

**CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 526**

Citations Affected: IC 3-10; IC 3-11-2-12; IC 6-1.1; IC 6-3.5-6; IC 12-20; IC 15-16; IC 23-14; IC 32-26; IC 33-34; IC 34-30-2-58; IC 36-1; IC 36-3; IC 36-6; IC 36-7; IC 36-8; IC 36-9-4-42; IC 36-12-2; IC 3-11-1.5-32.5; IC 36-6-2.5.

Synopsis: Government matters. PROPOSED CONFERENCE COMMITTEE REPORT FOR ESB 526. Amends the fire consolidation statutes (effective January 1, 2013) applicable to Marion County 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 Marion County 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 consolidation. Provides that an individual who becomes a firefighter employed by the fire department of the consolidated city through the consolidation of township fire protection services after 2010 may not have the individual's merit rank reduced below the merit rank held by the individual on January 1, 2011, as a firefighter employed by a township fire department. 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 a township employee may not lose employment as a result of the employee's transfer to county employment. Provides that the hire date of an employee is the date the employee was hired by the township. Provides the following with regard to a trustee, constable, small claims court judge, or employee of the township: (1) The vacation time accrued transfers when the individual becomes a county employee. (2) The individual is entitled to receive the same salary that the individual received from the township. (3) The salary and benefits of an individual may not be reduced by the county legislative body before January 1, 2015, and only as otherwise permitted by law. Provides that 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. Provides for the following transfers of township offices and functions to city and county government in Marion County: (1) Provides the operations of the 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) On January 1, 2013, statutes related to township government in a county having a consolidated city are repealed. Specifies that after December 31, 2012, the territory of the township comprises a taxing district for the payment of any existing township indebtedness. 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 after December 31, 2012, if there exists any remaining indebtedness of the township, the controller shall determine the rate of taxation necessary to pay the township indebtedness existing at the time the township was dissolved and submit the tax rate to the county legislative body for its approval. 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) take any police action for which the constable has received law enforcement training. 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. 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. Requires a committee of township trustees or their designees to meet between January 1, 2013, and July 1, 2013, to develop a proposal for countywide township assistance standards and submit the committee's proposal to the county legislative body for its

consideration. Provides that the city-county council may, by ordinance, establish standards for the provision of township assistance. 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. 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: (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. Provides that if any funds remain from the county's share of small claims court administration fees after the payment of expenses of operating the small claims court, the remaining funds may be used to fund public safety programs in the county as set forth in an ordinance or resolution adopted by the city-county council. 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 eliminated 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 January 1, 2015. Deletes references to township assessors in statutes applicable to Marion County. Deletes provisions specifying that in a county having a consolidated city, an ordinance or resolution of the legislative body 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. 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. Provides that the county treasurer (instead of the county executive) is the approving authority for the disposal of property obtained by tax default. Provides that effective January 1, 2012, the seven members of the Indianapolis-Marion County public library board are appointed as follows: (1) The mayor of the consolidated city appoints three members, of which not more than two may be of the same political party. (2) The minority leader of the city-county council appoints two members. (3) The majority leader of the city-county council appoints two members. Requires the department of local government finance to determine whether, with regard to a township in Marion County that does not operate a fire department or participate in a fire protection territory, the balance in a township's rainy day fund in addition to the township's other funds (other than debt service funds) exceeds the amount needed by the township to carry out the purposes of the fund. Provides for transfer of 90% of the excess fund amounts to a dedicated fund for each township to satisfy township debt obligations and, if no debt remains, reduce property taxes of the taxpayers of that township. Provides that taxpayer funds to support a township fire department may not be appropriated by the county legislative body for any other purpose except to fund that fire department, and the county legislative body may not reduce the tax rate of a township fire department or fail to adequately fund that fire department in an effort to force it to consolidate with the consolidated fire department. Provides that in a consolidated city, the administering department and the enforcement authority of the unsafe building law is the department authorized by ordinance. Provides that if work is done under an order to: (1) seal an unsafe building; (2) exterminate vermin; or (3) remove trash and debris; the work may be performed by a contractor awarded a contract to perform the work for the enforcement authority. Provides that bids may be solicited and a contract awarded for work on more than one property if the bid and contract include an allocation of the costs among the various unsafe premises in proportion to the work to be accomplished. Makes technical corrections. **(This conference committee report does the following: (1) Eliminates the restriction in the bill that imposes a 5% cap on the part of the township levies (in all townships inside or outside Marion County) that are not**

used for fire protection. (2) Removes a provision from the bill that provides that if the legislative body of a county having a consolidated city establishes a merit system for special deputies, the sheriff may not remove a special deputy at any time, without notice, and without cause. (3) Makes technical corrections.)

Effective: Upon passage; July 1, 2011; January 1, 2012; January 1, 2013; January 1, 2015.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 526 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

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

7 OFFICIAL PRIMARY BALLOT

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

19 Vote for one (1) only
20 Representative in Congress
21 (1) AB _____

- 1 (2) CD _____
 2 (3) EF _____
 3 (4) GH _____
- 4 (b) The offices with candidates for nomination shall be placed on
 5 the primary election ballot in the following order:
- 6 (1) Federal and state offices:
- 7 (A) President of the United States.
 8 (B) United States Senator.
 9 (C) Governor.
 10 (D) United States Representative.
- 11 (2) Legislative offices:
- 12 (A) State senator.
 13 (B) State representative.
- 14 (3) Circuit offices and county judicial offices:
- 15 (A) Judge of the circuit court, and unless otherwise specified
 16 under IC 33, with each division separate if there is more than
 17 one (1) judge of the circuit court.
 18 (B) Judge of the superior court, and unless otherwise specified
 19 under IC 33, with each division separate if there is more than
 20 one (1) judge of the superior court.
 21 (C) Judge of the probate court.
 22 (D) Judge of the county court, with each division separate, as
 23 required by IC 33-30-3-3.
 24 (E) Prosecuting attorney.
 25 (F) Circuit court clerk.
- 26 (4) County offices:
- 27 (A) County auditor.
 28 (B) County recorder.
 29 (C) County treasurer.
 30 (D) County sheriff.
 31 (E) County coroner.
 32 (F) County surveyor.
 33 (G) County assessor.
 34 (H) County commissioner.
 35 (I) County council member.
- 36 (5) Township offices:
- 37 (A) Township assessor (only in a township referred to in
 38 IC 36-6-5-1(d)).
 39 (B) Township trustee.
 40 (C) Township board member. **This clause does not apply to**
 41 **elections in 2012 and thereafter in a county having a**
 42 **consolidated city.**
 43 (D) Judge of the small claims court.
 44 (E) Constable of the small claims court.
- 45 (6) City offices:
- 46 (A) Mayor.
 47 (B) Clerk or clerk-treasurer.
 48 (C) Judge of the city court.
 49 (D) City-county council member or common council member.
- 50 (7) Town offices:
- 51 (A) Clerk-treasurer.

- 1 (B) Judge of the town court.
 2 (C) Town council member.
 3 (c) The political party offices with candidates for election shall be
 4 placed on the primary election ballot in the following order after the
 5 offices described in subsection (b):
 6 (1) Precinct committeeman.
 7 (2) State convention delegate.
 8 (d) The following offices and public questions shall be placed on the
 9 primary election ballot in the following order after the offices described
 10 in subsection (c):
 11 (1) School board offices to be elected at the primary election.
 12 (2) Other local offices to be elected at the primary election.
 13 (3) Local public questions.
 14 (e) The offices and public questions described in subsection (d)
 15 shall be placed:
 16 (1) in a separate column on the ballot if voting is by paper ballot;
 17 (2) after the offices described in subsection (c) in the form
 18 specified in IC 3-11-13-11 if voting is by ballot card; or
 19 (3) either:
 20 (A) on a separate screen for each office or public question; or
 21 (B) after the offices described in subsection (c) in the form
 22 specified in IC 3-11-14-3.5;
 23 if voting is by an electronic voting system.
 24 (f) A public question shall be placed on the primary election ballot
 25 in the following form:
 26 (The explanatory text for the public question,
 27 if required by law.)
 28 "Shall (insert public question)?"
 29 YES
 30 NO
 31 SECTION 2. IC 3-10-2-13, AS AMENDED BY P.L.146-2008,
 32 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2011]: Sec. 13. The following public officials shall be elected
 34 at the general election before their terms of office expire and every four
 35 (4) years thereafter:
 36 (1) Clerk of the circuit court.
 37 (2) County auditor.
 38 (3) County recorder.
 39 (4) County treasurer.
 40 (5) County sheriff.
 41 (6) County coroner.
 42 (7) County surveyor.
 43 (8) County assessor.
 44 (9) County commissioner.
 45 (10) County council member.
 46 (11) Township trustee.
 47 (12) Township board member. **This subdivision does not apply**
 48 **to elections in 2012 and thereafter in a county having a**
 49 **consolidated city.**
 50 (13) Township assessor (only in a township referred to in
 51 IC 36-6-5-1(d)).

- 1 (14) Judge of a small claims court.
 2 (15) Constable of a small claims court.
 3 SECTION 3. IC 3-11-2-12, AS AMENDED BY P.L.146-2008,
 4 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2011]: Sec. 12. The following offices shall be placed on the
 6 general election ballot in the following order:
 7 (1) Federal and state offices:
 8 (A) President and Vice President of the United States.
 9 (B) United States Senator.
 10 (C) Governor and lieutenant governor.
 11 (D) Secretary of state.
 12 (E) Auditor of state.
 13 (F) Treasurer of state.
 14 (G) Attorney general.
 15 (H) Superintendent of public instruction.
 16 (I) United States Representative.
 17 (2) Legislative offices:
 18 (A) State senator.
 19 (B) State representative.
 20 (3) Circuit offices and county judicial offices:
 21 (A) Judge of the circuit court, and unless otherwise specified
 22 under IC 33, with each division separate if there is more than
 23 one (1) judge of the circuit court.
 24 (B) Judge of the superior court, and unless otherwise specified
 25 under IC 33, with each division separate if there is more than
 26 one (1) judge of the superior court.
 27 (C) Judge of the probate court.
 28 (D) Judge of the county court, with each division separate, as
 29 required by IC 33-30-3-3.
 30 (E) Prosecuting attorney.
 31 (F) Clerk of the circuit court.
 32 (4) County offices:
 33 (A) County auditor.
 34 (B) County recorder.
 35 (C) County treasurer.
 36 (D) County sheriff.
 37 (E) County coroner.
 38 (F) County surveyor.
 39 (G) County assessor.
 40 (H) County commissioner.
 41 (I) County council member.
 42 (5) Township offices:
 43 (A) Township assessor (only in a township referred to in
 44 IC 36-6-5-1(d)).
 45 (B) Township trustee.
 46 (C) Township board member. **This clause does not apply to**
 47 **elections in 2012 and thereafter in a county having a**
 48 **consolidated city.**
 49 (D) Judge of the small claims court.
 50 (E) Constable of the small claims court.
 51 (6) City offices:

- 1 (A) Mayor.
 2 (B) Clerk or clerk-treasurer.
 3 (C) Judge of the city court.
 4 (D) City-county council member or common council member.
 5 (7) Town offices:
 6 (A) Clerk-treasurer.
 7 (B) Judge of the town court.
 8 (C) Town council member.

