



Reprinted
February 22, 2011

SENATE BILL No. 526

DIGEST OF SB 526 (Updated February 21, 2011 8:00 pm - DI 73)

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. Amends the fire consolidation statutes (effective January 1, 2013) applicable to a county having a consolidated city to provide for consolidation if: (1) the legislative body of the consolidated city adopts an ordinance to consolidate a township fire department into the fire department of the consolidated city; and (2) the trustee of that township and the mayor approve the ordinance. Specifies that trustees in townships in a county having a consolidated city that have not consolidated fire departments retain the duty to provide fire protection. 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 for a firefighter who, after the consolidation, becomes a firefighter employed by the consolidated fire department: (1) the time served by such an individual as a firefighter with the consolidated fire department shall also include the total time served by the individual as a firefighter with the township fire department in which the individual was serving at the time of the consolidation; and (2) the hire date of such an individual is the date the individual was hired as a firefighter by the township department in which the individual was serving at the time of
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Effective: Upon passage; July 1, 2011; January 1, 2012; January 1, 2013.

Merritt, Miller

January 18, 2011, read first time and referred to Committee on Local Government.
February 10, 2011, amended, reported favorably — Do Pass.
February 21, 2011, read second time, amended, ordered engrossed.

SB 526—LS 7458/DI 73+



consolidation. Requires a township or fire protection territory that has not consolidated into the consolidated fire department to coordinate with the consolidated fire department: (1) to ensure sufficient fire protection coverage throughout the consolidated city; and (2) to achieve savings through joint purchasing. Provides that the maximum property tax levy of a consolidated city for property taxes first due and payable in the year following a fire department consolidation shall be increased by an amount equal to the combined maximum property tax levies of each consolidating entity for property taxes first due and payable for fire protection and related services in the year in which the fire department consolidation occurs. 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 department. Provides that (in the case of a township that does not consolidate its fire department): (1) the township trustee (and not any county official or employee) remains responsible for and retains the powers and duties related to hiring, supervising, disciplining, and firing those employees; and (2) the assets, debts, property rights, equipment, records, and contracts of the township related to providing fire protection are not transferred to the county. 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. Provides that the township trustee prepares the trustee and small claims court budgets. (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 money budgeted for a particular township's township assistance expenses and obligations shall, as provided in the budget adopted by the county fiscal body, be distributed to a township account established for that township and administered by that township's trustee. Specifies that township assistance expenses and obligations shall be paid by the township trustee from the amounts in the township's account. Provides that the city-county council may, by ordinance, establish standards for the provision of township assistance.

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Provides that before September 1, 2011, a township may not expend or encumber more than 5% of any fund without the written approval of the controller of the 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 and that does not operate a fire department or participate in a fire protection territory 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. Provides that the excess funds are to be transferred to a dedicated fund for each such township (the township excess reserves fund). Provides that money in a township excess reserves fund may be expended only: (1) upon appropriation of the county fiscal body; and (2) to benefit the taxpayers of the township from which the funds were derived. Provides that the funds shall be appropriated: (1) to satisfy debt obligations that would have otherwise been borne by the taxpayers of the township; or (2) if there is no such debt remaining, to reduce property taxes of the taxpayers of that township. 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. Specifies that: (1) the small claims courts operate independently from the circuit and superior courts; and (2) except for adopting the budget and approving salaries, the city-county council does not have authority over a small claims court judge and the operations of a small claims court. Provides that the executive committee of the superior court does not have authority over a small claims court judge and the operations of a small claims court. Specifies that in the case of a township that has not consolidated the township's fire department, the township's fire merit board after the township board is abolished shall consist of three members appointed by the township trustee and two members selected by the members of the fire department. Abolishes the Marion County board of commissioners effective July 1, 2011. Deletes provisions specifying that in a county having a consolidated city, an ordinance or resolution of the legislative body: (1) appropriating money for a constitutional office or officer or for a judicial office or officer; or (2) approving or modifying the budget of a political subdivision that the legislative body is permitted by statute to review; is not subject to veto. 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. Allows county option income tax (COIT) to be appropriated by the city-county council to any public library in Marion County. Changes the membership 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. 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 22, 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:

OFFICIAL PRIMARY BALLOT

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

SB 526—LS 7458/DI 73+



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) "consolidating entity" means:

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

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

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

(c) The maximum levy of a consolidated city for property taxes first due and payable in the year following a consolidation under IC 36-3-1-6.1 or IC 36-3-1-6.4 shall be increased by an amount equal to the combined maximum permissible ad valorem property tax levies of each consolidating entity for property taxes first due and payable for fire protection and related services in the year during which the consolidation under IC 36-3-1-6.1 or IC 36-3-1-6.4 occurs.

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

SECTION 8. IC 6-1.1-24-6.8, AS ADDED BY P.L.98-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6.8. (a) For purposes of this section, in a county containing a consolidated city "county executive" refers to the ~~board of commissioners of the county as provided in IC 36-3-3-10:~~ **county treasurer.**

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

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

- (A) One (1) or more of the following are located on the contiguous parcel:**

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

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- 1 (1) identify the vacant parcel that the applicant desires to
- 2 purchase; and
- 3 (2) include any other information required by the county
- 4 executive.
- 5 (g) If more than one (1) application to purchase a single vacant
- 6 parcel is filed with the county executive, the county executive shall
- 7 conduct a drawing between or among the applicants in which each
- 8 applicant has an equal chance to be selected as the transferee of the
- 9 vacant parcel.
- 10 (h) The county executive shall by resolution make a final
- 11 determination concerning the vacant parcels that are to be sold under
- 12 this section.
- 13 (i) After the final determination of vacant parcels to be sold under
- 14 subsection (h), the county executive shall:
- 15 (1) on behalf of the county, cause all delinquent taxes, special
- 16 assessments, penalties, interest, and costs of sale with respect to
- 17 the vacant parcels to be removed from the tax duplicate;
- 18 (2) give notice of the final determination to:
- 19 (A) the successful applicant;
- 20 (B) the county auditor; and
- 21 (C) the township assessor, or the county assessor if there is no
- 22 township assessor for the township.
- 23 (j) Upon receipt of notice under subsection (i)(2):
- 24 (1) the county auditor shall:
- 25 (A) collect the purchase price from each successful applicant;
- 26 and
- 27 (B) subject to subsection (k), prepare a deed transferring each
- 28 vacant parcel to the successful applicant; and
- 29 (2) the township assessor or county assessor shall consolidate
- 30 each vacant parcel sold and the contiguous parcel owned by the
- 31 successful applicant into a single parcel.
- 32 (k) The county auditor shall include in the deed prepared under
- 33 subsection (j)(1)(B) reference to the exemption under subsection (l).
- 34 (l) Except as provided in subsection (m), each consolidated parcel
- 35 referred to in subsection (j)(2) is entitled to an exemption from property
- 36 taxation beginning on the assessment date that next succeeds the
- 37 consolidation in the amount of the assessed value at the time of
- 38 consolidation of the vacant parcel that was subject to the consolidation.
- 39 (m) The exemption under subsection (l) is terminated as of the
- 40 assessment date that next succeeds the earlier of the following:
- 41 (1) Five (5) years after the transfer of title to the successful
- 42 applicant.

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1 (2) The first transfer of title to the consolidated parcel that occurs
 2 after the consolidation.
 3 SECTION 9. IC 6-3.5-6-18, AS AMENDED BY P.L.182-2009(ss),
 4 SECTION 222, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2011]: Sec. 18. (a) The revenue a county
 6 auditor receives under this chapter shall be used to:
 7 (1) replace the amount, if any, of property tax revenue lost due to
 8 the allowance of an increased homestead credit within the county;
 9 (2) fund the operation of a public communications system and
 10 computer facilities district as provided in an election, if any, made
 11 by the county fiscal body under IC 36-8-15-19(b);
 12 (3) fund the operation of a public transportation corporation as
 13 provided in an election, if any, made by the county fiscal body
 14 under IC 36-9-4-42;
 15 **(4) fund the operation of any public library in a county having**
 16 **a consolidated city as provided in an election, if any, made by**
 17 **the county fiscal body under IC 36-3-7-6;**
 18 ~~(4)~~ **(5)** make payments permitted under IC 36-7-14-25.5 or
 19 IC 36-7-15.1-17.5;
 20 ~~(5)~~ **(6)** make payments permitted under subsection (i);
 21 ~~(6)~~ **(7)** make distributions of distributive shares to the civil taxing
 22 units of a county; and
 23 ~~(7)~~ **(8)** make the distributions permitted under sections 27, 28, 29,
 24 30, 31, 32, and 33 of this chapter.
 25 (b) The county auditor shall retain from the payments of the county's
 26 certified distribution an amount equal to the revenue lost, if any, due to
 27 the increase of the homestead credit within the county. This money
 28 shall be distributed to the civil taxing units and school corporations of
 29 the county as though they were property tax collections and in such a
 30 manner that no civil taxing unit or school corporation shall suffer a net
 31 revenue loss due to the allowance of an increased homestead credit.
 32 (c) The county auditor shall retain:
 33 (1) the amount, if any, specified by the county fiscal body for a
 34 particular calendar year under subsection (i), **IC 36-3-7-6,**
 35 **IC 36-7-14-25.5, IC 36-7-15.1-17.5, IC 36-8-15-19(b), and**
 36 **IC 36-9-4-42** from the county's certified distribution for that same
 37 calendar year; and
 38 (2) the amount of an additional tax rate imposed under section 27,
 39 28, 29, 30, 31, 32, or 33 of this chapter.
 40 The county auditor shall distribute amounts retained under this
 41 subsection to the county.
 42 (d) All certified distribution revenues that are not retained and

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1 distributed under subsections (b) and (c) shall be distributed to the civil
2 taxing units of the county as distributive shares.

