of an entity listed in subsection (a) is consolidated into the~~
38 ~~fire department of the consolidated city;~~ **(d) All of the property,**
39 **equipment, records, and rights and contracts of the each department**
40 **consolidated into the consolidated fire department of the consolidated**
41 **city are: is:**

42 (1) transferred to; or

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

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

- 26 (1) are in effect on the effective date of the consolidation; and
- 27 (2) apply to employees of the department consolidated into the
- 28 fire department of the consolidated city who become employees
- 29 of the consolidated fire department.

30 (e) If the requirements of subsection (g) are satisfied and the fire
 31 department of an entity listed in subsection (a) is consolidated into the
 32 fire department of a consolidated city; the (f) **Indebtedness related to**
 33 **fire protection services incurred before the effective date of the**
 34 **consolidation by the an entity whose fire department is consolidated**
 35 **into the consolidated fire department under subsection (b), or a**
 36 **building, holding, or leasing corporation on behalf of the entity, whose**
 37 **fire department is consolidated into the consolidated fire department**
 38 **under subsection (a) shall remain the debt of the entity and does not**
 39 **become and may not be assumed by the consolidated city. Indebtedness**
 40 **related to fire protection services that is incurred by the consolidated**
 41 **city before the effective date of the consolidation shall remain the debt**
 42 **of the consolidated city and property taxes levied to pay the debt may**

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1 only be levied by the fire special service district.

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

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

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

35 (1) The consolidation of the fire department of that township is
36 effective on the date agreed to by the township legislative body in
37 the resolution and by the legislative body of the consolidated city
38 in its ordinance approving the consolidation.

- 39 (2) (1) Notwithstanding any other provision, a firefighter:
40 (A) who is a member of the 1977 fund before the effective
41 date of a consolidation under this section; and
42 (B) who, after the consolidation, becomes an employee of the

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

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~~cumulative building and equipment fund for fire protection and related services; which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services. as provided in subsection (d).~~

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

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

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firefighters' pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section.

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

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

(B) any tax shifts among taxpayers;

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

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

(A) is transferred to the consolidated city; and

(B) shall be used by the consolidated city to pay indebtedness or other needs for which the fund was established.

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

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

(A) is transferred to the consolidated city; and

(B) shall be deposited in the fire general fund of the consolidated city.

The department of local government finance shall determine the amounts to be transferred under this subsection. IC 36-1-8-5 does not apply to a balance referred to in this subsection.

(9) The maximum permissible ad valorem property tax levy of the township, the consolidated city, and the county shall be

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1 adjusted under IC 6-1.1-18.5-22 to reflect the transfers under
 2 this section.
 3 **(i) An entity listed in subsection (b)(1) or (b)(2) may not:**
 4 **(1) hire a firefighter;**
 5 **(2) promote a firefighter to a merit rank;**
 6 **(3) increase the salary, benefits, or any other compensation**
 7 **provided to a firefighter;**
 8 **(4) convey, lease, sell, transfer, or otherwise impair the use**
 9 **of real property that is subject to transfer to the**
 10 **consolidated city under this section; or**
 11 **(5) enter into a new lease or contract that would obligate**
 12 **funds necessary for firefighting purposes;**
 13 **without the approval, by ordinance, of the legislative body of**
 14 **the consolidated city. Any such action taken by a trustee,**
 15 **township board, or township employee is voidable by**
 16 **executive order of the mayor.**

17 SECTION 45. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005,
 18 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]: Sec. 6.2. (a) ~~If a consolidated fire department is~~
 20 ~~established under section 6.1 of this chapter, The consolidated city~~
 21 ~~through the consolidated fire department, shall after the consolidation~~
 22 ~~establish, operate, and maintain emergency ambulance services (as~~
 23 ~~defined in IC 16-18-2-107) in the fire special service district. and in~~
 24 ~~those townships in the county that are consolidated under section 6.1~~
 25 ~~of this chapter.~~

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

29 SECTION 46. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE
 30 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 31 **UPON PASSAGE]: Sec. 6.4. (a) This section applies only in a county**
 32 **having a consolidated city.**

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

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

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

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

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

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

19 (A) transferred to; or

20 (B) assumed by;

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

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

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

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fire special service district.