9 SECTION 4. IC 6-1.1-17-3, AS AMENDED BY P.L.182-2009(ss),
 10 SECTION 114, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The proper officers of a
 12 political subdivision shall formulate its estimated budget and its
 13 proposed tax rate and tax levy on the form prescribed by the
 14 department of local government finance and approved by the state
 15 board of accounts. The political subdivision shall give notice by
 16 publication to taxpayers of:

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

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

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

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

33 (c) The trustee of each township in the county shall estimate the
 34 amount necessary to meet the cost of township assistance in the
 35 township for the ensuing calendar year. The township board shall adopt
 36 with the township budget a tax rate sufficient to meet the estimated cost
 37 of township assistance. The taxes collected as a result of the tax rate
 38 adopted under this subsection are credited to the township assistance
 39 fund.

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

- 44 ~~(1) The cost of child services (as defined in IC 12-19-7-1) of the~~
 45 ~~county payable from the family and children's fund.~~
 46 ~~(2) The cost of children's psychiatric residential treatment~~
 47 ~~services (as defined in IC 12-19-7.5-1) of the county payable from~~
 48 ~~the children's psychiatric residential treatment services fund.~~

49 ~~A budget, tax rate, or tax levy adopted by a county fiscal body or~~
 50 ~~approved or modified by a county board of tax adjustment that is less~~
 51 ~~than the levy necessary to pay the costs described in subdivision (1) or~~

1 (2) shall not be treated as a final budget, tax rate, or tax levy under
2 section 11 of this chapter.

3 (d) This subsection applies to taxes first due and payable after
4 2013. In a county having a consolidated city:

5 (1) the county shall estimate the amount necessary to meet the
6 cost of township assistance in the county for the ensuing
7 calendar year; and

8 (2) the county legislative body shall adopt with the county
9 budget a tax rate uniform throughout the county sufficient to
10 meet the estimated cost of township assistance.

11 The taxes collected as a result of the tax rate adopted under this
12 subsection shall be credited to the county's township assistance
13 fund established under IC 12-20-1-6.2.

14 SECTION 5. IC 6-1.1-18.5-12, AS AMENDED BY
15 P.L.182-2009(ss), SECTION 130, IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) Any civil taxing
17 unit that determines that it cannot carry out its governmental functions
18 for an ensuing calendar year under the levy limitations imposed by
19 section 3 of this chapter may:

20 (1) before October 20 of the calendar year immediately preceding
21 the ensuing calendar year; or

22 (2) in the case of a request described in section 16 of this chapter,
23 before December 31 of the calendar year immediately preceding
24 the ensuing calendar year;

25 appeal to the department of local government finance for relief from
26 those levy limitations. In the appeal the civil taxing unit must state that
27 it will be unable to carry out the governmental functions committed to
28 it by law unless it is given the authority that it is petitioning for. The
29 civil taxing unit must support these allegations by reasonably detailed
30 statements of fact.

31 (b) The department of local government finance shall immediately
32 proceed to the examination and consideration of the merits of the civil
33 taxing unit's appeal.

34 (c) In considering an appeal, the department of local government
35 finance has the power to conduct hearings, require any officer or
36 member of the appealing civil taxing unit to appear before it, or require
37 any officer or member of the appealing civil taxing unit to provide the
38 department with any relevant records or books.

39 (d) If an officer or member:

40 (1) fails to appear at a hearing after having been given written
41 notice requiring that person's attendance; or

42 (2) fails to produce the books and records that the department by
43 written notice required the officer or member to produce;

44 then the department may file an affidavit in the circuit court in the
45 jurisdiction in which the officer or member may be found setting forth
46 the facts of the failure.

47 (e) Upon the filing of an affidavit under subsection (d), the circuit
48 court shall promptly issue a summons, and the sheriff of the county
49 within which the circuit court is sitting shall serve the summons. The
50 summons must command the officer or member to appear before the
51 department to provide information to the department or to produce

1 books and records for the department's use, as the case may be.
2 Disobedience of the summons constitutes, and is punishable as, a
3 contempt of the circuit court that issued the summons.

4 (f) All expenses incident to the filing of an affidavit under
5 subsection (d) and the issuance and service of a summons shall be
6 charged to the officer or member against whom the summons is issued,
7 unless the circuit court finds that the officer or member was acting in
8 good faith and with reasonable cause. If the circuit court finds that the
9 officer or member was acting in good faith and with reasonable cause
10 or if an affidavit is filed and no summons is issued, the expenses shall
11 be charged against the county in which the affidavit was filed and shall
12 be allowed by the proper fiscal officers of that county.

13 (g) The fiscal officer of a civil taxing unit that appeals under section
14 16 of this chapter for relief from levy limitations shall immediately file
15 a copy of the appeal petition with the county auditor and the county
16 treasurer of the county in which the unit is located. **In a county having**
17 **a consolidated city, the fiscal officer of a civil taxing unit, other**
18 **than an excluded city, shall also file a copy of the appeal petition**
19 **with the clerk of the county legislative body and the controller of**
20 **the consolidated city.**

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

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

31 (1) the civil taxing unit experienced a property tax revenue
32 shortfall that resulted from erroneous assessed valuation figures
33 being provided to the civil taxing unit;

34 (2) the erroneous assessed valuation figures were used by the civil
35 taxing unit in determining its total property tax rate; and

36 (3) the error in the assessed valuation figures was found after the
37 civil taxing unit's property tax levy resulting from that total rate
38 was finally approved by the department of local government
39 finance.

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

45 (c) If the department determines that a shortfall described in
46 subsection (a) or (b) has occurred, the department of local government
47 finance may find that the civil taxing unit should be allowed to impose
48 a property tax levy exceeding the limit imposed by section 3 of this
49 chapter. However, the maximum amount by which the civil taxing
50 unit's levy may be increased over the limits imposed by section 3 of this
51 chapter equals the remainder of the civil taxing unit's property tax levy

1 for the particular calendar year as finally approved by the department
2 of local government finance minus the actual property tax levy
3 collected by the civil taxing unit for that particular calendar year.

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

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

13 **(f) A request under this section by a civil taxing unit, other than**
14 **an excluded city, within a county having a consolidated city is**
15 **subject to the review and approval of the county legislative body**
16 **and, if approved by the county legislative body, is subject to veto**
17 **by the county executive.**

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

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

26 **(1) "consolidating entity" means:**

27 **(A) a township;**

28 **(B) a fire protection territory; or**

29 **(C) an excluded city;**

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

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

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

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

49 SECTION 8. IC 6-1.1-24-1.5, AS AMENDED BY P.L.169-2006,
50 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
51 JULY 1, 2011]: **Sec. 1.5. (a) As used in this chapter and IC 6-1.1-25,**

- 1 "county executive" means the following:
- 2 (1) In a county not containing a consolidated city, the county
- 3 executive or the county executive's designee.
- 4 (2) In a county containing a consolidated city:
- 5 **(A) a reference to "county executive" in subsections (b)**
- 6 **and (c) and sections 1 and 2.2 of this chapter means the**
- 7 **executive of the consolidated city; and**
- 8 **(B) a reference to "county executive" in:**
- 9 **(i) sections 5.3, 6, 6.1, 6.3, 6.7, 6.8, and 9 of this chapter;**
- 10 **and**
- 11 **(ii) IC 6-1.1-25;**
- 12 **means the county treasurer; however, the executive of the**
- 13 **consolidated city or the executive of the consolidated city's**
- 14 **designee may also enter property to conduct**
- 15 **environmental investigations under IC 6-1.1-25-4(h).**
- 16 (b) The county executive may designate the real property on the list
- 17 prepared under section 4.5(b) of this chapter that is eligible for listing
- 18 on the list prepared under subsection (c).
- 19 (c) The county executive shall prepare a list of properties designated
- 20 under subsection (b) and certify the list to the county auditor no later
- 21 than sixty-one (61) days prior to the earliest date on which application
- 22 for judgment and order for sale may be made.
- 23 (d) Upon receiving the list described in subsection (c), the county
- 24 auditor shall:
- 25 (1) prepare a list of the properties certified by the commission;
- 26 and
- 27 (2) delete any property described in that list from the delinquent
- 28 tax list prepared under section 1 of this chapter.
- 29 SECTION 9. IC 6-1.1-24-6.8, AS ADDED BY P.L.98-2010,
- 30 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 JULY 1, 2011]: Sec. 6.8. (a) For purposes of this section, in a county
- 32 containing a consolidated city "county executive" refers to:
- 33 **(1) before January 1, 2015, the board of commissioners of the**
- 34 **county as provided in IC 36-3-3-10; and**
- 35 **(2) after December 31, 2014, the county treasurer.**
- 36 (b) As used in this section, "vacant parcel" refers to a parcel that
- 37 satisfies all the following:
- 38 (1) A lien has been acquired on the parcel under section 6(a) of
- 39 this chapter.
- 40 (2) The parcel is unimproved on the date the parcel is offered for
- 41 sale under this chapter.
- 42 (3) The construction of a structure intended for residential use on
- 43 the parcel is permitted by law.
- 44 (4) On the date the parcel is offered for sale under this chapter,
- 45 the parcel is contiguous to one (1) or more parcels that satisfy the
- 46 following:
- 47 (A) One (1) or more of the following are located on the
- 48 contiguous parcel:
- 49 (i) A structure occupied for residential use.
- 50 (ii) A structure used in conjunction with a structure
- 51 occupied for residential use.

1 (B) The contiguous parcel is eligible for the standard
2 deduction under IC 6-1.1-12-37.