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

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

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

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

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

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

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

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

40 (i) Notwithstanding any other law, a county fiscal body may pledge
41 revenues received under this chapter (other than revenues attributable
42 to a tax rate imposed under section 30, 31, or 32 of this chapter) to the

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1 payment of bonds or lease rentals to finance a qualified economic
 2 development tax project under IC 36-7-27 in that county or in any other
 3 county if the county fiscal body determines that the project will
 4 promote significant opportunities for the gainful employment or
 5 retention of employment of the county's residents.

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

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

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

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

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

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

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1 distribution under STEP EIGHT, each civil taxing unit's share
 2 equals the STEP THREE excess multiplied by the ratio of:
 3 (A) the maximum permissible property tax levy under
 4 IC 6-1.1-18.5 for the qualifying civil taxing unit during the
 5 calendar year in which the month falls, plus, for a county, an
 6 amount equal to the welfare allocation amount; divided by
 7 (B) the sum of the maximum permissible property tax levies
 8 under IC 6-1.1-18.5 for all qualifying civil taxing units of
 9 the county during the calendar year in which the month falls,
 10 and an amount equal to the welfare allocation amount.

11 (c) The welfare allocation amount is an amount equal to the sum of
 12 the property taxes imposed by the county in 1999 for the county's
 13 welfare fund and welfare administration fund and the property taxes
 14 imposed by the county in 2008 for the county's county medical
 15 assistance to wards fund, family and children's fund, children's
 16 psychiatric residential treatment services fund, county hospital care for
 17 the indigent fund, children with special health care needs county fund,
 18 plus, in the case of Marion County, thirty-five million dollars
 19 (\$35,000,000).

20 SECTION 11. IC 12-20-1-6 IS ADDED TO THE INDIANA CODE
 21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 22 1, 2011]: **Sec. 6. (a) This section applies:**

- 23 (1) only after December 31, 2012; and
- 24 (2) only to a county having a consolidated city.

25 (b) The county shall establish a township assistance fund for the
 26 county.

27 (c) The fund must be raised by a tax levy that:
 28 (1) is in addition to all other tax levies authorized; and
 29 (2) shall be levied annually by the county fiscal body on all
 30 taxable property in the county in the amount necessary to pay
 31 the items, awards, claims, allowances, assistance, and other
 32 expenses set forth in the annual township assistance budget
 33 for the county.

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

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

- 38 (1) All receipts from the tax imposed under this section.
- 39 (2) Any other money required by law to be placed in the fund.

40 (f) The fund is available for the purpose of paying expenses and
 41 obligations set forth in the annual budget. Money budgeted for a
 42 particular township's township assistance expenses and obligations

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1 shall, as provided in the budget adopted by the county fiscal body,
2 be distributed to a township account established for that township
3 and administered by that township's trustee. Township assistance
4 expenses and obligations shall be paid by the township trustee from
5 the amounts in the township's account.

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

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

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

- 16 (1) One (1) township trustee of the county.
- 17 (2) One (1) soil and water conservation district supervisor.
- 18 (3) One (1) representative from the agricultural community of the
19 county.
- 20 (4) One (1) representative from the county highway department
21 or an appointee of the county commissioners.
- 22 (5) One (1) cooperative extension service agent from the county
23 to serve in a nonvoting advisory capacity.

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

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

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

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

- 42 (1) appoint an executive director; and

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1 (2) employ necessary technical, professional, and other assistants.
2 The board shall fix the qualifications, duties, and salaries of these
3 employees subject to the approval of the county council.

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

- 9 (1) serve as inspectors for the weed control board;
- 10 (2) make periodic inspections; and
- 11 (3) report their findings to the board and the executive director, if
12 any.

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

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

- 21 (1) real estate; or
- 22 (2) easements, rights-of-way, or other similar interests in real
23 estate;

24 in the county to control and contain noxious weeds growing on the real
25 estate.

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

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

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

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

- 39 (1) **in a county having a consolidated city, on the county with**
40 **respect to property in the county; and**
- 41 (2) **in all other counties, on the township trustee with respect**
42 **to property in the township.**

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

5 (c) Any reference to "township trustee" in this chapter is
6 considered in the case of a county having a consolidated city to be
7 a reference to the county official for purposes of administering this
8 chapter.

9 (d) Any reference to "township fund" in this chapter is
10 considered in the case of a county having a consolidated city to be
11 a reference to the appropriate county fund designated by
12 ordinance of the county legislative body.

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

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

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

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

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

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

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

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

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

6 (1) the legislative body of the city, ~~or~~ town, **or county having a**
7 **consolidated city**; or

8 (2) the executive of the township;
9 has the power of eminent domain to condemn and appropriate the land
10 for cemetery purposes under proceedings provided by statute.

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

18 ~~(a)~~ **(b)** The trustee of each township, **the county official**, the county
19 highway superintendent, the Indiana department of transportation, or
20 other officer in control of the maintenance of a highway shall between
21 January 1 and April 1 of each year, examine all hedges, live fences,
22 natural growths along highways, and other obstructions described in
23 section 1 of this chapter in their respective jurisdictions. If there are
24 hedges, live fences, other growths, or obstructions along the highways
25 that have not been cut, trimmed down, and maintained in accordance
26 with this chapter, the owner shall be given written notice to cut or trim
27 the hedge or live fence and to burn the brush trimmed from the hedge
28 or live fence and remove any other obstructions or growths.

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

32 ~~(c)~~ **(d)** If the owner is not a resident of the township, county, or state
33 where the hedge, live fence, or other obstructions or growth is located,
34 the notice shall be served upon the owner's agent or tenant residing in
35 the township **or a county having a consolidated city**. If an agent or a
36 tenant of the owner does not reside in the township **or a county having**
37 **a consolidated city**, the notice shall be served by mailing a copy of the
38 notice to the owner, directed to the owner's last known post office
39 address.

40 ~~(d)~~ **(e)** If the owner, agents, or tenants do not proceed to cut and trim
41 the fences and burn the brush trimmed from the fences or remove any
42 obstructions or growths within ten (10) days after notice is served, the

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1 township trustee, county highway superintendent, or Indiana
2 department of transportation shall immediately:

3 (1) cause the fences to be cut and trimmed or obstructions or
4 growths removed in accordance with this chapter; and

5 (2) burn the brush trimmed from the fences.

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

8 ~~(e)~~ **(f)** The township trustee, county highway superintendent, ~~or~~
9 Indiana department of transportation, **or county official** having charge
10 of the work performed under subsection ~~(d)~~ **(e)** shall prepare an
11 itemized statement of the total cost of the work of removing the
12 obstructions or growths and shall sign and certify the statement to the
13 county auditor of the county in which the land is located. The county
14 auditor shall place the statement on the tax duplicates. The county
15 treasurer shall collect the costs entered on the duplicates at the same
16 time and in the same manner as road taxes are collected. The treasurer
17 may not issue a receipt for road taxes unless the costs entered on the
18 duplicates are paid in full at the same time the road taxes are paid. If
19 the costs are not paid when due, the costs shall become delinquent,
20 bear the same interest, be subject to the same penalties, and be
21 collected at the same time and in the same manner as other unpaid and
22 delinquent taxes.

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

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

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

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

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1 SECTION 25. IC 33-34-1-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 2. (a) There are
3 established township small claims courts in each county containing a
4 consolidated city.

5 (b) The name of each court shall be the "_____ Township of
6 Marion County Small Claims Court" (insert the name of the township
7 in the blank).

8 (c) **Except as provided by state law, the small claims courts
9 established under this chapter operate independently from the
10 circuit and superior courts.**

11 (d) **Except for adopting the budget and approving salaries, the
12 city-county council does not have authority over a small claims
13 court judge and the operations of a small claims court.**

14 (e) **The executive committee of the superior court does not have
15 authority over a small claims court judge and the operations of a
16 small claims court.**

17 SECTION 26. IC 33-34-1-6 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 6. A division of
19 the small claims court must be a full-time division or a part-time
20 division as determined by the ~~individual township boards~~ **city-county
21 council** following a hearing conducted under section 7 of this chapter.

22 SECTION 27. IC 33-34-1-8 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 8. The ~~township
24 trustee clerk of the city-county council~~ shall give ten (10) days notice
25 of all hearings held under section 7 of this chapter in one (1) or more
26 newspapers of general circulation in the county.

27 SECTION 28. IC 33-34-1-9, AS AMENDED BY P.L.174-2006,
28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JANUARY 1, 2012]: Sec. 9. Not more than ~~two (2)~~ **six (6)** weeks after
30 a hearing is conducted under section 7 of this chapter, the ~~township
31 board~~ **city-county council** shall, after considering the evidence,
32 opinions, advice, and suggestions presented at the hearing, enter an
33 order concerning:

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

42 SECTION 29. IC 33-34-2-5 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 5. (a) The salary
2 of a judge who serves full time must be in an amount ~~determined by the~~
3 ~~township board of the township in which the small claims court is~~
4 ~~located~~ **established by ordinance of the city-county council.**

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

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

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

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

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

22 SECTION 31. IC 33-34-2-14 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 14. (a) The
24 resignation of a judge shall be delivered to the clerk of the circuit court.
25 The clerk shall advise the circuit court. ~~and appropriate township~~
26 ~~board.~~

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

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

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

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

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

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

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

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

12 SECTION 35. IC 33-34-6-6 IS ADDED TO THE INDIANA CODE
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2011]: Sec. 6. (a) The law enforcement training board established
15 by IC 5-2-1-3 shall create and offer a training course for constables
16 and deputy constables. The training course must include at least
17 forty (40) hours of instruction, with one (1) of those forty (40)
18 hours addressing ethics.