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

(7) Notwithstanding any other provision, a firefighter:

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

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

(8) Notwithstanding any other provision, a firefighter:

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

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

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

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

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

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for fire protection and related services for the excluded city.

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

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

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

SECTION 47. IC 36-3-1-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. The general assembly finds the following:

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

- (A) Serving as the seat of state government.
- (B) Managing a large number of tax exempt properties.
- (C) Operating across the boundaries of numerous local government territories.
- (D) Protecting a very large amount of governmental property and providing appropriate public safety resources to support its role as the state capital and a

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center for local, state, national, and international sporting, tourism, and cultural events.

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

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

(B) Reducing layers of government bureaucracy.

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

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

SECTION 48. IC 36-3-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. The executive shall perform the duties and exercise the powers prescribed for the board of commissioners of the county by statutes, ~~other than this title~~, except for the following:

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

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

SECTION 49. IC 36-3-4-14, AS AMENDED BY P.L.78-2009, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) An ordinance or resolution passed by a legislative body is considered adopted when it is:

- (1) signed by the presiding officer; and
- (2) if subject to veto, either approved by the executive or passed over the executive's veto by the legislative body, under section 16 of this chapter.

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

~~(1)~~ An ordinance or resolution, or part of either, providing for the budget or appropriating money for an office or officer of the

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1 county provided for by the Constitution of Indiana or for a judicial
 2 office or officer.
 3 ~~(2)~~ An ordinance or resolution approving or modifying the budget
 4 of a political subdivision that the legislative body is permitted by
 5 statute to review.
 6 ~~(3)~~ (1) A resolution making an appointment that the legislative
 7 body is authorized to make.
 8 ~~(4)~~ (2) A resolution selecting officers or employees of the
 9 legislative body.
 10 ~~(5)~~ (3) A resolution prescribing rules for the internal management
 11 of the legislative body.
 12 ~~(6)~~ (4) A zoning ordinance or amendment to a zoning ordinance,
 13 or a resolution approving a comprehensive plan, that is adopted
 14 under IC 36-7.
 15 (c) An ordinance prescribing a penalty or forfeiture for a violation
 16 must, before it takes effect, be published in the manner prescribed by
 17 IC 5-3-1, unless:
 18 (1) it is published under subsection (d); or
 19 (2) there is an urgent necessity requiring its immediate
 20 effectiveness, the executive proclaims the urgent necessity, and
 21 copies of the ordinance are posted in three (3) public places in the
 22 county.
 23 (d) If a legislative body publishes any of its ordinances in book or
 24 pamphlet form, no other publication is required. If an ordinance
 25 prescribing a penalty or forfeiture for a violation is published under this
 26 subsection, it takes effect two (2) weeks after the publication of the
 27 book or pamphlet. Publication under this subsection, if authorized by
 28 the legislative body, constitutes presumptive evidence:
 29 (1) of the ordinances in the book or pamphlet;
 30 (2) of the date of adoption of the ordinances; and
 31 (3) that the ordinances have been properly signed, attested,
 32 recorded, and approved.
 33 (e) Unless a legislative body provides in an ordinance or resolution
 34 for a later effective date, the ordinance or resolution takes effect when
 35 it is adopted, subject to subsections (c) and (d).
 36 (f) Subsections (a), (c), (d), and (e) do not apply to zoning
 37 ordinances or amendments to zoning ordinances, or resolutions
 38 approving comprehensive plans, that are adopted under IC 36-7.
 39 (g) The legislative body shall:
 40 (1) subject to subsection (h), give written notice to the department
 41 of environmental management not later than sixty (60) days
 42 before amendment or repeal of an environmental restrictive