3 (c) The county legislative body may, by ordinance, establish criteria
4 for the identification of vacant parcels to be offered for sale under this
5 section. The criteria may include the following:

6 (1) Limitations on the use of the parcel under local zoning and
7 land use requirements.

8 (2) Minimum parcel area sufficient for construction of
9 improvements.

10 (3) Any other factor considered appropriate by the county
11 legislative body.

12 In a county containing a consolidated city, the county legislative body
13 may adopt an ordinance under this subsection only upon
14 recommendation by, **before January 1, 2015**, the board of
15 commissioners provided in IC 36-3-3-10 **and (after December 31,**
16 **2014) the county treasurer.**

17 (d) If the county legislative body adopts an ordinance under
18 subsection (c), the county executive shall for each tax sale:

19 (1) by resolution, identify each vacant parcel that the county
20 executive desires to sell under this section; and

21 (2) subject to subsection (e), give written notice to the owner of
22 record of each parcel referred to in subsection (b)(4) that is
23 contiguous to the vacant parcel.

24 (e) The notice under subsection (d)(2) with respect to each vacant
25 parcel must include at least the following:

26 (1) A description of the vacant parcel by:

27 (A) legal description; and

28 (B) parcel number or street address, or both.

29 (2) Notice that the county executive will accept written
30 applications from owners of parcels described in subsection (b)(4)
31 as provided in subsection (f).

32 (3) Notice of the deadline for applications referred to in
33 subdivision (2) and of the information to be included in the
34 applications.

35 (4) Notice that the vacant parcel will be sold to the successful
36 applicant for one dollar (\$1).

37 (5) Notice of the exemption provisions of subsection (l).

38 (f) To be eligible to purchase a vacant parcel under this section, the
39 owner of a contiguous parcel referred to in subsection (b)(4) must file
40 a written application with the county executive. The application must:

41 (1) identify the vacant parcel that the applicant desires to
42 purchase; and

43 (2) include any other information required by the county
44 executive.

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

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

- 1 this section.
- 2 (i) After the final determination of vacant parcels to be sold under
- 3 subsection (h), the county executive shall:
- 4 (1) on behalf of the county, cause all delinquent taxes, special
- 5 assessments, penalties, interest, and costs of sale with respect to
- 6 the vacant parcels to be removed from the tax duplicate;
- 7 (2) give notice of the final determination to:
- 8 (A) the successful applicant;
- 9 (B) the county auditor; and
- 10 (C) the township assessor, or the county assessor if there is no
- 11 township assessor for the township.
- 12 (j) Upon receipt of notice under subsection (i)(2):
- 13 (1) the county auditor shall:
- 14 (A) collect the purchase price from each successful applicant;
- 15 and
- 16 (B) subject to subsection (k), prepare a deed transferring each
- 17 vacant parcel to the successful applicant; and
- 18 (2) the township assessor or county assessor shall consolidate
- 19 each vacant parcel sold and the contiguous parcel owned by the
- 20 successful applicant into a single parcel.
- 21 (k) The county auditor shall include in the deed prepared under
- 22 subsection (j)(1)(B) reference to the exemption under subsection (l).
- 23 (l) Except as provided in subsection (m), each consolidated parcel
- 24 referred to in subsection (j)(2) is entitled to an exemption from property
- 25 taxation beginning on the assessment date that next succeeds the
- 26 consolidation in the amount of the assessed value at the time of
- 27 consolidation of the vacant parcel that was subject to the consolidation.
- 28 (m) The exemption under subsection (l) is terminated as of the
- 29 assessment date that next succeeds the earlier of the following:
- 30 (1) Five (5) years after the transfer of title to the successful
- 31 applicant.
- 32 (2) The first transfer of title to the consolidated parcel that occurs
- 33 after the consolidation.
- 34 SECTION 10. IC 6-3.5-6-18, AS AMENDED BY P.L.182-2009(ss),
- 35 SECTION 222, IS AMENDED TO READ AS FOLLOWS
- 36 [EFFECTIVE JULY 1, 2011]: Sec. 18. (a) The revenue a county
- 37 auditor receives under this chapter shall be used to:
- 38 (1) replace the amount, if any, of property tax revenue lost due to
- 39 the allowance of an increased homestead credit within the county;
- 40 (2) fund the operation of a public communications system and
- 41 computer facilities district as provided in an election, if any, made
- 42 by the county fiscal body under IC 36-8-15-19(b);
- 43 (3) fund the operation of a public transportation corporation as
- 44 provided in an election, if any, made by the county fiscal body
- 45 under IC 36-9-4-42;
- 46 **(4) fund the operation of any public library in a county having**
- 47 **a consolidated city as provided in an election, if any, made by**
- 48 **the county fiscal body under IC 36-3-7-6;**
- 49 ~~(4)~~ **(5) make payments permitted under IC 36-7-14-25.5 or**
- 50 **IC 36-7-15.1-17.5;**
- 51 ~~(5)~~ **(6) make payments permitted under subsection (i);**

- 1 ~~(6)~~ (7) make distributions of distributive shares to the civil taxing
2 units of a county; and
- 3 ~~(7)~~ (8) make the distributions permitted under sections 27, 28, 29,
4 30, 31, 32, and 33 of this chapter.
- 5 (b) The county auditor shall retain from the payments of the county's
6 certified distribution an amount equal to the revenue lost, if any, due to
7 the increase of the homestead credit within the county. This money
8 shall be distributed to the civil taxing units and school corporations of
9 the county as though they were property tax collections and in such a
10 manner that no civil taxing unit or school corporation shall suffer a net
11 revenue loss due to the allowance of an increased homestead credit.
- 12 (c) The county auditor shall retain:
- 13 (1) the amount, if any, specified by the county fiscal body for a
14 particular calendar year under subsection (i), **IC 36-3-7-6**,
15 **IC 36-7-14-25.5**, **IC 36-7-15.1-17.5**, **IC 36-8-15-19(b)**, and
16 **IC 36-9-4-42** from the county's certified distribution for that same
17 calendar year; and
- 18 (2) the amount of an additional tax rate imposed under section 27,
19 28, 29, 30, 31, 32, or 33 of this chapter.
- 20 The county auditor shall distribute amounts retained under this
21 subsection to the county.
- 22 (d) All certified distribution revenues that are not retained and
23 distributed under subsections (b) and (c) shall be distributed to the civil
24 taxing units of the county as distributive shares.
- 25 (e) The amount of distributive shares that each civil taxing unit in
26 a county is entitled to receive during a month equals the product of the
27 following:
- 28 (1) The amount of revenue that is to be distributed as distributive
29 shares during that month; multiplied by
- 30 (2) A fraction. The numerator of the fraction equals the allocation
31 amount for the civil taxing unit for the calendar year in which the
32 month falls. The denominator of the fraction equals the sum of the
33 allocation amounts of all the civil taxing units of the county for
34 the calendar year in which the month falls.
- 35 (f) The department of local government finance shall provide each
36 county auditor with the fractional amount of distributive shares that
37 each civil taxing unit in the auditor's county is entitled to receive
38 monthly under this section.
- 39 (g) Notwithstanding subsection (e), if a civil taxing unit of an
40 adopting county does not impose a property tax levy that is first due
41 and payable in a calendar year in which distributive shares are being
42 distributed under this section, that civil taxing unit is entitled to receive
43 a part of the revenue to be distributed as distributive shares under this
44 section within the county. The fractional amount such a civil taxing
45 unit is entitled to receive each month during that calendar year equals
46 the product of the following:
- 47 (1) The amount to be distributed as distributive shares during that
48 month; multiplied by
- 49 (2) A fraction. The numerator of the fraction equals the budget of
50 that civil taxing unit for that calendar year. The denominator of
51 the fraction equals the aggregate budgets of all civil taxing units

1 of that county for that calendar year.

2 (h) If for a calendar year a civil taxing unit is allocated a part of a
3 county's distributive shares by subsection (g), then the formula used in
4 subsection (e) to determine all other civil taxing units' distributive
5 shares shall be changed each month for that same year by reducing the
6 amount to be distributed as distributive shares under subsection (e) by
7 the amount of distributive shares allocated under subsection (g) for that
8 same month. The department of local government finance shall make
9 any adjustments required by this subsection and provide them to the
10 appropriate county auditors.

11 (i) Notwithstanding any other law, a county fiscal body may pledge
12 revenues received under this chapter (other than revenues attributable
13 to a tax rate imposed under section 30, 31, or 32 of this chapter) to the
14 payment of bonds or lease rentals to finance a qualified economic
15 development tax project under IC 36-7-27 in that county or in any other
16 county if the county fiscal body determines that the project will
17 promote significant opportunities for the gainful employment or
18 retention of employment of the county's residents.

19 SECTION 11. IC 6-3.5-6-18.5, AS AMENDED BY P.L.146-2008,
20 SECTION 339, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JANUARY 1, 2013]: Sec. 18.5. (a) This section applies
22 to a county containing a consolidated city.

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

26 (1) ~~For the calendar year beginning January 1, 1995, calculate the~~
27 ~~total amount of revenues that are to be distributed as distributive~~
28 ~~shares during that month multiplied by the following factor: The~~
29 ~~distribution ratio for 2013 and thereafter is the following:~~

30	Center Township	.0251
31	Decatur Township	.00217
32	Franklin Township	.0023
33	Lawrence Township	.01177
34	Perry Township	.01130
35	Pike Township	.01865
36	Warren Township	.01359
37	Washington Township	.01346
38	Wayne Township	.01307
39	Lawrence-City	.00858
40	Beech Grove	.00845
41	Southport	.00025
42	Speedway	.00722
43	Indianapolis/Marion County	.86409 .97550

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

48	Center Township	\$1,898,145
49	Decatur Township	\$164,103
50	Franklin Township	\$173,934
51	Lawrence Township	\$890,086

1	Perry Township	\$854,544
2	Pike Township	\$1,410,375
3	Warren Township	\$1,027,721
4	Washington Township	\$1,017,890
5	Wayne Township	\$988,397
6	Lawrence-City	\$648,848
7	Beech Grove	\$639,017
8	Southport	\$18,906
9	Speedway	\$546,000

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

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

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

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

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

24 STEP FIVE: Determine the ratio of:
25 (A) the maximum permissible property tax levy under
26 IC 6-1.1-18.5 for each civil taxing unit for the calendar year
27 in which the month falls, plus, for a county, the welfare
28 allocation amount; divided by
29 (B) the sum of the maximum permissible property tax levies
30 under IC 6-1.1-18.5 for all civil taxing units of the county
31 during the calendar year in which the month falls, and an
32 amount equal to the welfare allocation amount.