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

24 SECTION 36. IC 33-34-7-3 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 3. The judge of
26 the circuit court, with the assistance of the clerk of the circuit court, the
27 judges of the small claims courts, and the state board of accounts, shall,
28 at the expense of the ~~townships:~~ **county**:

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

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

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

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

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1 docket fees and late fees received by the court shall be paid to the
2 ~~township trustee~~ **county** at the close of each month.

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

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

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

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

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

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

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

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

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

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

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

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

40 SECTION 38. IC 33-34-8-5 IS ADDED TO THE INDIANA CODE
41 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
42 JANUARY 1, 2012]: **Sec. 5. Fees and costs paid and collected under**

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1 sections 1 and 3 of this chapter shall be deposited in the county
2 general fund and credited to separate accounts established for each
3 township small claims court.

4 SECTION 39. IC 34-30-2-58, AS AMENDED BY P.L.2-2008,
5 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JANUARY 1, 2013]: Sec. 58. IC 15-16-8-4 (Concerning township
7 trustees, county officials in a county having a consolidated city, or
8 persons hired by them for the removal of detrimental plants upon
9 another person's real property).

10 SECTION 40. IC 36-1-8-17 IS ADDED TO THE INDIANA CODE
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
12 UPON PASSAGE]: Sec. 17. (a) This section applies to all townships
13 in a county having a consolidated city, except those townships that
14 operate a fire department or participate in a fire protection
15 territory.

16 (b) Before September 1, 2011, a township may not expend or
17 encumber more than five percent (5%) of any fund without the
18 written approval of the controller of the consolidated city.

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

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

36 (d) Not later than fourteen (14) days after the department of
37 local government finance makes a determination under subsection
38 (c) concerning a particular township fund, the township executive
39 shall transfer ninety percent (90%) of the excess amounts (as
40 determined by the department of local government finance) to the
41 county treasurer to be deposited into a dedicated fund for each
42 township. The dedicated fund for each township shall be

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1 designated as the _____ (insert name of township) excess
2 reserves fund.

3 (e) Money in a township excess reserves fund may be expended
4 only:

- 5 (1) upon appropriation of the county fiscal body; and
- 6 (2) to benefit the taxpayers of the township from which the
- 7 funds were derived.

8 (f) The county fiscal body shall appropriate all funds in a
9 township excess reserves fund:

- 10 (1) to satisfy debt obligations that would have otherwise been
- 11 borne by the taxpayers of that township; or
- 12 (2) if no debt described in subdivision (1) remains, to reduce
- 13 property taxes of the taxpayers of that township.

14 SECTION 41. IC 36-3-1-5 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) When a first class
16 city becomes a consolidated city, the officers who become the
17 executive and legislative body of the consolidated city under section
18 4(c) of this chapter also become the executive and legislative body of
19 the county.

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

- 25 (1) The county treasurer;
- 26 (2) The county auditor;
- 27 (3) The county assessor;

28 ~~These three (3) officers then serve ex officio as commissioners under~~
29 ~~IC 36-3-3-10.~~

30 SECTION 42. IC 36-3-1-5.1, AS AMENDED BY P.L.182-2009(ss),
31 SECTION 400, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2011]: Sec. 5.1. (a) Except for those duties that
33 are reserved by law to the county sheriff in this section, the city-county
34 legislative body may by majority vote adopt an ordinance, approved by
35 the mayor, to consolidate the police department of the consolidated city
36 and the county sheriff's department **into the consolidated law**
37 **enforcement department, which must be a division of the**
38 **department of public safety.**

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

- 41 (1) holds a public hearing on the proposed consolidation; and
- 42 (2) determines that:

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- 1 (A) reasonable and adequate police protection can be provided
- 2 through the consolidation; and
- 3 (B) the consolidation is in the public interest.
- 4 (c) If an ordinance is adopted under this section, the consolidation
- 5 shall take effect on the date specified in the ordinance.
- 6 (d) Notwithstanding any other law, an ordinance adopted under this
- 7 section must provide that the county sheriff's department shall be
- 8 responsible for all the following for the consolidated city and the
- 9 county under the direction and control of the sheriff:
- 10 (1) County jail operations and facilities.
- 11 (2) Emergency communications.
- 12 (3) Security for buildings and property owned by:
- 13 (A) the consolidated city;
- 14 (B) the county; or
- 15 (C) both the consolidated city and county.
- 16 (4) Service of civil process and collection of taxes under tax
- 17 warrants.
- 18 (5) Sex and violent offender registration.
- 19 (e) The following apply if an ordinance is adopted under this
- 20 section:
- 21 (1) The department of local government finance shall adjust the
- 22 maximum permissible ad valorem property tax levy of the
- 23 consolidated city and the county for property taxes first due and
- 24 payable in the year a consolidation takes effect under this section.
- 25 When added together, the adjustments under this subdivision
- 26 must total zero (0).
- 27 (2) The ordinance must specify which law enforcement officers
- 28 of the police department and which law enforcement officers of
- 29 the county sheriff's department shall be law enforcement officers
- 30 of the consolidated law enforcement department.
- 31 (3) The ordinance may not prohibit the providing of law
- 32 enforcement services for an excluded city under an interlocal
- 33 agreement under IC 36-1-7.
- 34 (4) A member of the county police force who:
- 35 (A) was an employee beneficiary of the sheriff's pension trust
- 36 before the consolidation of the law enforcement departments;
- 37 and
- 38 (B) after the consolidation becomes a law enforcement officer
- 39 of the consolidated law enforcement department;
- 40 remains an employee beneficiary of the sheriff's pension trust.
- 41 The member retains, after the consolidation, credit in the sheriff's
- 42 pension trust for service earned while a member of the county

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1 police force and continues to earn service credit in the sheriff's
 2 pension trust as a member of the consolidated law enforcement
 3 department for purposes of determining the member's benefits
 4 from the sheriff's pension trust.
 5 (5) A member of the police department of the consolidated city
 6 who:
 7 (A) was a member of the 1953 fund or the 1977 fund before
 8 the consolidation of the law enforcement departments; and
 9 (B) after the consolidation becomes a law enforcement officer
 10 of the consolidated law enforcement department;
 11 remains a member of the 1953 fund or the 1977 fund. The
 12 member retains, after the consolidation, credit in the 1953 fund or
 13 the 1977 fund for service earned while a member of the police
 14 department of the consolidated city and continues to earn service
 15 credit in the 1953 fund or the 1977 fund as a member of the
 16 consolidated law enforcement department for purposes of
 17 determining the member's benefits from the 1953 fund or the
 18 1977 fund.
 19 (6) The ordinance must designate the merit system that shall
 20 apply to the law enforcement officers of the consolidated law
 21 enforcement department.
 22 (7) The ordinance must designate who shall serve as a coapplicant
 23 for a warrant or an extension of a warrant under IC 35-33.5-2.
 24 (8) The consolidated city may levy property taxes within the
 25 consolidated city's maximum permissible ad valorem property tax
 26 levy limit to provide for the payment of the expenses for the
 27 operation of the consolidated law enforcement department. The
 28 police special service district established under section 6 of this
 29 chapter may levy property taxes to provide for the payment of
 30 expenses for the operation of the consolidated law enforcement
 31 department within the territory of the police special service
 32 district. Property taxes to fund the pension obligation under
 33 IC 36-8-7.5 may be levied only by the police special service
 34 district within the police special service district. The consolidated
 35 city may not levy property taxes to fund the pension obligation
 36 under IC 36-8-7.5. Property taxes to fund the pension obligation
 37 under IC 36-8-8 for members of the 1977 police officers' and
 38 firefighters' pension and disability fund who were members of the
 39 police department of the consolidated city on the effective date of
 40 the consolidation may be levied only by the police special service
 41 district within the police special service district. Property taxes to
 42 fund the pension obligation under IC 36-8-10 for members of the

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1 sheriff's pension trust and under IC 36-8-8 for members of the
2 1977 police officers' and firefighters' pension and disability fund
3 who were not members of the police department of the
4 consolidated city on the effective date of the consolidation may be
5 levied by the consolidated city within the consolidated city's
6 maximum permissible ad valorem property tax levy. The assets of
7 the consolidated city's 1953 fund and the assets of the sheriff's
8 pension trust may not be pledged after the effective date of the
9 consolidation as collateral for any loan.

10 ~~(9)~~ The executive of the consolidated city shall provide for an
11 independent evaluation and performance audit, due before March
12 ~~1~~ of the year following the adoption of the consolidation
13 ordinance and for the following two ~~(2)~~ years; to determine:

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

16 (B) any tax shifts among taxpayers;
17 that result from the consolidation. The independent evaluation
18 and performance audit must be provided to the legislative council
19 in an electronic format under IC 5-14-6 and to the budget
20 committee.

21 SECTION 43. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006,
22 SECTION 560, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JANUARY 1, 2013]: Sec. 6.1. (a) This section applies
24 only in a county containing a consolidated city.

25 (b) If:

26 (1) the legislative body of the consolidated city adopts an
27 ordinance to consolidate a township fire department into the
28 fire department of the consolidated city (referred to as "the
29 consolidated fire department"), which is a division of the
30 department of public safety; and

31 (2) the trustee of that township and the mayor approve the
32 ordinance, the requirements of this subsection are satisfied.

33 (c) The following apply if the requirements of subsection ~~(g)~~ (b)
34 are satisfied:

35 (1) The fire departments department of the following are, on the
36 effective date of the consolidation, consolidated into the
37 consolidated fire department: of a consolidated city (referred to
38 as "the consolidated fire department"):

39 ~~(1)~~ ~~(A)~~ The township, for which the consolidation is
40 approved by the township legislative body and trustee and the
41 legislative body and mayor of the consolidated city.