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- 1 ordinance; and
- 2 (2) give written notice to the department of environmental
- 3 management not later than thirty (30) days after passage,
- 4 amendment, or repeal of an environmental restrictive ordinance.
- 5 (h) Upon written request by the legislative body, the department of
- 6 environmental management may waive the notice requirement of
- 7 subsection (g)(1).
- 8 (i) An environmental restrictive ordinance passed or amended after
- 9 2009 by the legislative body must state the notice requirements of
- 10 subsection (g).
- 11 (j) The failure of an environmental restrictive ordinance to comply
- 12 with subsection (i) does not void the ordinance.
- 13 SECTION 50. IC 36-3-5-2.8, AS ADDED BY P.L.227-2005,
- 14 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 JULY 1, 2011]: Sec. 2.8. (a) Except as provided in subsections (b) and
- 16 (c), the controller:
- 17 (1) has all the powers; and
- 18 (2) performs all the duties;
- 19 of the county auditor under law.
- 20 (b) The controller:
- 21 (1) does not have the powers; and
- 22 (2) may not perform the duties;
- 23 of the county auditor under IC 36-2-9.5 and IC 36-3-6. ~~or as a member~~
- 24 ~~of the board of commissioners of the county under IC 36-3-3-10.~~
- 25 (c) Notwithstanding subsection (a) or any other law, the executive,
- 26 with the approval of the legislative body, may allocate the duties of the
- 27 county auditor, except the duties referred to in subsection (b), among:
- 28 (1) the controller;
- 29 (2) the county assessor;
- 30 (3) the county auditor; or
- 31 (4) other appropriate city or county officials.
- 32 SECTION 51. IC 36-3-5-4, AS AMENDED BY P.L.227-2005,
- 33 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 JULY 1, 2011]: Sec. 4. (a) The following executive departments of the
- 35 consolidated city are established, subject to IC 36-3-4-23:
- 36 (1) Department of ~~administration and equal opportunity~~. **code**
- 37 **enforcement.**
- 38 (2) Department of metropolitan development.
- 39 (3) Department of public safety.
- 40 (4) Department of public works.
- 41 ~~(5) Department of transportation.~~
- 42 ~~(6)~~ (5) Department of parks and recreation.

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

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

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

12 SECTION 52. IC 36-3-5-6 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) Administrative
14 boards are established in the departments listed in ~~sections~~ **section**
15 **4(a)(1), 4(a)(3), 4(a)(4), and 4(a)(5) and 4(a)(6)** of this chapter, to be
16 known respectively as **the board of code enforcement**, the board of
17 public safety, the board of public works, ~~the board of transportation~~,
18 and the board of parks and recreation. These boards have all the
19 powers, duties, functions, and obligations prescribed by law for them
20 as of August 31, 1981, subject to IC 36-3-4-23. In addition, the
21 metropolitan development commission, which is established in the
22 department of metropolitan development by IC 36-7-4-202, has all the
23 powers, duties, functions, and obligations prescribed by law for it as of
24 August 31, 1981, subject to IC 36-3-4-23.

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

- 27 (1) The director of its department, who serves as presiding officer
28 of the board.
29 (2) Two (2) members appointed by the executive.
30 (3) Two (2) members appointed by the city-county legislative
31 body.

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

35 SECTION 53. IC 36-3-6-4, AS AMENDED BY P.L.146-2008,
36 SECTION 704, IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) Before the Wednesday after
38 the first Monday in July each year, the consolidated city and county
39 shall prepare budget estimates for the ensuing budget year under this
40 section.

41 (b) The following officers shall prepare for their respective
42 departments, offices, agencies, or courts an estimate of the amount of

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1 money required for the ensuing budget year, stating in detail each
2 category and item of expenditure they anticipate:

- 3 (1) The director of each department of the consolidated city.
- 4 (2) Each township ~~assessor (if any)~~, **trustee (after June 30,**
- 5 **2012), township constable,** elected county officer, ~~or~~ **and** head
- 6 of a county agency.
- 7 (3) The county clerk, for each court the clerk serves.
- 8 **(4) The controller, for each small claims court.**

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

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

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

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

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

25 SECTION 54. IC 36-3-6-9, AS AMENDED BY P.L.182-2009(ss),
26 SECTION 401, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) Except as provided in
28 subsection (d), the city-county legislative body shall review the
29 proposed operating and maintenance budgets and tax levies and adopt
30 final operating and maintenance budgets and tax levies for each of the
31 following entities in the county:

- 32 (1) An airport authority operating under IC 8-22-3.
- 33 (2) A public library operating under IC 36-12.
- 34 (3) A capital improvement board of managers operating under
- 35 IC 36-10.
- 36 (4) A public transportation corporation operating under IC 36-9-4.
- 37 (5) A health and hospital corporation established under
- 38 IC 16-22-8.
- 39 **(6) A building authority established under IC 36-9-13.**
- 40 ~~(7)~~ (7) Any other taxing unit (as defined in IC 6-1.1-1-21) that is
- 41 located in the county and has a governing body that is not
- 42 comprised of a majority of officials who are elected to serve on

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

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

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

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

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

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

31 SECTION 55. IC 36-3-8 IS ADDED TO THE INDIANA CODE AS
32 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
33 JANUARY 1, 2013]:

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

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

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

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

42 **(b) Within the geographic area of each township in the county,**

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the trustee shall:

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

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

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

(b) The trustee must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The trustee forfeits office if the trustee ceases to be a resident of the township.

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

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

(b) The county legislative body shall include, as part of its annual county budget, a budget for each trustee to administer township assistance and provide and maintain cemeteries in accordance with this chapter.

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

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

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

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

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

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

Sec. 7. (a) When twenty-five (25) or more resident freeholders of a township file a petition with the circuit court of the county alleging that the trustee is incapable of performing the trustee's duties due to mental or physical incapacity, the clerk of the court

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1 shall issue a summons to be served on the trustee. The summons is
2 returnable not less than ten (10) days from its date of issue.

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

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

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

16 (e) The acting trustee is entitled to the salary and benefits
17 provided for the trustee.

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

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

28 **Sec. 8. (a) A trustee is entitled to receive the following:**

- 29 (1) The trustee's salary, as set by the county legislative body.
- 30 (2) Reimbursement for expenses approved by the county
31 legislative body for reimbursement.

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

35 **Sec. 9. (a) Within thirty (30) days after taking office, the trustee**
36 **shall designate a person who shall perform the trustee's duties**
37 **whenever the trustee is incapable of performing the trustee's**
38 **functions because the trustee:**

- 39 (1) is absent from the township; or
- 40 (2) becomes incapacitated.

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

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- 1 (c) The designee has all the powers of the trustee.
- 2 (d) The designee shall perform the trustee's duties until:
- 3 (1) the trustee is no longer absent from the township; or
- 4 (2) an acting trustee is appointed by the county executive
- 5 under section 7 of this chapter.
- 6 (e) The trustee is responsible for all acts of the designee.
- 7 (f) The trustee may change the designee under this section at
- 8 any time.
- 9 Sec. 10. (a) The trustee must file an economic statement of
- 10 interest form in the same manner required by the county legislative
- 11 body for county officials.
- 12 (b) The county legislative body may, by ordinance, establish
- 13 other requirements for the trustee in the same manner as
- 14 requirements for other elected county officials are established.
- 15 SECTION 56. IC 36-6-1-1.5 IS ADDED TO THE INDIANA CODE
- 16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 17 JANUARY 1, 2013]: Sec. 1.5. This article, except for IC 36-6-1.1,
- 18 does not apply to townships in a county having a consolidated city.
- 19 SECTION 57. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE
- 20 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2011]:
- 22 Chapter 1.1. Dissolution of Township Governments in Marion
- 23 County
- 24 Sec. 1. This chapter applies only to a county having a
- 25 consolidated city.
- 26 Sec. 2. (a) Beginning July 1, 2011, a designee of the county
- 27 executive shall meet monthly with a designee of each township
- 28 trustee, constable, and small claims court judge to effectuate the
- 29 proper transition of the duties, obligations, and responsibilities of
- 30 the township to the county and consolidated city, as provided in
- 31 this chapter.
- 32 (b) The county executive's designee shall, for each township,
- 33 prepare and maintain a report regarding the transition. The report
- 34 must be made available to the public upon request and must be
- 35 posted on the Internet web site maintained by the county executive.
- 36 Sec. 3. (a) Effective January 1, 2012, the operations of the
- 37 township constables and small claims courts are operations of
- 38 county government and must be accounted for in the county
- 39 budget.
- 40 (b) Effective January 1, 2012, employees of the township
- 41 supporting the constable or the small claims court judge become
- 42 employees of the county, reporting to the constable or small claims

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1 court judge, as appropriate, of the township by which they were
2 employed on December 31, 2011.