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

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

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

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

49 (A) the maximum permissible property tax levy under
50 IC 6-1.1-18.5 for the qualifying civil taxing unit during the
51 calendar year in which the month falls, plus, for a county, an

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

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

15 SECTION 12. IC 12-20-1-6.2 IS ADDED TO THE INDIANA
16 CODE AS A NEW SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2011]: **Sec. 6.2. (a) This section applies:**

- 18 (1) only after December 31, 2012; and
- 19 (2) only to a county having a consolidated city.
- 20 (b) The county shall establish a township assistance fund for the
21 county.

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

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

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

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

35 (f) The fund is available for the purpose of paying expenses and
36 obligations set forth in the annual budget. Money budgeted for a
37 particular township's township assistance expenses and obligations
38 shall, as provided in the budget adopted by the county fiscal body,
39 be distributed to a township account established for that township
40 and administered by that township's trustee. Township assistance
41 expenses and obligations shall be paid by the township trustee from
42 the amounts in the township's account.

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

45 (h) The maximum permissible property tax levy of the county
46 for property taxes first due and payable in 2013 shall be increased
47 as provided in IC 36-6-1.7-11.

48 SECTION 13. IC 12-20-5.5-1, AS AMENDED BY P.L.73-2005,
49 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
50 JULY 1, 2011]: Sec. 1. (a) The township trustee shall process all
51 applications for township assistance according to uniform written

1 standards and without consideration of the race, creed, nationality, or
2 gender of the applicant or any member of the applicant's household.

3 (b) The township's standards for the issuance of township assistance
4 and the processing of applications must be:

5 (1) governed by the requirements of this article;

6 (2) **except as provided in subdivisions (3)**, proposed by the
7 township trustee, adopted by the township board, and filed with
8 the board of county commissioners;

9 **(3) after December 31, 2012, in a county having a consolidated
10 city, established in the manner described by IC 36-3-8-5;**

11 ~~(3)~~ (4) reviewed and updated annually to reflect changes in the
12 cost of basic necessities in the township and changes in the law;

13 ~~(4)~~ (5) published in a single written document, including addenda
14 attached to the document; and

15 ~~(5)~~ (6) posted in a place prominently visible to the public in all
16 offices of the township trustee where township assistance
17 applications are taken or processed.

18 SECTION 14. IC 12-20-5.5-6 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) **Except as
20 provided in subsections (b)**, a township trustee shall set income
21 standards for the township that provide for financial eligibility in an
22 amount consistent with reasonable costs of basic necessities in the
23 trustee's particular township.

24 **(b) After December 31, 2012, in a county having a consolidated
25 city, the county legislative body shall set income standards for the
26 township that provide for financial eligibility in an amount
27 consistent with the reasonable costs of basic necessities in the
28 county.**

29 ~~(b)~~ (c) A township trustee, **or a county legislative body** may not
30 consider a Holocaust victim's settlement payment received by an
31 eligible individual when setting income standards under this section.

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

37 (1) One (1) township trustee of the county.

38 (2) One (1) soil and water conservation district supervisor.

39 (3) One (1) representative from the agricultural community of the
40 county.

41 (4) One (1) representative from the county highway department
42 or an appointee of the county commissioners.

43 (5) One (1) cooperative extension service agent from the county
44 to serve in a nonvoting advisory capacity.

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

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

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

8 SECTION 17. IC 15-16-7-5, AS ADDED BY P.L.2-2008,
 9 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2011]: Sec. 5. The weed control board **in a county not having**
 11 **a consolidated city** may:

12 (1) appoint an executive director; and

13 (2) employ necessary technical, professional, and other assistants.

14 The board shall fix the qualifications, duties, and salaries of these
 15 employees subject to the approval of the county council.

16 SECTION 18. IC 15-16-7-6, AS ADDED BY P.L.2-2008,
 17 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JANUARY 1, 2013]: Sec. 6. **(a)** The county highway supervisor and
 19 the soil and water conservation district supervisor or employee serving
 20 ~~the~~ **a county not having a consolidated city** shall:

21 (1) serve as inspectors for the weed control board;

22 (2) make periodic inspections; and

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

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

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

33 (1) real estate; or

34 (2) easements, rights-of-way, or other similar interests in real
 35 estate;

36 in the county to control and contain noxious weeds growing on the real
 37 estate.

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

40 (1) by certified or registered mail addressed to the latest address
 41 of the person or to the person's resident agent; or

42 (2) personally by the sheriff.

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

47 SECTION 20. IC 15-16-8-0.5 IS ADDED TO THE INDIANA
 48 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 49 [EFFECTIVE JANUARY 1, 2013]: **Sec. 0.5. (a) The powers and**
 50 **duties established by this chapter are conferred and imposed:**

51 **(1) in a county having a consolidated city, on the county with**

1 **respect to property in the county; and**
2 **(2) in all other counties, on the township trustee with respect**
3 **to property in the township.**

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

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

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

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

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

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

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

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

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

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

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

46 SECTION 24. IC 23-14-75-2, AS AMENDED BY P.L.163-2006,
47 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
48 JULY 1, 2011]: Sec. 2. If land has not been appropriated or set apart by
49 the owners by platting for a public cemetery and it is necessary to
50 purchase real estate for the cemetery:

- 51 (1) the legislative body of the city, ~~or~~ town, **or county having a**

1 **consolidated city**; or
 2 (2) the executive of the township;
 3 has the power of eminent domain to condemn and appropriate the land
 4 for cemetery purposes under proceedings provided by statute.

5 SECTION 25. IC 32-26-4-2 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. **(a) As used in**
 7 **this section, "county official" means the official designated under**
 8 **IC 36-3-5-2 as responsible for administering this chapter. In a**
 9 **county having a consolidated city, the county official (rather than**
 10 **the township trustee) is responsible for administering this chapter**
 11 **after December 31, 2012.**

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

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

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

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

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

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

44 ~~(e)~~ **(f)** The township trustee, county highway superintendent, ~~or~~
 45 Indiana department of transportation, **or county official** having charge
 46 of the work performed under subsection ~~(d)~~ **(e)** shall prepare an
 47 itemized statement of the total cost of the work of removing the
 48 obstructions or growths and shall sign and certify the statement to the
 49 county auditor of the county in which the land is located. The county
 50 auditor shall place the statement on the tax duplicates. The county
 51 treasurer shall collect the costs entered on the duplicates at the same

1 time and in the same manner as road taxes are collected. The treasurer
 2 may not issue a receipt for road taxes unless the costs entered on the
 3 duplicates are paid in full at the same time the road taxes are paid. If
 4 the costs are not paid when due, the costs shall become delinquent,
 5 bear the same interest, be subject to the same penalties, and be
 6 collected at the same time and in the same manner as other unpaid and
 7 delinquent taxes.

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

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

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

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

28 SECTION 28. IC 33-34-1-2 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 2. (a) There are
 30 established township small claims courts in each county containing a
 31 consolidated city.

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

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

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

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

44 SECTION 29. IC 33-34-1-6 IS AMENDED TO READ AS
 45 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 6. A division of
 46 the small claims court must be a full-time division or a part-time
 47 division as determined by the ~~individual township boards~~ **city-county**
 48 **council** following a hearing conducted under section 7 of this chapter.

49 SECTION 30. IC 33-34-1-8 IS AMENDED TO READ AS
 50 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 8. The ~~township~~
 51 ~~trustee clerk of the city-county council~~ shall give ten (10) days notice

1 of all hearings held under section 7 of this chapter in one (1) or more
2 newspapers of general circulation in the county.

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

10 (1) whether a small claims court shall be established or abolished
11 in the township if the township has a population of less than
12 fifteen thousand (15,000) persons;

13 (2) whether the small claims court if any, shall function full time
14 or part time;

15 (3) the location of the small claims court courtroom and offices
16 under IC 33-34-6-1; and

17 (4) other relevant matters.

18 SECTION 32. IC 33-34-2-5 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 5. (a) The salary
20 of a judge who serves full time must be in an amount ~~determined by the~~
21 ~~township board of the township in which the small claims court is~~
22 ~~located~~ **established by ordinance of the city-county council.**

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

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

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

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

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

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

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

47 SECTION 35. IC 33-34-6-3 IS AMENDED TO READ AS
48 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 3. ~~Each township~~
49 **The county** shall provide ~~an appropriate and competitive salary of at~~
50 ~~least five thousand six hundred dollars (\$5,600)~~ **for the number of**
51 **clerks for the small claims court sufficient to:**

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

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

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

43 (c) The elected constable may appoint full-time and part-time
 44 ~~deputies~~ **deputy constables** for assistance in the performance of
 45 official duties who:

- 46 (1) perform all the official duties required to be performed by the
 47 constable;
 48 (2) possess the same statutory ~~and common law~~ powers and
 49 authority as the constable;
 50 (3) must take the same oath required of the constable;
 51 (4) are compensated solely from the service of process fees

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 37. 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.**

43 **(e) If a constable or deputy constable fails to successfully
44 complete the training required by this chapter, the constable or
45 deputy constable is prohibited from performing any official
46 function of the office or from wearing or otherwise displaying a
47 badge or other regalia to give the impression of police powers.**

48 **(f) An individual who is serving as an elected constable on July
49 1, 2011, is not required to complete the training required by
50 subsection (a) if the law enforcement training board established by
51 IC 5-2-1-3 determines that the individual has recently received**

1 **training substantially similar to the training that would have been**
 2 **provided to the individual under subsection (a).**

3 SECTION 38. IC 33-34-6-6 IS ADDED TO THE INDIANA CODE
 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 5 1, 2011]: **Sec. 6. (a) The law enforcement training board established**
 6 **by IC 5-2-1-3 shall create and offer a training course for constables**
 7 **and deputy constables. The training course must include at least**
 8 **forty (40) hours of instruction, with one (1) of those forty (40)**
 9 **hours addressing ethics.**

10 **(b) The law enforcement training board established by**
 11 **IC 5-2-1-3 shall create and offer an annual training course for**
 12 **constables and deputy constables. The annual training course must**
 13 **include at least seven (7) hours of instruction, with one (1) of those**
 14 **seven (7) hours addressing ethics.**

15 SECTION 39. IC 33-34-7-3 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 3. The judge of
 17 the circuit court, with the assistance of the clerk of the circuit court, the
 18 judges of the small claims courts, and the state board of accounts, shall,
 19 at the expense of the ~~townships:~~ **county**:

- 20 (1) provide the forms, blanks, court calendar books, judgment
- 21 dockets, and fee books; and
- 22 (2) make rules and instructions to direct the judges in keeping
- 23 records and making reports.