42 ~~(2)~~ (B) Any fire protection territory established under

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IC 36-8-19 that is located in a ~~the~~ township. ~~described in~~
subdivision ~~(1)~~:

~~(b)~~ **(2)** If the requirements of subsection (g) are satisfied; The consolidated fire department shall, **on the effective date of the consolidation**, provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city: **subdivision (1)(A) or (1)(B)**.

~~(c)~~ **(3)** If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city; All of the property, equipment, records, rights, and contracts of the department consolidated into the fire department of the consolidated city are:

- ~~(1)~~ **(A)** transferred to; or
- ~~(2)~~ **(B)** assumed by;

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

~~(d)~~ **(4)** If the requirements of subsection (g) are satisfied and The fire department of an entity listed in ~~subsection (a)~~ **subdivision (1)** is consolidated into the **consolidated** fire department, ~~of the consolidated city~~; the ~~employees~~ **firefighters** of the fire department consolidated into the **consolidated** fire department ~~of the consolidated city who meet the minimum standards of the consolidated fire department~~ cease employment with the department of the entity listed in ~~subsection (a)~~ **subdivision (1)** and become employees of the consolidated fire department on the effective date of the consolidation. ~~The consolidated city shall assume all agreements with labor organizations that:~~

- ~~(1)~~ are in effect on the effective date of the consolidation; and
- ~~(2)~~ apply to employees of the department consolidated into the fire department of the consolidated city who become employees of the consolidated fire department:

~~(e)~~ **(5)** If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city; The indebtedness

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1 related to fire protection services incurred before the effective
2 date of the consolidation by the entity or a building, holding, or
3 leasing corporation on behalf of the entity whose fire department
4 is consolidated into the consolidated fire department under
5 ~~subsection (a)~~ **subdivision (1)** shall remain the debt of the entity
6 and does not become and may not be assumed by the consolidated
7 city. Indebtedness related to fire protection services that is
8 incurred by the consolidated city before the effective date of the
9 consolidation shall remain the debt of the consolidated city and
10 property taxes levied to pay the debt may only be levied by the
11 fire special service district.

12 ~~(f) (6)~~ If the requirements of subsection (g) are satisfied and the
13 fire department of an entity listed in subsection (a) is consolidated
14 into the fire department of a consolidated city, The merit board
15 and the merit system of the fire department **of an entity**
16 **described in subdivision (1)** that is consolidated **into the**
17 **consolidated fire department** are dissolved on the effective date
18 of the consolidation, and the duties of the merit board are
19 transferred to and assumed by the merit board for the consolidated
20 fire department on the effective date of the consolidation.

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

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

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protection and related services for the township.
~~(5)~~ **(11)** The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for the township's cumulative building and equipment fund for fire protection and related services is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services.
~~(6)~~ **(12)** The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the township are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.
~~(7)~~ **(13)** The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit to provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within the territory of the fire special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability 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

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

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

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

18 (B) any tax shifts among taxpayers;
19 that result from the consolidation. The independent evaluation
20 and performance audit must be provided to the legislative council
21 in an electronic format under IC 5-14-6 and to the state budget
22 committee.

23 (14) For a firefighter who, after the consolidation, becomes a
24 firefighter employed by the consolidated fire department:

25 (A) the time served by such an individual as a firefighter
26 with the consolidated fire department shall also include the
27 total time served by the individual as a firefighter with the
28 township fire department in which the individual was
29 serving at the time of the consolidation; and

30 (B) the hire date of such an individual is the date the
31 individual was hired as a firefighter by the township
32 department in which the individual was serving at the time
33 of consolidation.

34 SECTION 44. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005,
35 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 UPON PASSAGE]: Sec. 6.2. (a) If a consolidated fire department is
37 established under section 6.1 of this chapter, The consolidated city
38 through the consolidated fire department, shall after the consolidation
39 establish, operate, and maintain emergency ambulance services (as
40 defined in IC 16-18-2-107) in the fire special service district. and in
41 those townships in the county that are consolidated under section 6.1
42 of this chapter.

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

4 SECTION 45. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE
5 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
6 **UPON PASSAGE]: Sec. 6.4. (a) This section applies only in a county**
7 **having a consolidated city.**

8 (b) **The legislative body of an excluded city, after approval by**
9 **the executive (as defined in IC 36-1-2-5) of the excluded city, may**
10 **adopt an ordinance approving the consolidation of the excluded**
11 **city's fire department with the fire department of the consolidated**
12 **city (referred to in this section as "the consolidated fire**
13 **department"). If the legislative body of the excluded city adopts an**
14 **ordinance under this subsection, the legislative body shall forward**
15 **the ordinance to the clerk of the legislative body of the consolidated**
16 **city. If the legislative body of the consolidated city adopts the**
17 **ordinance approving the consolidation of the fire department of the**
18 **excluded city into the consolidated fire department and the**
19 **ordinance is approved by the mayor of the consolidated city, the**
20 **requirements of this subsection are satisfied.**

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

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

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

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

36 (A) **transferred to; or**

37 (B) **assumed by;**

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

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the real property is located.

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

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

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

(7) Notwithstanding any other provision, a firefighter:

- (A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and
- (B) who, after the consolidation, becomes an employee of the consolidated fire department under this section;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter 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

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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 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

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1 consolidated city's local board to reflect the consolidation.
 2 (12) For a firefighter who, after the consolidation, becomes a
 3 firefighter employed by the consolidated fire department:
 4 (A) the time served by such an individual as a firefighter
 5 with the consolidated fire department shall also include the
 6 total time served by the individual as a firefighter with the
 7 excluded city fire department in which the individual was
 8 serving at the time of the consolidation; and
 9 (B) the hire date of such an individual is the date the
 10 individual was hired as a firefighter by the excluded city
 11 department in which the individual was serving at the time
 12 of consolidation.
 13 (d) The fire special service district shall be expanded to include
 14 any area of an excluded city that is served by the consolidated fire
 15 department.
 16 SECTION 46. IC 36-3-1-13 IS ADDED TO THE INDIANA CODE
 17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 18 1, 2011]: **Sec. 13. The general assembly finds the following:**
 19 (1) A county having a consolidated city faces unique
 20 operational and financial challenges due to its size and dense
 21 population. These challenges include the following:
 22 (A) Serving as the seat of state government.
 23 (B) Managing a large number of tax exempt properties.
 24 (C) Operating across the boundaries of numerous local
 25 government territories.
 26 (D) Protecting a very large amount of governmental
 27 property and providing appropriate public safety
 28 resources to support its role as the state capital and a
 29 center for local, state, national, and international sporting,
 30 tourism, and cultural events.
 31 (2) The challenges described in subdivision (1) as well as other
 32 challenges result in operational inefficiencies, inconsistent
 33 delivery of services, entities performing governmental
 34 services without proper oversight by the city-county
 35 legislative body, and untapped economies of scale.
 36 Streamlining township, city, and county services and
 37 operations into city-county government serves the following
 38 purposes:
 39 (A) Increasing transparency, accountability, and oversight
 40 by the city-county council.
 41 (B) Reducing layers of government bureaucracy.
 42 (C) Providing better coordinated, more uniform, and more

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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 47. 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 48. 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 county provided for by the Constitution of Indiana or for a judicial office or officer.
- ~~(2)~~ An ordinance or resolution approving or modifying the budget of a political subdivision that the legislative body is permitted by statute to review.
- ~~(3)~~ (1) A resolution making an appointment that the legislative body is authorized to make.
- ~~(4)~~ (2) A resolution selecting officers or employees of the legislative body.
- ~~(5)~~ (3) A resolution prescribing rules for the internal management of the legislative body.
- ~~(6)~~ (4) A zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

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1 (c) An ordinance prescribing a penalty or forfeiture for a violation
2 must, before it takes effect, be published in the manner prescribed by
3 IC 5-3-1, unless:
4 (1) it is published under subsection (d); or
5 (2) there is an urgent necessity requiring its immediate
6 effectiveness, the executive proclaims the urgent necessity, and
7 copies of the ordinance are posted in three (3) public places in the
8 county.
9 (d) If a legislative body publishes any of its ordinances in book or
10 pamphlet form, no other publication is required. If an ordinance
11 prescribing a penalty or forfeiture for a violation is published under this
12 subsection, it takes effect two (2) weeks after the publication of the
13 book or pamphlet. Publication under this subsection, if authorized by
14 the legislative body, constitutes presumptive evidence:
15 (1) of the ordinances in the book or pamphlet;
16 (2) of the date of adoption of the ordinances; and
17 (3) that the ordinances have been properly signed, attested,
18 recorded, and approved.
19 (e) Unless a legislative body provides in an ordinance or resolution
20 for a later effective date, the ordinance or resolution takes effect when
21 it is adopted, subject to subsections (c) and (d).
22 (f) Subsections (a), (c), (d), and (e) do not apply to zoning
23 ordinances or amendments to zoning ordinances, or resolutions
24 approving comprehensive plans, that are adopted under IC 36-7.
25 (g) The legislative body shall:
26 (1) subject to subsection (h), give written notice to the department
27 of environmental management not later than sixty (60) days
28 before amendment or repeal of an environmental restrictive
29 ordinance; and
30 (2) give written notice to the department of environmental
31 management not later than thirty (30) days after passage,
32 amendment, or repeal of an environmental restrictive ordinance.
33 (h) Upon written request by the legislative body, the department of
34 environmental management may waive the notice requirement of
35 subsection (g)(1).
36 (i) An environmental restrictive ordinance passed or amended after
37 2009 by the legislative body must state the notice requirements of
38 subsection (g).
39 (j) The failure of an environmental restrictive ordinance to comply
40 with subsection (i) does not void the ordinance.
41 SECTION 49. IC 36-3-5-2.8, AS ADDED BY P.L.227-2005,
42 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2011]: Sec. 2.8. (a) Except as provided in subsections (b) and
 2 (c), the controller:
 3 (1) has all the powers; and
 4 (2) performs all the duties;
 5 of the county auditor under law.
 6 (b) The controller:
 7 (1) does not have the powers; and
 8 (2) may not perform the duties;
 9 of the county auditor under IC 36-2-9.5 and IC 36-3-6. ~~or as a member~~
 10 ~~of the board of commissioners of the county under IC 36-3-3-10.~~
 11 (c) Notwithstanding subsection (a) or any other law, the executive,
 12 with the approval of the legislative body, may allocate the duties of the
 13 county auditor, except the duties referred to in subsection (b), among:
 14 (1) the controller;
 15 (2) the county assessor;
 16 (3) the county auditor; or
 17 (4) other appropriate city or county officials.
 18 SECTION 50. IC 36-3-5-4, AS AMENDED BY P.L.227-2005,
 19 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2011]: Sec. 4. (a) The following executive departments of the
 21 consolidated city are established, subject to IC 36-3-4-23:
 22 (1) Department of ~~administration and equal opportunity~~. **code**
 23 **enforcement.**
 24 (2) Department of metropolitan development.
 25 (3) Department of public safety.
 26 (4) Department of public works.
 27 ~~(5) Department of transportation.~~
 28 ~~(6)~~ **(5)** Department of parks and recreation.
 29 These departments and their divisions have all the powers, duties,
 30 functions, and obligations prescribed by law for them as of August 31,
 31 1981, subject to IC 36-3-4-23.
 32 (b) The department of public utilities established under IC 8-1-11.1
 33 continues as an agency of the consolidated city, which is the successor
 34 trustee of a public charitable trust created under Acts 1929, c. 78. The
 35 department of public utilities is governed under IC 8-1-11.1 and is not
 36 subject to this article.
 37 (c) **Subject to IC 36-3-4-23, the director of the department of**
 38 **code enforcement is the county official for purposes of IC 15-16-8**
 39 **and IC 32-26-9.**
 40 SECTION 51. IC 36-3-5-6 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) Administrative
 42 boards are established in the departments listed in ~~sections~~ **section**