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

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

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

13 (b) On January 1, 2013, all:

- 14 (1) assets;
- 15 (2) debts;
- 16 (3) property rights;
- 17 (4) equipment;
- 18 (5) records;
- 19 (6) personnel; and
- 20 (7) contracts;

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

23 (c) Effective January 1, 2013, all remaining employees of the
24 township become employees of the county, reporting to the trustee
25 of the township by which they were employed on December 31,
26 2012.

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

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

34 (b) Notwithstanding this article or any other law, on January 1,
35 2013:

- 36 (1) each township board is abolished; and
- 37 (2) the city-county council is the successor to the township
38 boards.

39 Sec. 6. (a) Effective January 1, 2013, all township governments
40 in the county are abolished, and the duties and powers of the
41 township governments that have not previously transferred to the
42 county or consolidated city are transferred to the county or

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consolidated city as provided in this chapter.

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

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

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

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

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

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

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

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

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

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

(1) is transferred to the county; and

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

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

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

Sec. 10. (a) The department of local government finance shall increase the county's maximum permissible property tax levy for taxes first due and payable in 2012 by an amount equal to the total combined maximum permissible property tax levies for all townships in the county for property taxes first due and payable in 2011 (excluding any township property taxes considered in making an adjustment to the maximum permissible property tax levy of the

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1 consolidated city under IC 6-1.1-18.5-22 and any property taxes
2 described in subsection (b)).

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

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

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

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

25 SECTION 58. IC 36-6-4-3, AS AMENDED BY P.L.1-2009,
26 SECTION 163, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JANUARY 1, 2013]: Sec. 3. The executive shall do the
28 following:

- 29 (1) Keep a written record of official proceedings.
- 30 (2) Manage all township property interests.
- 31 (3) Keep township records open for public inspection.
- 32 (4) Attend all meetings of the township legislative body.
- 33 (5) Receive and pay out township funds.
- 34 (6) Examine and settle all accounts and demands chargeable
35 against the township.
- 36 (7) Administer township assistance under IC 12-20 and
37 IC 12-30-4.
- 38 (8) Perform the duties of fence viewer under IC 32-26.
- 39 (9) Provide and maintain cemeteries under IC 23-14.
- 40 (10) Provide fire protection under IC 36-8. ~~except in a township~~
41 ~~that:~~

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

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

10 SECTION 59. IC 36-6-4-16, AS AMENDED BY P.L.1-2010,
11 SECTION 148, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JANUARY 1, 2013]: Sec. 16. (a) When twenty-five (25)
13 or more resident freeholders of a township file a petition with the
14 circuit court of the county, alleging that the township executive is
15 incapable of performing ~~his~~ **the executive's** duties due to mental or
16 physical incapacity, the clerk of the court shall issue a summons to be
17 served on the executive. The summons is returnable not less than ten
18 (10) days from its date of issue.

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

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

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

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

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

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

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

3 SECTION 60. IC 36-6-6-2, AS AMENDED BY P.L.240-2005,
4 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JANUARY 1, 2013]: Sec. 2. (a) Except as provided in subsection ~~(b)~~
6 ~~and~~ section 2.1 of this chapter, a three (3) member township board
7 shall be elected under IC 3-10-2-13 by the voters of each township.

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

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

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

15 SECTION 61. IC 36-6-6-2.2 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2.2. ~~(a)~~ This
17 subsection applies to townships in a county containing a consolidated
18 city. The voters of each legislative body district established under
19 section 2.5 of this chapter shall elect one ~~(1)~~ member of the township
20 board.