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

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

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

- 37 (1) semiannually distribute to the auditor of state:
 - 38 (A) all automated record keeping fees (IC 33-37-5-21)
 - 39 received by the court for deposit in the homeowner protection
 - 40 unit account established by IC 4-6-12-9 and the state user fee
 - 41 fund established under IC 33-37-9;
 - 42 (B) all public defense administration fees collected by the
 - 43 court under IC 33-37-5-21.2 for deposit in the state general
 - 44 fund;
 - 45 (C) sixty percent (60%) of all court administration fees
 - 46 collected by the court under IC 33-37-5-27 for deposit in the
 - 47 state general fund;
 - 48 (D) all judicial insurance adjustment fees collected by the
 - 49 court under IC 33-37-5-25 for deposit in the judicial branch
 - 50 insurance adjustment account established by IC 33-38-5-8.2;
 - 51 and

- 1 (E) seventy-five percent (75%) of all judicial salaries fees
 2 collected by the court under IC 33-37-5-26 for deposit in the
 3 state general fund; and
 4 (2) distribute monthly to the county auditor all document storage
 5 fees received by the court.

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

13 (c) ~~The court semiannually shall pay to the township trustee of the~~
 14 ~~township in which the court is located~~ The remaining forty percent
 15 (40%) of the court administration fees described under subsection
 16 (b)(1)(C) shall be:

- 17 **(1) deposited in the county general fund and credited to the**
 18 **small claims court account described in section 5 of this**
 19 **chapter;**
 20 **(2) used by the county** to fund the operations of the small claims
 21 court; ~~in the trustee's township; and~~
 22 **(3) if any funds remain during a fiscal year after the payment**
 23 **of expenses under subdivision (2), used to fund public safety**
 24 **programs in the county as set forth in an ordinance or**
 25 **resolution adopted by the city-county council of the**
 26 **consolidated city.**

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

33 SECTION 42. IC 34-30-2-58, AS AMENDED BY P.L.2-2008,
 34 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JANUARY 1, 2013]: **Sec. 58. IC 15-16-8-4 (Concerning township**
 36 **trustees, county officials in a county having a consolidated city, or**
 37 **persons hired by them for the removal of detrimental plants upon**
 38 **another person's real property).**

39 SECTION 43. IC 36-1-8-17.7 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE UPON PASSAGE]: **Sec. 17.7. (a) This section applies**
 42 **to all townships in a county having a consolidated city, except those**
 43 **townships that operate a fire department or participate in a fire**
 44 **protection territory.**

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

48 **(c) Not later than thirty (30) days after this section is enacted**
 49 **into law, the department of local government finance shall**
 50 **determine whether the balance in each fund (other than a debt**
 51 **service fund) of a township (including the township's rainy day**

1 **fund) exceeds the amount needed by the township to carry out the**
 2 **purposes of the fund. In making the determination of whether**
 3 **there is an excess balance in a fund, the department of local**
 4 **government finance shall consider the balance in the fund relative**
 5 **to:**

6 **(1) the current and past budgeted expenditures from the fund;**
 7 **(2) the fund balance that must be maintained by the township**
 8 **on account of actual or anticipated delayed property tax**
 9 **billing, collection, or distribution;**

10 **(3) the amount of tax anticipation notes or warrants or other**
 11 **obligations incurred by the township on account of delayed**
 12 **property tax billing, collection, or distribution; and**

13 **(4) the anticipated effects on the township from the**
 14 **application of the circuit breaker credits under IC 6-1.1-20.6.**

15 **(d) Not later than fourteen (14) days after the department of**
 16 **local government finance makes a determination under subsection**
 17 **(c) concerning a particular township fund, the township executive**
 18 **shall transfer ninety percent (90%) of the excess amounts (as**
 19 **determined by the department of local government finance) to the**
 20 **county treasurer to be deposited into a dedicated fund for each**
 21 **township. The dedicated fund for each township shall be**
 22 **designated as the _____ (insert name of township) excess**
 23 **reserves fund.**

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

26 **(1) upon appropriation of the county fiscal body; and**

27 **(2) to benefit the taxpayers of the township from which the**
 28 **funds were derived.**

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

31 **(1) to satisfy debt obligations that would have otherwise been**
 32 **borne by the taxpayers of that township; or**

33 **(2) if no debt described in subdivision (1) remains, to reduce**
 34 **property taxes of the taxpayers of that township.**

35 **SECTION 44. IC 36-1-11-2 IS AMENDED TO READ AS**
 36 **FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. The following**
 37 **definitions apply throughout this chapter:**

38 **(1) "Disposal" means sale, exchange, transfer, or lease of**
 39 **property.**

40 **(2) "Disposing agent" means:**

41 **(A) in a county not having a consolidated city, the board or**
 42 **officer of a political subdivision or agency having the power**
 43 **to award contracts for which public notice is required, with**
 44 **respect to property of the political subdivision or agency; and**

45 **(B) in a county having a consolidated city:**

46 **(i) the county treasurer with respect to real property**
 47 **obtained by tax default under IC 6-1.1-24 and**
 48 **IC 6-1.1-25; and**

49 **(ii) the board or officer of a political subdivision or**
 50 **agency having the power to award contracts for which**
 51 **public notice is required, with respect to property of the**

- 1 **political subdivision or agency.**
 2 (3) "Key number" has the meaning set forth in IC 6-1.1-1-8.5.
 3 (4) "Operating agreement" has the meaning set forth in
 4 IC 5-23-2-7.
 5 (5) "Person" means any association, corporation, limited liability
 6 company, fiduciary, individual, joint venture, partnership, sole
 7 proprietorship, or any other legal entity.
 8 (6) "Property" means all fixtures and real property to be included
 9 in a disposal.
 10 (7) "Tract" has the meaning set forth in IC 6-1.1-1-22.5.

11 SECTION 45. IC 36-1-11-3, AS AMENDED BY P.L.27-2008,
 12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2011]: Sec. 3. (a) This section does not apply to the disposal
 14 of real property under section 5, 5.5, 5.9, or 8 of this chapter.

15 (b) Disposal of real property under this chapter is subject to the
 16 approval of **the following:**

- 17 (1) The executive of the political subdivision or agency ~~or~~ **in a**
 18 **county not having a consolidated city.**
 19 **(2) In a county having a consolidated city:**
 20 **(A) the county treasurer with respect to real property**
 21 **obtained by tax default under IC 6-1.1-24 and IC 6-1.1-25;**
 22 **and**
 23 **(B) the county executive with respect to all other property.**
 24 ~~(3)~~ **(3)** The fiscal body of the political subdivision or agency, if
 25 there is no executive.

26 The executive, **county treasurer of a county having a consolidated**
 27 **city**, or fiscal body may not approve a disposal of property without
 28 conducting a public hearing after giving notice under IC 5-3-1.
 29 However, in a municipality the executive shall designate a board or
 30 commission of the municipality to give notice, conduct the hearing, and
 31 notify the executive of its recommendation.

32 (c) Except as provided in section 3.2 of this chapter, in addition, the
 33 fiscal body of a unit must approve:

- 34 (1) every sale of real property having an appraised value of fifty
 35 thousand dollars (\$50,000) or more;
 36 (2) every lease of real property for which the total annual rental
 37 payments will be twenty-five thousand dollars (\$25,000) or more;
 38 and
 39 (3) every transfer of real property under section 14 or 15 of this
 40 chapter.

41 SECTION 46. IC 36-3-1-5 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) When a first class
 43 city becomes a consolidated city, the officers who become the
 44 executive and legislative body of the consolidated city under section
 45 4(c) of this chapter also become the executive and legislative body of
 46 the county.

47 (b) The members of the board of commissioners of the county are
 48 entitled to remain in office until their terms expire, although the board
 49 is no longer the executive of the county.

50 **(c) As their members of the board of commissioners' terms expire**
 51 **or their positions become vacant, they shall be replaced by the**

1 following officers in the following order:

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

5 These three (3) officers then serve ex officio as commissioners under
6 IC 36-3-3-10. **This subsection expires January 1, 2015.**

7 SECTION 47. IC 36-3-1-5.1, AS AMENDED BY P.L.182-2009(ss),
8 SECTION 400, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2011]: Sec. 5.1. (a) Except for those duties that
10 are reserved by law to the county sheriff in this section, the city-county
11 legislative body may by majority vote adopt an ordinance, approved by
12 the mayor, to consolidate the police department of the consolidated city
13 and the county sheriff's department **into the consolidated law**
14 **enforcement department, which must be a division of the**
15 **department of public safety.**

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

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

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

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

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

38 (e) The following apply if an ordinance is adopted under this
39 section:

- 40 (1) The department of local government finance shall adjust the
41 maximum permissible ad valorem property tax levy of the
42 consolidated city and the county for property taxes first due and
43 payable in the year a consolidation takes effect under this section.
44 When added together, the adjustments under this subdivision
45 must total zero (0).
- 46 (2) The ordinance must specify which law enforcement officers
47 of the police department and which law enforcement officers of
48 the county sheriff's department shall be law enforcement officers
49 of the consolidated law enforcement department.
- 50 (3) The ordinance may not prohibit the providing of law
51 enforcement services for an excluded city under an interlocal

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

1 fund the pension obligation under IC 36-8-10 for members of the
2 sheriff's pension trust and under IC 36-8-8 for members of the
3 1977 police officers' and firefighters' pension and disability fund
4 who were not members of the police department of the
5 consolidated city on the effective date of the consolidation may be
6 levied by the consolidated city within the consolidated city's
7 maximum permissible ad valorem property tax levy. The assets of
8 the consolidated city's 1953 fund and the assets of the sheriff's
9 pension trust may not be pledged after the effective date of the
10 consolidation as collateral for any loan.

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

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

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

22 SECTION 48. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006,
23 SECTION 560, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JANUARY 1, 2013]: Sec. 6.1. (a) This section applies
25 only in a county containing a consolidated city.