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1 **4(a)(1)**, 4(a)(3), 4(a)(4), **and 4(a)(5) and ~~4(a)(6)~~** of this chapter, to be
 2 known respectively as **the board of code enforcement**, the board of
 3 public safety, the board of public works, ~~the board of transportation~~;
 4 and the board of parks and recreation. These boards have all the
 5 powers, duties, functions, and obligations prescribed by law for them
 6 as of August 31, 1981, subject to IC 36-3-4-23. In addition, the
 7 metropolitan development commission, which is established in the
 8 department of metropolitan development by IC 36-7-4-202, has all the
 9 powers, duties, functions, and obligations prescribed by law for it as of
 10 August 31, 1981, subject to IC 36-3-4-23.

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

13 (1) The director of its department, who serves as presiding officer
 14 of the board.

15 (2) Two (2) members appointed by the executive.

16 (3) Two (2) members appointed by the city-county legislative
 17 body.

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

21 SECTION 52. IC 36-3-6-4, AS AMENDED BY P.L.146-2008,
 22 SECTION 704, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) Before the Wednesday after
 24 the first Monday in July each year, the consolidated city and county
 25 shall prepare budget estimates for the ensuing budget year under this
 26 section.

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

31 (1) The director of each department of the consolidated city.

32 (2) Each township ~~assessor (if any)~~, **trustee (after June 30,**
 33 **2012), township constable**, elected county officer, ~~or~~ **and** head
 34 of a county agency.

35 (3) The county clerk, for each court the clerk serves.

36 **(4) Each township trustee, for each small claims court.**

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

41 (d) Each officer listed in subsection (b)(2) or (b)(3) shall append a
 42 certificate to each estimate the officer prepares stating that in the

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1 officer's opinion the amount fixed in each item will be required for the
2 purpose indicated. The certificate must be verified by the oath of the
3 officer.

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

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

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

11 SECTION 53. IC 36-3-6-9, AS AMENDED BY P.L.182-2009(ss),
12 SECTION 401, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) Except as provided in
14 subsection (d), the city-county legislative body shall review the
15 proposed operating and maintenance budgets and tax levies and adopt
16 final operating and maintenance budgets and tax levies for each of the
17 following entities in the county:

18 (1) An airport authority operating under IC 8-22-3.

19 (2) A public library operating under IC 36-12.

20 (3) A capital improvement board of managers operating under
21 IC 36-10.

22 (4) A public transportation corporation operating under IC 36-9-4.

23 (5) A health and hospital corporation established under
24 IC 16-22-8.

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

26 ~~(6)~~ (7) Any other taxing unit (as defined in IC 6-1.1-1-21) that is
27 located in the county and has a governing body that is not
28 comprised of a majority of officials who are elected to serve on
29 the governing body.

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

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

37 (c) The city-county legislative body or, when subsection (d) applies,
38 the fiscal body of an excluded city or town shall review the issuance of
39 bonds of an entity listed in subsection (a). Approval of the city-county
40 legislative body or, when subsection (d) applies, the fiscal body of an
41 excluded city or town is required for the issuance of bonds. The
42 city-county legislative body or the fiscal body of an excluded city or

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1 town may not reduce or modify a budget or tax levy of an entity listed
2 in subsection (a) in a manner that would:

- 3 (1) limit or restrict the rights vested in the entity to fulfill the
- 4 terms of any agreement made with the holders of the entity's
- 5 bonds; or
- 6 (2) in any way impair the rights or remedies of the holders of the
- 7 entity's bonds.

8 (d) If the assessed valuation of a taxing unit is entirely contained
9 within an excluded city or town (as described in IC 36-3-1-7) that is
10 located in a county having a consolidated city, the governing body of
11 the taxing unit shall submit its proposed operating and maintenance
12 budget and tax levies to the city or town fiscal body for approval and
13 not the city-county legislative body. Except as provided in subsection
14 (c), the fiscal body of the excluded city or town may reduce or modify
15 but not increase a proposed operating and maintenance budget or tax
16 levy under this section.

17 SECTION 54. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE
18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
19 1, 2011]: **Sec. 6. The governing body of a public library located in
20 the county may recommend and the county fiscal body may elect
21 to provide revenue to the public library from part of the certified
22 distribution, if any, that the county is to receive during that same
23 year under IC 6-3.5-6-17. To make the election, the county fiscal
24 body must adopt an ordinance before November 1 of the preceding
25 year. The county fiscal body must specify in the ordinance the
26 amount of the certified distribution that is to be used to provide
27 revenue to the public library. If such an ordinance is adopted, the
28 county fiscal body shall immediately send a copy of the ordinance
29 to the county auditor.**

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

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

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

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

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

41 **(b) Within the geographic area of each township in the county,
42 the trustee shall:**

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- 1 (1) administer township assistance under IC 12-20 and
- 2 IC 12-30-4;
- 3 (2) provide and maintain cemeteries under IC 23-14; and
- 4 (3) provide fire protection under IC 36-8, except in a township
- 5 that consolidated the township's fire department under
- 6 IC 36-3-1-6.1.

7 (c) In the case of a township that has not consolidated the
 8 township's fire department under IC 36-3-1-6.1, the township's fire
 9 merit board after the township board is abolished must consist of
 10 three (3) members appointed by the township trustee (not more
 11 than two (2) of whom may be members of the same political party)
 12 and two (2) members selected by the members of the fire
 13 department (who may not be members of the same political party).

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

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

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

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

26 (b) The county legislative body shall include, as part of its
 27 annual county budget, a budget for each trustee to perform the
 28 duties assigned to the trustee under section 2 of this chapter.

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

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

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

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

41 (c) The county legislative body may, by ordinance, provide for
 42 the compensation of the appointee, and such compensation shall be

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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) This section applies only to a township or fire protection territory that has not consolidated into the consolidated fire department under IC 36-3-1-6.1.

(b) The township fire department and its fire protection territory, if any, shall coordinate with the consolidated fire department:

(1) to ensure sufficient fire protection coverage throughout the consolidated city; and

(2) to achieve savings through joint purchasing.

Sec. 8. (a) When twenty-five (25) or more resident freeholders of a township file a petition with the circuit court of the county alleging that the trustee is incapable of performing the trustee's duties due to mental or physical incapacity, the clerk of the court shall issue a summons to be served on the trustee. The summons is returnable not less than ten (10) days from its date of issue.

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

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

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

(e) Except as provided in section 12 of this chapter, the acting trustee is entitled to the salary and benefits provided for the trustee.

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

(g) If the court finds the trustee capable of resuming duties, the

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1 clerk of the court shall certify a copy of the judgment to the county
2 executive, who shall, within five (5) days, revoke the appointment
3 of the acting trustee.

4 Sec. 9. (a) A trustee is entitled to receive the following:

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

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

11 Sec. 10. (a) Within thirty (30) days after taking office, the
12 trustee shall designate a person who shall perform the trustee's
13 duties whenever the trustee is incapable of performing the trustee's
14 functions because the trustee:

- 15 (1) is absent from the township; or
- 16 (2) becomes incapacitated.

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

19 (c) Except as provided in section 12 of this chapter, the designee
20 has all the powers of the trustee.

21 (d) The designee shall perform the trustee's duties until:

- 22 (1) the trustee is no longer absent from the township; or
- 23 (2) an acting trustee is appointed by the county executive
24 under section 8 of this chapter.

25 (e) The trustee is responsible for all acts of the designee.

26 (f) The trustee may change the designee under this section at
27 any time.

28 Sec. 11. (a) The trustee must file an economic statement of
29 interest form in the same manner required by the county legislative
30 body for county officials.

31 (b) The county legislative body may, by ordinance, establish
32 other requirements for the trustee in the same manner as
33 requirements for other elected county officials are established.