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

24 SECTION 62. IC 36-6-6-3, AS AMENDED BY P.L.240-2005,
25 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JANUARY 1, 2013]: Sec. 3. ~~(a)~~ This subsection applies to townships
27 in a county containing a consolidated city. One ~~(1)~~ member of the
28 legislative body must reside within each legislative body district. If a
29 member of the legislative body ceases to be a resident of the district
30 from which the member was elected, the office becomes vacant.

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

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

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

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

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

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the office becomes vacant.

SECTION 63. IC 36-6-6-4, AS AMENDED BY P.L.240-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. (a) Except as provided in ~~subsections~~ **subsection (b), and (c)**; two (2) members of the legislative body constitute a quorum.

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

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

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

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

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

SECTION 64. IC 36-7-15.1-16, AS AMENDED BY P.L.146-2008, SECTION 750, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) For the purpose of raising money to carry out this chapter or IC 36-7-15.3, the city-county legislative body may levy each year a special tax upon all property in the redevelopment district. The tax so levied each year shall be certified to the fiscal officers of the city and the county before ~~September 2~~ **November 1** of each year. The tax shall be estimated and entered upon the tax duplicates by the county auditor, and shall be collected and enforced by the county treasurer in the same manner as state and county taxes are estimated, entered, collected, and enforced.

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

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

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

SECTION 65. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers,

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

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

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

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

~~(3)~~ **(4)** For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

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

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

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

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

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

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

SECTION 66. IC 36-8-8-7, AS AMENDED BY P.L.1-2006, SECTION 575, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline

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1 statewide physical and mental examinations required under section 19
 2 of this chapter shall be a member of the 1977 fund and is not a member
 3 of the 1925 fund, the 1937 fund, or the 1953 fund.

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

19 (c) Except as provided in section 18 of this chapter, a police officer
 20 or firefighter is entitled to credit for all years of service after April 30,
 21 1977, with the police or fire department of an employer covered by this
 22 chapter.

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

- 26 (1) was hired before May 1, 1977;
- 27 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 28 of which were repealed September 1, 1981); and
- 29 (3) is rehired after April 30, 1977, by the same employer.

30 (e) A police officer or firefighter does not become a member of the
 31 1977 fund and is not covered by this chapter if the police officer or
 32 firefighter:

- 33 (1) was hired before May 1, 1977;
- 34 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 35 of which were repealed September 1, 1981);
- 36 (3) was rehired after April 30, 1977, but before February 1, 1979;
- 37 and
- 38 (4) was made, before February 1, 1979, a member of a 1925,
- 39 1937, or 1953 fund.

40 (f) A police officer or firefighter does not become a member of the
 41 1977 fund and is not covered by this chapter if the police officer or
 42 firefighter:

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- 1 (1) was hired by the police or fire department of a unit before May
- 2 1, 1977;
- 3 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 4 of which were repealed September 1, 1981);
- 5 (3) is rehired by the police or fire department of another unit after
- 6 December 31, 1981; and
- 7 (4) is made, by the fiscal body of the other unit after December
- 8 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
- 9 unit.

10 If the police officer or firefighter is made a member of a 1925, 1937, or
 11 1953 fund, the police officer or firefighter is entitled to receive credit
 12 for all the police officer's or firefighter's years of service, including
 13 years before January 1, 1982.

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

- 17 (1) is employed by a unit that is participating in the 1977 fund;
- 18 (2) was employed as an emergency medical technician by a
- 19 political subdivision wholly or partially within the department's
- 20 jurisdiction;
- 21 (3) was a member of the public employees' retirement fund during
- 22 the employment described in subdivision (2); and
- 23 (4) ceased employment with the political subdivision and was
- 24 hired by the unit's fire department due to the reorganization of
- 25 emergency medical services within the department's jurisdiction;
- 26 shall participate in the 1977 fund. A firefighter who participates in the
- 27 1977 fund under this subsection is subject to sections 18 and 21 of this
- 28 chapter.