26 (b) If:

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

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

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

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

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

43 ~~(2) **(B) Any fire protection territory established under**~~
44 ~~IC 36-8-19 that is located in a **the township, described in**~~
45 ~~subdivision (1).~~

46 ~~(b) **(2) If the requirements of subsection (g) are satisfied, The**~~
47 ~~consolidated fire department shall, **on the effective date of the**~~
48 ~~**consolidation, provide fire protection services within an entity**~~
49 ~~described in subsection (a)(1) or (a)(2) in which the requirements~~
50 ~~of subsection ~~(g)~~ are satisfied on the date agreed to in the~~
51 ~~resolution of the township legislative body and the ordinance of~~

1 the legislative body of the consolidated city: **subdivision (1)(A)**
 2 **or (1)(B).**

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

9 ~~(1) (A) transferred to; or~~
 10 ~~(2) (B) assumed by;~~

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

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

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

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

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

1 **consolidated fire department** are dissolved on the effective date
2 of the consolidation, and the duties of the merit board are
3 transferred to and assumed by the merit board for the consolidated
4 fire department on the effective date of the consolidation.

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

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

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

35 (2) (8) Notwithstanding any other provision, a firefighter:

36 (A) who is a member of the 1977 fund before the effective
37 date of a consolidation under this section; and
38 (B) who, after the consolidation, becomes an employee of the
39 consolidated fire department of a consolidated city under this
40 section;
41 remains a member of the 1977 fund without being required to
42 meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The
43 firefighter shall receive credit for any service as a member of the
44 1977 fund before the consolidation to determine the firefighter's
45 eligibility for benefits under IC 36-8-8.

46 (3) (9) Notwithstanding any other provision, a firefighter:

47 (A) who is a member of the 1937 fund before the effective
48 date of a consolidation under this section; and
49 (B) who, after the consolidation, becomes an employee of the
50 fire department of a consolidated city under this section;
51 remains a member of the 1937 fund. The firefighter shall receive

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

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

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

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

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

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

43 ~~(7)~~ **(13)** The consolidated city may levy property taxes within the
44 consolidated city's maximum permissible ad valorem property tax
45 levy limit to provide for the payment of the expenses for the
46 operation of the consolidated fire department. However, property
47 taxes to fund the pension obligation under IC 36-8-7 for members
48 of the 1937 firefighters fund who were employees of the
49 consolidated city at the time of the consolidation may be levied
50 only by the fire special service district within the fire special
51 service district. The fire special service district established under

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

20 ~~(8) The executive of the consolidated city shall provide for an~~
 21 ~~independent evaluation and performance audit, due before March~~
 22 ~~1 of the year in which the consolidation is effective and before~~
 23 ~~March 1 in each of the following two (2) years; to determine:~~

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

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

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

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

33 **(A) the time served by such an individual as a firefighter**
 34 **with the consolidated fire department shall also include the**
 35 **total time served by the individual as a firefighter with the**
 36 **township fire department in which the individual was**
 37 **serving at the time of the consolidation; and**

38 **(B) the hire date of such an individual is the date the**
 39 **individual was hired as a firefighter by the township**
 40 **department in which the individual was serving at the time**
 41 **of consolidation.**

42 SECTION 49. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005,
 43 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 44 UPON PASSAGE]: Sec. 6.2. (a) If a ~~consolidated fire department is~~
 45 ~~established under section 6.1 of this chapter,~~ The consolidated city
 46 ~~through the consolidated fire department,~~ shall after the consolidation
 47 establish, operate, and maintain emergency ambulance services (as
 48 defined in IC 16-18-2-107) in the fire special service district. ~~and in~~
 49 ~~those townships in the county that are consolidated under section 6.1~~
 50 ~~of this chapter.~~

51 (b) This section does not prohibit the providing of emergency

1 ambulance services **by contract or** under an interlocal agreement
2 under IC 36-1-7.

3 SECTION 50. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: **Sec. 6.4. (a) This section applies only in a county
6 having a consolidated city.**

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

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

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

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

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

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

36 **(B) assumed by;**

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

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

49 **(5) The indebtedness of the fire department of the excluded
50 city related to fire protection services incurred before the
51 effective date of the consolidation by the entity or a building,**

1 holding, or leasing corporation on behalf of the fire
2 department of the excluded city remains the debt of the entity
3 and is not and may not be assumed by the consolidated city.
4 Indebtedness related to fire protection services incurred by
5 the consolidated city before the effective date of the
6 consolidation remains the debt of the consolidated city, and
7 property taxes levied to pay the debt may be levied only by the
8 fire special service district.

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

15 (7) Notwithstanding any other provision, a firefighter:

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

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

26 (8) Notwithstanding any other provision, a firefighter:

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

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

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

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

45 (B) is reduced for the excluded city whose fire department
46 is consolidated into the consolidated fire department under
47 this section by the amount equal to the maximum
48 permissible ad valorem property tax levy in the year
49 preceding the year in which the consolidation is effective
50 for fire protection and related services for the excluded
51 city.

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

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

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

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

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

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

39 SECTION 51. IC 36-3-1-13 IS ADDED TO THE INDIANA CODE
 40 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 41 1, 2011]: **Sec. 13. The general assembly finds the following:**

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

45 **(A) Serving as the seat of state government.**

46 **(B) Managing a large number of tax exempt properties.**

47 **(C) Operating across the boundaries of numerous local**
 48 **government territories.**

49 **(D) Protecting a very large amount of governmental**
 50 **property and providing appropriate public safety**
 51 **resources to support its role as the state capital and a**

- 1 **center for local, state, national, and international sporting,**
 2 **tourism, and cultural events.**
 3 **(2) The challenges described in subdivision (1) as well as other**
 4 **challenges result in operational inefficiencies, inconsistent**
 5 **delivery of services, entities performing governmental**
 6 **services without proper oversight by the city-county**
 7 **legislative body, and untapped economies of scale.**
 8 **Streamlining township, city, and county services and**
 9 **operations into city-county government serves the following**
 10 **purposes:**
 11 **(A) Increasing transparency, accountability, and oversight**
 12 **by the city-county council.**
 13 **(B) Reducing layers of government bureaucracy.**
 14 **(C) Providing better coordinated, more uniform, and more**
 15 **effective delivery of services.**
 16 **(3) The public purpose of the legislation enacted in 2011**
 17 **concerning the county having a consolidated city is to provide**
 18 **a county having a consolidated city the means to perform**
 19 **essential governmental services in a more effective,**
 20 **transparent, and accountable manner. Doing this is of high**
 21 **public utility and benefit.**

22 SECTION 52. IC 36-3-2-10, AS AMENDED BY P.L.146-2008,
 23 SECTION 701, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) The general assembly finds
 25 the following:

- 26 (1) That the tax base of the consolidated city and the county have
 27 been significantly eroded through the ownership of tangible
 28 property by separate municipal corporations and other public
 29 entities that operate as private enterprises yet are exempt or whose
 30 property is exempt from property taxation.
 31 (2) That to restore this tax base and provide a proper allocation of
 32 the cost of providing governmental services the legislative body
 33 of the consolidated city and county should be authorized to collect
 34 payments in lieu of taxes from these public entities.
 35 (3) That the appropriate maximum payments in lieu of taxes
 36 would be the amount of the property taxes that would be paid if
 37 the tangible property were not subject to an exemption.
 38 (b) As used in this section, the following terms have the meanings
 39 set forth in IC 6-1.1-1:
 40 (1) Assessed value.
 41 (2) Exemption.
 42 (3) Owner.
 43 (4) Person.
 44 (5) Personal property.
 45 (6) Property taxation.
 46 (7) Tangible property.
 47 (8) ~~Township~~ **County** assessor.
 48 (c) As used in this section, "PILOTS" means payments in lieu of
 49 taxes.
 50 (d) As used in this section, "public entity" means any of the
 51 following government entities in the county:

- 1 (1) An airport authority operating under IC 8-22-3.
 2 (2) A capital improvement board of managers under IC 36-10-9.
 3 (3) A building authority operating under IC 36-9-13.
 4 (4) A wastewater treatment facility.

5 (e) The legislative body of the consolidated city may adopt an
 6 ordinance to require a public entity to pay PILOTS at times set forth in
 7 the ordinance with respect to:

- 8 (1) tangible property of which the public entity is the owner or the
 9 lessee and that is subject to an exemption;
 10 (2) tangible property of which the owner is a person other than a
 11 public entity and that is subject to an exemption under IC 8-22-3;
 12 or
 13 (3) both.

14 The ordinance remains in full force and effect until repealed or
 15 modified by the legislative body.

16 (f) The PILOTS must be calculated so that the PILOTS may be in
 17 any amount that does not exceed the amount of property taxes that
 18 would have been levied by the legislative body for the consolidated city
 19 and county upon the tangible property described in subsection (e) if the
 20 property were not subject to an exemption from property taxation.

21 (g) PILOTS shall be imposed as are property taxes and shall be
 22 based on the assessed value of the tangible property described in
 23 subsection (e). Except as provided in subsection (l), the ~~township~~
 24 ~~assessor, or the county assessor if there is no township assessor for the~~
 25 ~~township,~~ shall assess the tangible property described in subsection (e)
 26 as though the property were not subject to an exemption. The public
 27 entity shall report the value of personal property in a manner consistent
 28 with IC 6-1.1-3.

29 (h) Notwithstanding any law to the contrary, a public entity is
 30 authorized to pay PILOTS imposed under this section from any legally
 31 available source of revenues. The public entity may consider these
 32 payments to be operating expenses for all purposes.

33 (i) PILOTS shall be deposited in the consolidated county fund and
 34 used for any purpose for which the consolidated county fund may be
 35 used.

36 (j) PILOTS shall be due as set forth in the ordinance and bear
 37 interest, if unpaid, as in the case of other taxes on property. PILOTS
 38 shall be treated in the same manner as taxes for purposes of all
 39 procedural and substantive provisions of law.

40 (k) PILOTS imposed on a wastewater treatment facility may be paid
 41 only from the cash earnings of the facility remaining after provisions
 42 have been made to pay for current obligations, including:

- 43 (1) operating and maintenance expenses;
 44 (2) payment of principal and interest on any bonded indebtedness;
 45 (3) depreciation or replacement fund expenses;
 46 (4) bond and interest sinking fund expenses; and
 47 (5) any other priority fund requirements required by law or by any
 48 bond ordinance, resolution, indenture, contract, or similar
 49 instrument binding on the facility.

50 ~~(l) If the duties of the township assessor have been transferred to the~~
 51 ~~county assessor as described in IC 6-1.1-1-24, a reference to the~~

1 township assessor in this section is considered to be a reference to the
2 county assessor.