34 Sec. 12. (a) If the office of township trustee becomes vacant, the
35 office shall be filled as provided in IC 3-13-10 or IC 3-13-11.

36 (b) An acting trustee, a designee appointed under this section,
37 or an individual chosen under IC 3-13-10 or IC 3-13-11 to fill a
38 vacancy in the office of township trustee may not approve the
39 consolidation of the township's fire department into the
40 consolidated fire department under IC 36-3-1-6.1 or any other law.

41 SECTION 56. IC 36-6-1-1.5 IS ADDED TO THE INDIANA CODE
42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE

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1 JANUARY 1, 2013]: **Sec. 1.5. This article, except for IC 36-6-1.1,**
 2 **does not apply to townships in a county having a consolidated city.**
 3 SECTION 57. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE
 4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2011]:
 6 **Chapter 1.1. Dissolution of Township Governments in Marion**
 7 **County**
 8 **Sec. 1. This chapter applies only to a county having a**
 9 **consolidated city.**
 10 **Sec. 2. (a) Beginning July 1, 2011, a designee of the county**
 11 **executive shall meet monthly with a designee of each township**
 12 **trustee, constable, and small claims court judge to effectuate the**
 13 **proper transition of the duties, obligations, and responsibilities of**
 14 **the township to the county and consolidated city, as provided in**
 15 **this chapter.**
 16 **(b) The county executive's designee shall, for each township,**
 17 **prepare and maintain a report regarding the transition. The report**
 18 **must be made available to the public upon request and must be**
 19 **posted on the Internet web site maintained by the county executive.**
 20 **Sec. 3. (a) Effective January 1, 2012, the operations of the**
 21 **township constables and small claims courts are operations of**
 22 **county government and must be accounted for in the county**
 23 **budget.**
 24 **(b) Effective January 1, 2012, employees of the township**
 25 **supporting the constable or the small claims court judge become**
 26 **employees of the county, reporting to the constable or small claims**
 27 **court judge, as appropriate, of the township by which they were**
 28 **employed on December 31, 2011.**
 29 **Sec. 4. (a) On January 1, 2013, all:**
 30 (1) assets;
 31 (2) debts;
 32 (3) property rights;
 33 (4) equipment;
 34 (5) records;
 35 (6) personnel; and
 36 (7) contracts;
 37 **connected with the operations of township parks and township**
 38 **weed control are transferred to the consolidated city.**
 39 **(b) Except as provided in subsections (c) and (d), on January 1,**
 40 **2013, all:**
 41 (1) assets;
 42 (2) debts;

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1 **(3) property rights;**
 2 **(4) equipment;**
 3 **(5) records;**
 4 **(6) personnel; and**
 5 **(7) contracts;**
 6 **connected with operations of a township that have not otherwise**
 7 **transferred are transferred to the county.**

8 **(c) This subsection applies only to a township that does not**
 9 **consolidate its fire department under IC 36-3-1-6.1. In the case of**
 10 **employees of the township fire department who become county**
 11 **employees under this section, the township trustee (and not any**
 12 **county official or employee) remains responsible for and retains**
 13 **the powers and duties related to hiring, supervising, disciplining,**
 14 **and firing those employees.**

15 **(d) This subsection applies only to a township that does not**
 16 **consolidate its fire department under IC 36-3-1-6.1. The assets,**
 17 **debts, property rights, equipment, records, and contracts of the**
 18 **township related to providing fire protection are not transferred**
 19 **to the county.**

20 **(e) Effective January 1, 2013, all remaining employees of the**
 21 **township become employees of the county, reporting to the trustee**
 22 **of the township by which they were employed on December 31,**
 23 **2012.**

24 **(f) Effective January 1, 2013, the operations of the township**
 25 **trustees and any other remaining function performed by township**
 26 **government are operations of county government and shall be**
 27 **accounted for in the county budget.**

28 **Sec. 5. (a) Notwithstanding any other law, the term of each**
 29 **township board member elected at the November 2008 election**
 30 **expires January 1, 2013.**

31 **(b) Notwithstanding this article or any other law, on January 1,**
 32 **2013:**

- 33 **(1) each township board is abolished; and**
- 34 **(2) the city-county council is the successor to the township**
 35 **boards.**

36 **Sec. 6. (a) Effective January 1, 2013, all township governments**
 37 **in the county are, except to the extent provided in section 4(c) and**
 38 **4(d) of this chapter, abolished, and the duties and powers of the**
 39 **township governments that have not previously transferred to the**
 40 **county or consolidated city are transferred to the county or**
 41 **consolidated city as provided in this chapter.**

42 **(b) Each township shall retain its geographical boundaries and**

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1 its name, and each trustee, constable, and small claims court judge
2 shall continue to serve within the jurisdiction of the township in
3 which the trustee, constable, and small claims court judge were
4 elected.

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

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

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

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

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

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

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

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

24 Sec. 9. (a) The balance in a township's township assistance fund
25 attributable to the duties of the township trustee on January 1,
26 2013:

27 (1) is transferred to the county; and

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

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

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

34 Sec. 10. (a) The department of local government finance shall
35 increase the county's maximum permissible property tax levy for
36 taxes first due and payable in 2012 by an amount equal to the total
37 combined maximum permissible property tax levies for all
38 townships in the county for property taxes first due and payable in
39 2011 (excluding any township property taxes considered in making
40 an adjustment to the maximum permissible property tax levy of the
41 consolidated city under IC 6-1.1-18.5-22 and any property taxes
42 described in subsection (b)).

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

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

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

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

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

- 27 (1) Keep a written record of official proceedings.
- 28 (2) Manage all township property interests.
- 29 (3) Keep township records open for public inspection.
- 30 (4) Attend all meetings of the township legislative body.
- 31 (5) Receive and pay out township funds.
- 32 (6) Examine and settle all accounts and demands chargeable
33 against the township.
- 34 (7) Administer township assistance under IC 12-20 and
35 IC 12-30-4.
- 36 (8) Perform the duties of fence viewer under IC 32-26.
- 37 (9) Provide and maintain cemeteries under IC 23-14.
- 38 (10) Provide fire protection under IC 36-8. ~~except in a township~~
39 ~~that:~~
40 (A) is located in a county having a consolidated city; and
41 (B) consolidated the township's fire department under
42 IC 36-3-1-6.1.

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- 1 (11) File an annual personnel report under IC 5-11-13.
- 2 (12) Provide and maintain township parks and community centers
- 3 under IC 36-10.
- 4 (13) Destroy detrimental plants, noxious weeds, and rank
- 5 vegetation under IC 15-16-8.
- 6 (14) Provide insulin to the poor under IC 12-20-16.
- 7 (15) Perform other duties prescribed by statute.
- 8 SECTION 59. IC 36-6-4-16, AS AMENDED BY P.L.1-2010,
- 9 SECTION 148, IS AMENDED TO READ AS FOLLOWS
- 10 [EFFECTIVE JANUARY 1, 2013]: Sec. 16. (a) When twenty-five (25)
- 11 or more resident freeholders of a township file a petition with the
- 12 circuit court of the county, alleging that the township executive is
- 13 incapable of performing ~~his~~ **the executive's** duties due to mental or
- 14 physical incapacity, the clerk of the court shall issue a summons to be
- 15 served on the executive. The summons is returnable not less than ten
- 16 (10) days from its date of issue.
- 17 (b) Immediately following the return date set out on the summons,
- 18 the circuit court shall hold a hearing on the matter alleged in the
- 19 petition. After hearing the evidence and being fully advised, the court
- 20 shall enter its findings and judgment.
- 21 (c) If the court finds the executive incapable of performing the
- 22 duties of office, the clerk of the court shall certify a copy of the
- 23 judgment to the county executive, which shall, within five (5) days,
- 24 appoint a resident of the township as acting executive of the township
- 25 during the incapacity of the executive.
- 26 (d) The acting executive shall execute and file a bond in an amount
- 27 fixed by the county auditor. After taking the oath of office, the acting
- 28 executive has all the powers and duties of the executive.
- 29 (e) The acting executive is entitled to the salary and benefits
- 30 provided by this article for the executive.
- 31 (f) When an incapacitated executive files a petition with the circuit
- 32 court of the county alleging that the executive is restored to mental or
- 33 physical ability to perform the duties of office, the court shall
- 34 immediately hold a hearing on the matters alleged. After hearing the
- 35 evidence and being fully advised, the court shall enter its findings and
- 36 judgment.
- 37 (g) If the court finds the executive capable of resuming duties, the
- 38 clerk of the court shall certify a copy of the judgment to the county
- 39 executive, which shall, within five (5) days, revoke the appointment of
- 40 the acting executive.
- 41 (h) ~~For purposes of this section, the board of county commissioners~~
- 42 ~~is considered the executive of a county having a consolidated city.~~

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

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

- 9 (c) (b) The township board is the township legislative body.
- 10 (d) (c) The term of office of a township board member is four (4)
- 11 years, beginning January 1 after election and continuing until a
- 12 successor is elected and qualified.

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

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

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

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

34 (c) (b) This subsection applies to a township government that:
35 (1) is created by a merger of township governments under
36 IC 36-6-1.5; and
37 (2) elects a township board under section 2.1 of this chapter.
38 One (1) member of the legislative body must reside within the
39 boundaries of each of the former townships that merged. If a member
40 of the legislative body ceases to be a resident of that former township,
41 the office becomes vacant.

42 SECTION 63. IC 36-6-6-4, AS AMENDED BY P.L.240-2005,

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1 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JANUARY 1, 2013]: Sec. 4. (a) Except as provided in ~~subsections~~
3 **subsection (b), and (c)**; two (2) members of the legislative body
4 constitute a quorum.