29 (h) A police officer or firefighter does not become a member of the
 30 1977 fund and is not covered by this chapter if the individual was
 31 appointed as:

- 32 (1) a fire chief under a waiver under IC 36-8-4-6(c); or
- 33 (2) a police chief under a waiver under IC 36-8-4-6.5(c);
- 34 unless the executive of the unit requests that the 1977 fund accept the
- 35 individual in the 1977 fund and the individual previously was a
- 36 member of the 1977 fund.

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

40 (j) A park ranger who:
 41 (1) completed at least the number of weeks of training at the
 42 Indiana law enforcement academy or a comparable law

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1 enforcement academy in another state that were required at the
2 time the park ranger attended the Indiana law enforcement
3 academy or the law enforcement academy in another state;

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

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

9 is a member of the fund.

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

12 (1) who is a member of the 1977 fund before a consolidation
13 under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.4;**

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

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

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

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

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

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

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

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

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

40 (1) may not be:

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

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

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1 solely because of a change in employer under the consolidation;
 2 **and**
 3 **(2) shall receive credit for all years of service as a member of**
 4 **the 1977 fund before the consolidation described in subsection**
 5 **(k) or (l).**

6 SECTION 67. IC 36-8-15-19, AS AMENDED BY
 7 P.L.182-2009(ss), SECTION 440, IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 19. (a) This subsection
 9 applies to a county that has a population of more than one hundred
 10 eighty-two thousand seven hundred ninety (182,790) but less than two
 11 hundred thousand (200,000). For the purpose of raising money to fund
 12 the operation of the district, the county fiscal body may impose, for
 13 property taxes first due and payable during each year after the adoption
 14 of an ordinance establishing the district, an ad valorem property tax
 15 levy on property within the district. The property tax rate for that levy
 16 may not exceed five cents (\$0.05) on each one hundred dollars (\$100)
 17 of assessed valuation.

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

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

35 (d) If a unit by ordinance or resolution joins the district or elects to
 36 have its public safety agencies served by the district, the department of
 37 local government finance shall reduce the maximum permissible ad
 38 valorem property tax levy of the unit for property taxes first due and
 39 payable during the year after the adoption of the ordinance or
 40 resolution. The reduction shall be based on the amount budgeted by the
 41 unit for public safety communication services in the year in which the
 42 ordinance was adopted. If such an ordinance or resolution is adopted,

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1 the district shall refer its proposed budget, ad valorem property tax
2 levy, and property tax rate for the following year to the department of
3 local government finance, which shall review and set the budget, levy,
4 and rate as though the district were covered by IC 6-1.1-18.5-7.

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

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

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

25 SECTION 68. IC 36-9-4-42 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 42. (a) A municipality
27 or a public transportation corporation that expends money for the
28 establishment or maintenance of an urban mass transportation system
29 under this chapter may acquire the money for these expenditures:

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

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

4 (1) studies under section 4, 9, or 11 of this chapter;

5 (2) grants in aid;

6 (3) the purchase of buses or real property by a municipality for
 7 lease to an urban mass transportation system, including the
 8 payment of any amount outstanding under a mortgage, contract of
 9 sale, or other security device that may attach to the buses or real
 10 property;

11 (4) the acquisition by a public transportation corporation of
 12 property of an urban mass transportation system, including the
 13 payment of any amount outstanding under a mortgage, contract of
 14 sale, or other security device that may attach to the property;

15 (5) the operation of an urban mass transportation system by a
 16 public transportation corporation, including the acquisition of
 17 additional property for such a system; and

18 (6) the retirement of bonds issued and outstanding under this
 19 chapter.

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

33 SECTION 69. IC 36-12-2-16, AS ADDED BY P.L.1-2005,
 34 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JANUARY 1, 2012]: Sec. 16. (a) This section applies to the
 36 appointment of members to a library board of a public library serving
 37 a library district that is:

38 (1) partly or fully within the boundaries of a consolidated city;
 39 and

40 (2) fully within the boundaries of one (1) county.