3 SECTION 53. IC 36-3-2-11, AS AMENDED BY P.L.146-2008,
4 SECTION 702, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) As used in this section, the
6 following terms have the meanings set forth in IC 6-1.1-1:

- 7 (1) Assessed value.
- 8 (2) Exemption.
- 9 (3) Owner.
- 10 (4) Person.
- 11 (5) Property taxation.
- 12 (6) Real property.
- 13 (7) ~~Township County~~ assessor.

14 (b) As used in this section, "PILOTS" means payments in lieu of
15 taxes.

16 (c) As used in this section, "property owner" means the owner of
17 real property described in IC 6-1.1-10-16.7 that is located in a county
18 with a consolidated city.

19 (d) Subject to the approval of a property owner, the legislative body
20 of the consolidated city may adopt an ordinance to require the property
21 owner to pay PILOTS at times set forth in the ordinance with respect
22 to real property that is subject to an exemption under IC 6-1.1-10-16.7.
23 The ordinance remains in full force and effect until repealed or
24 modified by the legislative body, subject to the approval of the property
25 owner.

26 (e) The PILOTS must be calculated so that the PILOTS are in an
27 amount that is:

- 28 (1) agreed upon by the property owner and the legislative body of
29 the consolidated city;
- 30 (2) a percentage of the property taxes that would have been levied
31 by the legislative body for the consolidated city and the county
32 upon the real property described in subsection (d) if the property
33 were not subject to an exemption from property taxation; and
- 34 (3) not more than the amount of property taxes that would have
35 been levied by the legislative body for the consolidated city and
36 county upon the real property described in subsection (d) if the
37 property were not subject to an exemption from property taxation.

38 (f) PILOTS shall be imposed as are property taxes and shall be
39 based on the assessed value of the real property described in subsection
40 (d). Except as provided in subsection (i), the ~~township assessor; or the~~
41 ~~county assessor if there is no township assessor for the township;~~ shall
42 assess the real property described in subsection (d) as though the
43 property were not subject to an exemption.

44 (g) PILOTS collected under this section shall be deposited in the
45 housing trust fund established under IC 36-7-15.1-35.5 and used for
46 any purpose for which the housing trust fund may be used.

47 (h) PILOTS shall be due as set forth in the ordinance and bear
48 interest, if unpaid, as in the case of other taxes on property. PILOTS
49 shall be treated in the same manner as taxes for purposes of all
50 procedural and substantive provisions of law.

51 (i) ~~If the duties of the township assessor have been transferred to the~~

1 county assessor as described in IC 6-1.1-1-24; a reference to the
 2 township assessor in this section is considered to be a reference to the
 3 county assessor:

4 SECTION 54. IC 36-3-3-9 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. The executive
 6 shall perform the duties and exercise the powers prescribed for the
 7 board of commissioners of the county by statutes, ~~other than this title;~~
 8 except for the following:

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

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

13 SECTION 55. IC 36-3-3-10 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) The board of
 15 commissioners of the county is composed of the county treasurer, the
 16 county auditor, and the county assessor. These officers shall serve ex
 17 officio as commissioners without additional compensation for
 18 performing the duties of the board.

19 (b) The board of commissioners:

20 (1) shall make the appointments required by statute to be made by
 21 the board of commissioners of a county;

22 (2) shall perform the duties and exercise the powers prescribed by
 23 statutes pertaining to the issuance and payment of bonds of the
 24 county and the expenditure of the unexpended proceeds of those
 25 bonds; and

26 (3) may exercise the powers granted it by Article 9, Section 3 of
 27 the Constitution of the State of Indiana and by IC 12-30-3.

28 **(c) This section expires January 1, 2015.**

29 SECTION 56. IC 36-3-4-14, AS AMENDED BY SEA 433-2011,
 30 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2011]: Sec. 14. (a) An ordinance or resolution passed by a
 32 legislative body is considered adopted when it is:

33 (1) signed by the presiding officer; and

34 (2) if subject to veto, either approved by the executive or passed
 35 over the executive's veto by the legislative body, under section 16
 36 of this chapter.

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

39 (1) An ordinance or resolution, or part of either, providing for the
 40 budget or appropriating money for an office or officer of the
 41 county provided for by the Constitution of Indiana or for a judicial
 42 office or officer.

43 ~~(2) An ordinance or resolution approving or modifying the budget~~
 44 ~~of a political subdivision that the legislative body is permitted by~~
 45 ~~statute to review.~~

46 ~~(3) (2)~~ A resolution making an appointment that the legislative
 47 body is authorized to make.

48 ~~(4) (3)~~ A resolution selecting officers or employees of the
 49 legislative body.

50 ~~(5) (4)~~ A resolution prescribing rules for the internal management
 51 of the legislative body.

- 1 ~~(6)~~ (5) A zoning ordinance or amendment to a zoning ordinance,
2 or a resolution approving a comprehensive plan, that is adopted
3 under IC 36-7.
- 4 (c) An ordinance prescribing a penalty or forfeiture for a violation
5 must, before it takes effect, be published in the manner prescribed by
6 IC 5-3-1, unless:
- 7 (1) it is published under subsection (d); or
8 (2) there is an urgent necessity requiring its immediate
9 effectiveness, the executive proclaims the urgent necessity, and
10 copies of the ordinance are posted in three (3) public places in the
11 county.
- 12 (d) If a legislative body publishes any of its ordinances in book or
13 pamphlet form, no other publication is required. If an ordinance
14 prescribing a penalty or forfeiture for a violation is published under this
15 subsection, it takes effect two (2) weeks after the publication of the
16 book or pamphlet. Publication under this subsection, if authorized by
17 the legislative body, constitutes presumptive evidence:
- 18 (1) of the ordinances in the book or pamphlet;
19 (2) of the date of adoption of the ordinances; and
20 (3) that the ordinances have been properly signed, attested,
21 recorded, and approved.
- 22 (e) Unless a legislative body provides in an ordinance or resolution
23 for a later effective date, the ordinance or resolution takes effect when
24 it is adopted, subject to subsections (c) and (d).
- 25 (f) Subsections (a), (c), (d), and (e) do not apply to zoning
26 ordinances or amendments to zoning ordinances, or resolutions
27 approving comprehensive plans, that are adopted under IC 36-7.
- 28 (g) Subject to subsection (k), the legislative body shall:
- 29 (1) subject to subsection (h), give written notice to the department
30 of environmental management not later than sixty (60) days
31 before amendment or repeal of an environmental restrictive
32 ordinance; and
33 (2) give written notice to the department of environmental
34 management not later than thirty (30) days after passage,
35 amendment, or repeal of an environmental restrictive ordinance.
- 36 (h) Upon written request by the legislative body, the department of
37 environmental management may waive the notice requirement of
38 subsection (g)(1).
- 39 (i) An environmental restrictive ordinance passed or amended after
40 2009 by the legislative body must state the notice requirements of
41 subsection (g).
- 42 (j) The failure of an environmental restrictive ordinance to comply
43 with subsection (i) does not void the ordinance.
- 44 (k) The notice requirements of subsection (g) apply only if the
45 municipal corporation received under IC 13-25-5-8.5(f) written notice
46 that the department is relying on the environmental restrictive
47 ordinance referred to in subsection (g) as part of a risk based
48 remediation proposal:
- 49 (1) approved by the department; and
50 (2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4, or
51 IC 13-25-5.

1 SECTION 57. IC 36-3-5-2.8, AS ADDED BY P.L.227-2005,
 2 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JANUARY 1, 2015]: Sec. 2.8. (a) Except as provided in subsections
 4 (b) and (c), the controller:

- 5 (1) has all the powers; and
- 6 (2) performs all the duties;

7 of the county auditor under law.

8 (b) The controller:

- 9 (1) does not have the powers; and
- 10 (2) may not perform the duties;

11 of the county auditor under IC 36-2-9.5 and IC 36-3-6. ~~or as a member~~
 12 ~~of the board of commissioners of the county under IC 36-3-3-10.~~

13 (c) Notwithstanding subsection (a) or any other law, the executive,
 14 with the approval of the legislative body, may allocate the duties of the
 15 county auditor, except the duties referred to in subsection (b), among:

- 16 (1) the controller;
- 17 (2) the county assessor;
- 18 (3) the county auditor; or
- 19 (4) other appropriate city or county officials.

20 SECTION 58. IC 36-3-5-4, AS AMENDED BY P.L.227-2005,
 21 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2011]: Sec. 4. (a) The following executive departments of the
 23 consolidated city are established, subject to IC 36-3-4-23:

- 24 (1) Department of ~~administration and equal opportunity~~. **code**
 25 **enforcement.**
- 26 (2) Department of metropolitan development.
- 27 (3) Department of public safety.
- 28 (4) Department of public works.
- 29 ~~(5) Department of transportation.~~
- 30 ~~(6)~~ **(5)** Department of parks and recreation.

31 These departments and their divisions have all the powers, duties,
 32 functions, and obligations prescribed by law for them as of August 31,
 33 1981, subject to IC 36-3-4-23.

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

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

42 SECTION 59. IC 36-3-5-6 IS AMENDED TO READ AS
 43 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) Administrative
 44 boards are established in the departments listed in ~~sections~~ **section**
 45 **4(a)(1), 4(a)(3), 4(a)(4), and 4(a)(5) and ~~4(a)(6)~~** of this chapter, to be
 46 known respectively as **the board of code enforcement**, the board of
 47 public safety, the board of public works, ~~the board of transportation~~,
 48 and the board of parks and recreation. These boards have all the
 49 powers, duties, functions, and obligations prescribed by law for them
 50 as of August 31, 1981, subject to IC 36-3-4-23. In addition, the
 51 metropolitan development commission, which is established in the

1 department of metropolitan development by IC 36-7-4-202, has all the
2 powers, duties, functions, and obligations prescribed by law for it as of
3 August 31, 1981, subject to IC 36-3-4-23.

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

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

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

9 (3) Two (2) members appointed by the city-county legislative
10 body.

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

14 SECTION 60. IC 36-3-6-4, AS AMENDED BY P.L.146-2008,
15 SECTION 704, IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) Before the Wednesday after
17 the first Monday in July each year, the consolidated city and county
18 shall prepare budget estimates for the ensuing budget year under this
19 section.

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

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

25 (2) Each township ~~assessor (if any);~~ **trustee (after June 30,**
26 **2012),** elected county officer, ~~or~~ **and** head of a county agency.