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

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

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

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

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

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

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

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

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

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

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

42 (2) **Except as provided in subdivision (3)**, for a unit that

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1 established a 1937 fund for its firefighters, the local board
2 described in IC 36-8-7-3.

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

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

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

11 ~~(3)~~ **(4)** For a consolidated city that established a 1953 fund for its
12 police officers, the local board described in IC 36-8-7.5-2.

13 ~~(4)~~ **(5)** For a unit, other than a consolidated city, that did not
14 establish a 1925 fund for its police officers or a 1937 fund for its
15 firefighters, the local board described in subsection (b) or (c).

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

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

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

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

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

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

38 (1) a police officer; or

39 (2) a firefighter;

40 who is less than thirty-six (36) years of age and who passes the baseline
41 statewide physical and mental examinations required under section 19
42 of this chapter shall be a member of the 1977 fund and is not a member

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of the 1925 fund, the 1937 fund, or the 1953 fund.

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

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

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

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

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

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

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

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

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

8 If the police officer or firefighter is made a member of a 1925, 1937, or
 9 1953 fund, the police officer or firefighter is entitled to receive credit
 10 for all the police officer's or firefighter's years of service, including
 11 years before January 1, 1982.

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

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

27 (h) A police officer or firefighter does not become a member of the
 28 1977 fund and is not covered by this chapter if the individual was
 29 appointed as:

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

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

- 38 (j) A park ranger who:
- 39 (1) completed at least the number of weeks of training at the
- 40 Indiana law enforcement academy or a comparable law
- 41 enforcement academy in another state that were required at the
- 42 time the park ranger attended the Indiana law enforcement

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- 1 academy or the law enforcement academy in another state;
- 2 (2) graduated from the Indiana law enforcement academy or a
- 3 comparable law enforcement academy in another state; and
- 4 (3) is employed by the parks department of a city having a
- 5 population of more than one hundred twenty thousand (120,000)
- 6 but less than one hundred fifty thousand (150,000);

7 is a member of the fund.

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

- 10 (1) who is a member of the 1977 fund before a consolidation
- 11 under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.4;**
- 12 (2) whose employer is consolidated into the consolidated law
- 13 enforcement department **under IC 36-3-1-5.1** or the **consolidated**
- 14 fire department ~~of a consolidated city under IC 36-3-1-5.1 or~~
- 15 **IC 36-3-1-6.1 or IC 36-3-1-6.4;** and
- 16 (3) who, after the consolidation, becomes an employee of the
- 17 consolidated law enforcement department **under IC 36-3-1-5.1**
- 18 or the consolidated fire department under ~~IC 36-3-1-5.1 or~~
- 19 **IC 36-3-1-6.1 or IC 36-3-1-6.4;**

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

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

- 23 (1) before a consolidation under IC 8-22-3-11.6, a police officer
- 24 or firefighter provides law enforcement services or fire protection
- 25 services for an entity in a consolidated city;
- 26 (2) the provision of those services is consolidated into the
- 27 **consolidated** law enforcement department **under IC 36-3-1-5.1**
- 28 or **the consolidated** fire department ~~of a consolidated city under~~
- 29 **IC 36-3-1-6.1 or IC 36-3-1-6.4;** and

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

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

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

38 (1) may not be:

- 39 (1) ~~(A)~~ **(A)** retired for purposes of section 10 of this chapter; or
- 40 (2) ~~(B)~~ **(B)** disabled for purposes of section 12 of this chapter;
- 41 solely because of a change in employer under the consolidation;
- 42 **and**

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

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

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

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

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

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1 local government finance, which shall review and set the budget, levy,
2 and rate as though the district were covered by IC 6-1.1-18.5-7.

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

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

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

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

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

41 (b) Money may be acquired under this section for the purpose of
42 exercising any of the powers granted by or incidental to this chapter,

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

18 (c) This subsection applies only to a public transportation

19 corporation located in a county having a consolidated city. In order to

20 provide revenue to a public transportation corporation during a year,

21 the public transportation corporation board may recommend and the

22 county fiscal body may elect to provide revenue to the corporation from

23 part of the certified distribution, if any, that the county is to receive

24 during that same year under IC 6-3.5-6-17. To make the election, the

25 county fiscal body must adopt an ordinance before ~~September~~

26 **November** 1 of the preceding year. The county fiscal body must

27 specify in the ordinance the amount of the certified distribution that is

28 to be used to provide revenue to the corporation. If such an ordinance

29 is adopted, the county fiscal body shall immediately send a copy of the

30 ordinance to the county auditor.

31 SECTION 69. IC 36-12-2-16, AS ADDED BY P.L.1-2005,

32 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

33 JULY 1, 2011]: Sec. 16. (a) This section applies to the appointment of

34 members to a library board of a public library serving a library district

35 that is:

- 36 (1) partly or fully within the boundaries of a consolidated city;
- 37 and
- 38 (2) fully within the boundaries of one (1) county.

39 (b) Seven (7) members of a library board shall be appointed ~~in the~~

40 ~~following order as the terms of previously appointed members expire:~~

41 **as follows:**

- 42 (1) ~~One (1) member appointed by the board of county~~

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1 **commissioners Four (4) members, not more than three (3) of**
 2 **whom may be of the same political party, appointed by the**
 3 **executive** of the county in which the library district is located.
 4 (2) ~~One (1) member~~ **Two (2) members** appointed by the
 5 **majority leader of the** fiscal body of the county in which the
 6 library district is located.
 7 (3) One (1) member appointed by the ~~board of county~~
 8 **commissioners minority leader of the fiscal body** of the county
 9 in which the library district is located.
 10 (4) ~~Two (2) members appointed by the school board of the school~~
 11 ~~corporation in which the principal administrative offices of the~~
 12 ~~public library are located.~~
 13 (5) ~~One (1) member appointed by the board of county~~
 14 ~~commissioners of the county in which the library district is~~
 15 ~~located.~~
 16 (6) ~~One (1) member appointed by the fiscal body of the county in~~
 17 ~~which the library district is located.~~
 18 (c) **Each member shall serve a four (4) year term. However, a**
 19 **member's term continues until a successor has qualified for the**
 20 **office. The terms of the members serving on the board as of**
 21 **December 31, 2011, expire on January 1, 2012. The four (4) year**
 22 **terms of the initial members under this section, as amended in**
 23 **2011, shall begin January 1, 2012.**
 24 (d) **A member may be reappointed to successive terms.**
 25 (e) **A member serves at the pleasure of the appointing authority**
 26 **that appointed the member.**
 27 (f) **Sections 8, 18, and 20 of this chapter do not apply to a public**
 28 **library described in subsection (a).**
 29 SECTION 70. IC 36-12-2-18, AS AMENDED BY P.L.113-2010,
 30 SECTION 159, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2011]: Sec. 18. (a) Subject to subsection (b),
 32 the term of a library board member is four (4) years. A member may
 33 continue to serve on a library board after the member's term expires
 34 until the member's successor is qualified under section 19 of this
 35 chapter. The term of the member's successor is not extended by the
 36 time that has elapsed before the successor's appointment and
 37 qualification. If a member is appointed to fill a vacancy on a library
 38 board, the member's term is the unexpired term of the member being
 39 replaced.
 40 (b) Except for a library board whose membership is established
 41 under section 15 **or 16** of this chapter, for purposes of establishing
 42 staggered terms for the members of a library board, the initial members

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1 shall serve the following terms:

2 (1) One (1) year for one (1) member appointed under section 9(1),

3 9(5), ~~16(b)(1); 16(b)(2)~~, or 17(1) of this chapter.

4 (2) Two (2) years for one (1) member appointed under section

5 9(3)(A), 9(4), ~~16(b)(3); 16(b)(4)~~, or 17(2) of this chapter.

6 (3) Three (3) years for one (1) member appointed under section

7 9(2), 9(3)(A), ~~16(b)(4); 16(b)(5)~~, or 17(1) of this chapter.

8 (4) Four (4) years for one (1) member appointed under section

9 9(3)(B) ~~16(b)(6)~~, or 17(2) of this chapter.

10 (c) When an appointing authority appoints members to terms of

11 different length under subsection (b), the appointing authority shall

12 designate which member serves each term.

13 (d) A member may not serve more than four (4) consecutive terms

14 as provided in section 8 of this chapter.

15 SECTION 71. IC 36-3-3-10 IS REPEALED [EFFECTIVE JULY 1,

16 2011].

17 SECTION 72. THE FOLLOWING ARE REPEALED [EFFECTIVE

18 JANUARY 1, 2013]: IC 3-11-1.5-32.5; IC 36-6-6-2.5.

19 SECTION 73. [EFFECTIVE JULY 1, 2011] (a) **The legislative**

20 **services agency, as directed by the legislative council, shall prepare**

21 **legislation for introduction in the 2012 regular session of the**

22 **general assembly to organize and correct statutes affected by this**

23 **act, if necessary.**

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

25 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.

 SENATE MOTION

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

Page 10, line 11, delete "2012" and insert "**the year following a consolidation under IC 36-3-1-6.1 or IC 36-3-1-6.4**".

Page 10, line 14, delete "in 2011".

Page 10, line 14, after "services" delete "." and insert "**in the year during which the consolidation under IC 36-3-1-6.1 or IC 36-3-1-6.4 occurs**".

Page 10, line 26, delete "auditor." and insert "**treasurer**".

Page 11, line 15, delete "auditor." and insert "**treasurer**".

Page 13, line 12, after "of" delete "a" and insert "**any**".

Page 13, line 12, after "in a" insert "**county having a**".