41 (b) Seven (7) members of a library board shall be appointed ~~in the~~
 42 ~~following order as the terms of previously appointed members expire:~~

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as follows:

(1) ~~One (1)~~ member appointed by the board of county commissioners **Four (4) members appointed by the executive** of the county in which the library district is located.

(2) ~~One (1)~~ member **Two (2) members** appointed by the **majority leader of the** fiscal body of the county in which the library district is located.

(3) One (1) member appointed by the ~~board of county commissioners~~ **minority leader of the fiscal body** of the county in which the library district is located.

(4) ~~Two (2)~~ members appointed by the school board of the school corporation in which the principal administrative offices of the public library are located.

(5) ~~One (1)~~ member appointed by the board of county commissioners of the county in which the library district is located.

(6) ~~One (1)~~ member appointed by the fiscal body of the county in which the library district is located.

(c) **Each member shall serve a four (4) year term. However, a member's term continues until a successor has qualified for the office. The terms of the members serving on the board as of December 31, 2011, expire on January 1, 2012. The four (4) year terms of the initial members under this section, as amended in 2011, shall begin January 1, 2012.**

(d) **A member may be reappointed to successive terms.**

(e) **A member serves at the pleasure of the appointing authority that appointed the member.**

(f) **The library board may recommend and the county fiscal body may elect to provide revenue to a public library described in subsection (a) from part of the certified distribution, if any, that the county is to receive during that same year under IC 6-3.5-6-17. To make the election, the county fiscal body must adopt an ordinance before November 1 of the preceding year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to provide revenue to the public library. If such an ordinance is adopted, the county fiscal body shall immediately send a copy of the ordinance to the county auditor.**

SECTION 70. IC 36-12-2-18, AS AMENDED BY P.L.113-2010, SECTION 159, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 18. (a) Subject to subsection (b), the term of a library board member is four (4) years. A member

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1 may continue to serve on a library board after the member's term
 2 expires until the member's successor is qualified under section 19 of
 3 this chapter. The term of the member's successor is not extended by the
 4 time that has elapsed before the successor's appointment and
 5 qualification. If a member is appointed to fill a vacancy on a library
 6 board, the member's term is the unexpired term of the member being
 7 replaced.

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

12 (1) One (1) year for one (1) member appointed under section 9(1),
 13 9(5), ~~16(b)(1)~~, ~~16(b)(2)~~, or 17(1) of this chapter.

14 (2) Two (2) years for one (1) member appointed under section
 15 9(3)(A), 9(4), ~~16(b)(3)~~, ~~16(b)(4)~~, or 17(2) of this chapter.

16 (3) Three (3) years for one (1) member appointed under section
 17 9(2), 9(3)(A), ~~16(b)(4)~~, ~~16(b)(5)~~, or 17(1) of this chapter.

18 (4) Four (4) years for one (1) member appointed under section
 19 9(3)(B) ~~16(b)(6)~~, or 17(2) of this chapter.

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

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

25 SECTION 71. IC 36-3-3-10 IS REPEALED [EFFECTIVE JULY 1,
 26 2011].

27 SECTION 72. THE FOLLOWING ARE REPEALED [EFFECTIVE
 28 JANUARY 1, 2013]: IC 3-11-1.5-32.5; IC 36-6-6-2.5.

29 SECTION 73. [EFFECTIVE JULY 1, 2011] (a) **The legislative**
 30 **services agency, as directed by the legislative council, shall prepare**
 31 **legislation for introduction in the 2012 regular session of the**
 32 **general assembly to organize and correct statutes affected by this**
 33 **act, if necessary.**

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

35 SECTION 74. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 526, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 7, delete lines 13 through 42.

Delete pages 8 through 12.

Page 13, delete lines 1 through 18.

Page 23, delete lines 22 through 42.

Delete pages 24 through 32.

Page 33, delete lines 1 through 21.

Page 41, line 9, delete "or to maintain order" and insert ";".

Page 41, delete line 10.

Page 41, line 12, strike "and".

Page 41, line 13, after "court;" insert "**and**

(D) take any other police action for which the constable has received training by the law enforcement training board established by IC 5-2-1-3;".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 526 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 6, Nays 1.

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