SB 526—LS 7458/DI 73+



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Page 13, line 14, delete "IC 36-12-2-16(f);" and insert "**IC 36-3-7-6**;"

Page 13, line 31, after "(i)," insert "**IC 36-3-7-6**,"

Page 17, line 37, after "budget." insert "**Money budgeted for a particular township's township assistance expenses and obligations shall, as provided in the budget adopted by the county fiscal body, be distributed to a township account established for that township and administered by that township's trustee. Township assistance expenses and obligations shall be paid by the township trustee from the amounts in the township's account.**"

Page 22, between lines 32 and 33, begin a new paragraph and insert:
"SECTION 25. IC 33-34-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 2. (a) There are established township small claims courts in each county containing a consolidated city.

(b) The name of each court shall be the " _____ Township of Marion County Small Claims Court" (insert the name of the township in the blank).

(c) **Except as provided by state law, the small claims courts established under this chapter operate independently from the circuit and superior courts.**

(d) **Except for adopting the budget and approving salaries, the city-county council does not have authority over a small claims court judge and the operations of a small claims court.**

(e) **The executive committee of the superior court does not have authority over a small claims court judge and the operations of a small claims court."**

Page 24, delete lines 3 through 24.

Page 25, line 27, after "established;" insert "**and**".

Page 25, line 29, delete "; and" and insert ".".

Page 25, delete line 30.

Page 25, line 38, delete "and be" and insert ";".

Page 25, delete line 39.

Page 29, line 10, delete "only to" and insert "**to all townships in a county having a consolidated city, except those townships that operate a fire department or participate in a fire protection territory.**

(b) **Before September 1, 2011, a township may not expend or encumber more than five percent (5%) of any fund without the written approval of the controller of the consolidated city."**

Page 29, delete line 11.

Page 29, line 12, delete "(b)" and insert "(c)".

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Page 29, line 15, delete "described in subsection (a)".

Page 29, line 29, delete "(c)" and insert "(d)".

Page 29, line 31, delete "(b)" and insert "(c)".

Page 29, line 34, delete "controller of the consolidated city." and insert "county treasurer to be deposited into a dedicated fund for each township. The dedicated fund for each township shall be designated as the _____ (insert name of township) excess reserves fund.

(e) Money in a township excess reserves fund may be expended only:

- (1) upon appropriation of the county fiscal body; and
- (2) to benefit the taxpayers of the township from which the funds were derived.

(f) The county fiscal body shall appropriate all funds in a township excess reserves fund:

- (1) to satisfy debt obligations that would have otherwise been borne by the taxpayers of that township; or
- (2) if no debt described in subdivision (1) remains, to reduce property taxes of the taxpayers of that township."

Page 29, delete lines 35 through 42.

Page 30, delete lines 1 through 28.

Page 31, line 1, strike "under".

Page 31, reset in roman line 26.

Page 31, line 27, reset in roman "(3)".

Page 31, line 27, delete "(2)".

Page 31, line 31, reset in roman "(4)".

Page 31, line 31, delete "(3)".

Page 31, line 33, reset in roman "(5)".

Page 31, line 33, delete "(4)".

Page 33, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 45. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006, SECTION 560, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6.1. (a) This section applies only in a county containing a consolidated city.

(b) If:

- (1) the legislative body of the consolidated city adopts an ordinance to consolidate a township fire department into the fire department of the consolidated city (referred to as "the consolidated fire department"), which is a division of the department of public safety; and
- (2) the trustee of that township and the mayor approve the

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ordinance, the requirements of this subsection are satisfied.

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

(1) The fire departments department of the following are, on the effective date of the consolidation, consolidated into the consolidated fire department: of a consolidated city (referred to as "the consolidated fire department"):

(1) A (A) The township, for which the consolidation is approved by the township legislative body and trustee and the legislative body and mayor of the consolidated city-

(2) (B) Any fire protection territory established under IC 36-8-19 that is located in a the township, described in subdivision (1):

(b) (2) If the requirements of subsection (g) are satisfied, The consolidated fire department shall, on the effective date of the consolidation, provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city: subdivision (1)(A) or (1)(B).

(c) (3) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city; All of the property, equipment, records, rights, and contracts of the department consolidated into the fire department of the consolidated city are:

(1) (A) transferred to; or

(2) (B) assumed by;

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

(d) (4) If the requirements of subsection (g) are satisfied and The fire department of an entity listed in subsection (a) subdivision (1) is consolidated into the consolidated fire department, of the consolidated city; the employees firefighters of the fire department consolidated into the consolidated fire department of the consolidated city who meet the minimum standards of the consolidated fire department cease employment with the

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department of the entity listed in ~~subsection (a)~~ **subdivision (1)** and become employees of the consolidated fire department on the effective date of the consolidation. ~~The consolidated city shall assume all agreements with labor organizations that:~~

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

~~(e) (5) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city; The indebtedness related to fire protection services incurred before the effective date of the consolidation by the entity or a building, holding, or leasing corporation on behalf of the entity whose fire department is consolidated into the consolidated fire department under **subsection (a) subdivision (1)** shall remain the debt of the entity and does not become and may not be assumed by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district.~~

~~(f) (6) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city; The merit board and the merit system of the fire department **of an entity described in subdivision (1)** that is consolidated **into the consolidated fire department** 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.~~

~~(g) A township legislative body, after approval by the township trustee, may adopt a resolution approving the consolidation of the township's fire department with the fire department of the consolidated city. A township legislative body may adopt a resolution under this subsection only after the township legislative body has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative~~

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body has adopted a resolution under this subsection, the township legislative body shall, after approval from the township trustee, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city and the legislative body of the consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation of the fire department of the township into the fire department of the consolidated city, the requirements of this subsection are satisfied. The consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

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

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

(2) (8) Notwithstanding any other provision, a firefighter:
(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and
(B) who, after the consolidation, becomes an employee of the consolidated fire department of a consolidated city under this section;

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

(3) (9) 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 fire department of a consolidated city under this section;

remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

(4) (10) 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:

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

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

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

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

~~(7)~~ **(13)** The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit to provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the

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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 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.

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

- (A) the time served by such an individual as a firefighter with the consolidated fire department shall also include the total time served by the individual as a firefighter with the township fire department in which the individual was serving at the time of the consolidation; and**
- (B) the hire date of such an individual is the date the individual was hired as a firefighter by the township**

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department in which the individual was serving at the time of consolidation."

Delete pages 34 through 39.

Page 40, delete lines 1 through 16.

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

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

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

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

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

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

"SECTION 56. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. The governing body of a public library located in the county may recommend and the county fiscal body may elect to provide revenue to the public library 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."

Page 50, line 3, delete "and".

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

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

(c) In the case of a township that has not consolidated the township's fire department under IC 36-3-1-6.1, the township's fire merit board after the township board is abolished must consist of three (3) members appointed by the township trustee (not more

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than two (2) of whom may be members of the same political party) and two (2) members selected by the members of the fire department (who may not be members of the same political party).".

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

Page 50, delete lines 19 through 20.

Page 50, line 22, delete "uniform".

Page 50, line 22, after "standards" insert "**applicable throughout the county**".

Page 50, between lines 38 and 39, begin a new paragraph and insert:

"Sec. 7. (a) This section applies only to a township or fire protection territory that has not consolidated into the consolidated fire department under IC 36-3-1-6.1.

(b) The township fire department and its fire protection territory, if any, shall coordinate with the consolidated fire department:

(1) to ensure sufficient fire protection coverage throughout the consolidated city; and

(2) to achieve savings through joint purchasing."

Page 50, line 39, delete "7." and insert "8."

Page 51, line 16, delete "The" and insert "**Except as provided in section 12 of this chapter, the**".

Page 51, line 28, delete "8." and insert "9."

Page 51, line 35, delete "9." and insert "10."

Page 52, line 1, delete "The" and insert "**Except as provided in section 12 of this chapter, the**".

Page 52, line 5, delete "7" and insert "8".

Page 52, line 9, delete "10." and insert "11."

Page 52, between lines 14 and 15, begin a new paragraph and insert:

"Sec. 12. (a) If the office of township trustee becomes vacant, the office shall be filled as provided in IC 3-13-10 or IC 3-13-11.

(b) An acting trustee, a designee appointed under this section, or an individual chosen under IC 3-13-10 or IC 3-13-11 to fill a vacancy in the office of township trustee may not approve the consolidation of the township's fire department into the consolidated fire department under IC 36-3-1-6.1 or any other law."

Page 53, line 13, delete "On" and insert "**Except as provided in subsections (c) and (d), on**".

Page 53, between lines 22 and 23, begin a new paragraph and insert"

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"(c) This subsection applies only to a township that does not consolidate its fire department under IC 36-3-1-6.1. In the case of employees of the township fire department who become county employees under this section, the township trustee (and not any county official or employee) remains responsible for and retains the powers and duties related to hiring, supervising, disciplining, and firing those employees.

(d) This subsection applies only to a township that does not consolidate its fire department under IC 36-3-1-6.1. The assets, debts, property rights, equipment, records, and contracts of the township related to providing fire protection are not transferred to the county."

Page 53, line 23, delete "(c)" and insert "(e)".

Page 53, line 27, delete "(d)" and insert "(f)".

Page 53, line 40, after "are" insert **", except to the extent provided in section 4(c) and 4(d) of this chapter,"**.

Page 65, line 35, delete "JANUARY 1, 2012]:" and insert "JULY 1, 2011]:".

Page 66, line 3, after "members" insert **", not more than three (3) of whom may be of the same political party,"**.

Page 66, line 28, delete "The library board may recommend and the county fiscal" and insert **"Sections 8, 18, and 20 of this chapter do not apply to a public library described in subsection (a)."**

Page 66, delete lines 29 through 38.

Page 66, line 41, delete "JANUARY 1, 2012]:" and insert "JULY 1, 2011]:".

Renumber all SECTIONS consecutively.

(Reference is to SB 526 as printed February 11, 2011.)

YOUNG R MICHAEL

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