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

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

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

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

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

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

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

45 SECTION 61. IC 36-3-6-9, AS AMENDED BY P.L.182-2009(ss),
46 SECTION 401, IS AMENDED TO READ AS FOLLOWS
47 [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) Except as provided in
48 subsection (d), the city-county legislative body shall review the
49 proposed operating and maintenance budgets and tax levies and adopt
50 final operating and maintenance budgets and tax levies for each of the
51 following entities in the county:

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

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

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

20 (c) The city-county legislative body or, when subsection (d) applies,
 21 the fiscal body of an excluded city or town shall review the issuance of
 22 bonds of an entity listed in subsection (a). Approval of the city-county
 23 legislative body or, when subsection (d) applies, the fiscal body of an
 24 excluded city or town is required for the issuance of bonds. The
 25 city-county legislative body or the fiscal body of an excluded city or
 26 town may not reduce or modify a budget or tax levy of an entity listed
 27 in subsection (a) in a manner that would:

- 28 (1) limit or restrict the rights vested in the entity to fulfill the
 29 terms of any agreement made with the holders of the entity's
 30 bonds; or
 31 (2) in any way impair the rights or remedies of the holders of the
 32 entity's bonds.

33 (d) If the assessed valuation of a taxing unit is entirely contained
 34 within an excluded city or town (as described in IC 36-3-1-7) that is
 35 located in a county having a consolidated city, the governing body of
 36 the taxing unit shall submit its proposed operating and maintenance
 37 budget and tax levies to the city or town fiscal body for approval and
 38 not the city-county legislative body. Except as provided in subsection
 39 (c), the fiscal body of the excluded city or town may reduce or modify
 40 but not increase a proposed operating and maintenance budget or tax
 41 levy under this section.

42 SECTION 62. IC 36-3-7-5, AS AMENDED BY P.L.146-2008,
 43 SECTION 706, IS AMENDED TO READ AS FOLLOWS
 44 [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) Liens for taxes levied by the
 45 consolidated city are perfected when evidenced on the tax duplicate in
 46 the office of the treasurer of the county.

47 (b) Liens created when the city enters upon property to make
 48 improvements to bring it into compliance with a city ordinance, and
 49 liens created upon failure to pay charges assessed by the city for
 50 services shall be certified to the auditor, after the adoption of a
 51 resolution confirming the incurred expense by the appropriate city

1 department, board, or other agency. In addition, the resolution must
 2 state the name of the owner as it appears on the ~~township assessor's or~~
 3 county assessor's record and a description of the property.

4 (c) The amount of a lien shall be placed on the tax duplicate by the
 5 auditor in the nature of a delinquent tax subject to enforcement and
 6 collection as otherwise provided under IC 6-1.1-22, IC 6-1.1-24, and
 7 IC 6-1.1-25.

8 SECTION 63. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE
 9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 10 1, 2011]: **Sec. 6. The governing body of a public library located in
 11 the county may recommend and the county fiscal body may elect
 12 to provide revenue to the public library from part of the certified
 13 distribution, if any, that the county is to receive during that same
 14 year under IC 6-3.5-6-17. To make the election, the county fiscal
 15 body must adopt an ordinance before November 1 of the preceding
 16 year. The county fiscal body must specify in the ordinance the
 17 amount of the certified distribution that is to be used to provide
 18 revenue to the public library. If such an ordinance is adopted, the
 19 county fiscal body shall immediately send a copy of the ordinance
 20 to the county auditor.**

21 SECTION 64. IC 36-3-8 IS ADDED TO THE INDIANA CODE AS
 22 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 23 JANUARY 1, 2013]:

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

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

27 **(b) IC 36-6, except for IC 36-6-1.7, does not apply to townships
 28 in a county having a consolidated city.**

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

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

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

36 **(2) provide and maintain cemeteries under IC 23-14; and**

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

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

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

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

1 township.

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

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

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

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

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

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

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

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

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

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

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

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

37 (2) to achieve savings through joint purchasing.

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

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

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

1 incapacity of the executive.

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

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

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

15 (g) If the court finds the trustee capable of resuming duties, the
16 clerk of the court shall certify a copy of the judgment to the county
17 executive, who shall, within five (5) days, revoke the appointment
18 of the acting trustee.

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

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

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

26 **Sec. 10. (a) Within thirty (30) days after taking office, the**
27 **trustee shall designate a person who shall perform the trustee's**
28 **duties whenever the trustee is incapable of performing the trustee's**
29 **functions because the trustee:**

- 30 (1) is absent from the township; or
31 (2) becomes incapacitated.

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

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

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

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

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

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

43 **Sec. 11. (a) The trustee must file an economic statement of**
44 **interest form in the same manner required by the county legislative**
45 **body for county officials.**

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

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

51 (b) An acting trustee, a designee appointed under this section,

1 or an individual chosen under IC 3-13-10 or IC 3-13-11 to fill a
 2 vacancy in the office of township trustee may not approve the
 3 consolidation of the township's fire department into the
 4 consolidated fire department under IC 36-3-1-6.1 or any other law.

5 SECTION 65. IC 36-6-1-1.5 IS ADDED TO THE INDIANA CODE
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2013]: **Sec. 1.5. This article, except for IC 36-6-1.1,**
 8 **does not apply to townships in a county having a consolidated city.**

9 SECTION 66. IC 36-6-1.7 IS ADDED TO THE INDIANA CODE
 10 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2011]:

12 **Chapter 1.7. Township Governments in Marion County**

13 **Sec. 1. This chapter applies only to a county having a**
 14 **consolidated city.**

15 **Sec. 2. (a) Beginning July 1, 2011, a designee of the county**
 16 **executive shall meet monthly with a designee of each township**
 17 **trustee, constable, and small claims court judge to effectuate the**
 18 **proper transition of the duties, obligations, and responsibilities of**
 19 **the township to the county and consolidated city, as provided in**
 20 **this chapter.**

21 **(b) The county executive's designee shall, for each township,**
 22 **prepare and maintain a report regarding the transition. The report**
 23 **must be made available to the public upon request and must be**
 24 **posted on the Internet web site maintained by the county executive.**

25 **Sec. 3. (a) Effective January 1, 2012, the operations of the**
 26 **township constables and small claims courts are operations of**
 27 **county government. The operations of small claims courts must be**
 28 **accounted for in the county budget.**

29 **(b) Effective January 1, 2012, employees of the township**
 30 **supporting the constable or the small claims court judge become**
 31 **employees of the county, reporting to the constable, the small**
 32 **claims court judge, or the trustee of the township by which they**
 33 **were employed on December 31, 2011, and consistent with the**
 34 **practices of the township that were in effect on December 31, 2011.**

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

- 36 (1) assets;
- 37 (2) debts;
- 38 (3) property rights;
- 39 (4) equipment;
- 40 (5) records;
- 41 (6) personnel; and
- 42 (7) contracts;

43 **connected with the operations of township parks and township**
 44 **weed control are transferred to the consolidated city.**

45 **(b) On January 1, 2013, all:**

- 46 (1) assets;
- 47 (2) debts;
- 48 (3) property rights;
- 49 (4) equipment;
- 50 (5) records;
- 51 (6) personnel; and

1 **(7) contracts;**
2 **connected with operations of a township that have not otherwise**
3 **transferred are transferred to the county. The transfers occurring**
4 **under this subsection are necessary to effectuate the transfer from**
5 **the legal entity of the township to the county. These transfers do**
6 **not limit the powers of the trustee to perform the duties expressly**
7 **reserved to the trustee under IC 36-3-8. The township trustee and**
8 **the small claims court judge, consistent with the hiring and firing**
9 **practices of the township that were in effect on December 31, 2011,**
10 **(and not any county official or employee) remain responsible for**
11 **and retain the powers and duties related to hiring, supervising,**
12 **disciplining, and firing those employees.**

13 **(c) Effective January 1, 2013, all remaining employees of the**
14 **township become employees of the county, reporting to the trustee**
15 **of the township by which they were employed on December 31,**
16 **2012. No township employee may lose employment as a result of**
17 **the employee's transfer to county employment. The hire date of**
18 **each employee, when transferred to county employment, is the date**
19 **the individual was hired as an employee by the township in which**
20 **the individual was serving at the time of transfer to county**
21 **employment. The vacation time earned by a trustee, constable,**
22 **small claims court judge, or employee of the township transfers**
23 **with that individual when the individual becomes a county**
24 **employee. Upon transfer to county employment, the trustee,**
25 **constable, small claims court judge, or employee is entitled to**
26 **receive the same salary that the individual received from the**
27 **township. The salary and benefits of a trustee, constable, small**
28 **claims court judge, or employee may not be reduced by the county**
29 **legislative body before January 1, 2015, and only as otherwise**
30 **permitted by law.**

31 **(d) Effective January 1, 2013, the operations of the township**
32 **trustees and any other remaining function performed by township**
33 **government are operations of county government and shall be**
34 **accounted for in the county budget.**

35 **(e) To maintain the current organizational structure and**
36 **responsibilities in each township, the transfers of employees from**
37 **township government to county government provided in this**
38 **chapter do not alter the division of responsibilities between the**
39 **trustee and small claims court judge as those responsibilities**
40 **existed in each township on December 31, 2011.**

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

44 **(b) Notwithstanding this article or any other law, on January 1,**
45 **2013:**

- 46 **(1) each township board is abolished; and**
47 **(2) the city-county council is the successor to the township**
48 **boards.**

49 **Sec. 6. (a) Each township shall retain its geographical**
50 **boundaries and its name, and each trustee, constable, and small**
51 **claims court judge shall continue to serve within the jurisdiction of**

1 the township in which the trustee, constable, and small claims court
2 judge were elected.

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

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

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

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

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

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

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

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

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

25 (1) is transferred to the county; and

26 (2) shall be deposited in the township assistance fund
27 established under IC 12-20-1-6.2.

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

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

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

41 (b) The department of local government finance shall increase
42 the county's maximum permissible property tax levy for taxes first
43 due and payable in 2013 by an amount equal to the total combined
44 maximum permissible property tax levies for all townships in the
45 county for township assistance purposes for property taxes first
46 due and payable in 2012.

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

1 **Sec. 11. After December 31, 2012, if there exists any remaining**
 2 **indebtedness of the township:**

3 **(1) the territory of that township comprises a taxing district**
 4 **for the payment of that indebtedness;**

5 **(2) the controller shall determine the rate of taxation**
 6 **necessary to pay the indebtedness and shall submit the**
 7 **proposed tax rate to the county legislative body for its**
 8 **approval; and**

9 **(3) if the county legislative body approves the proposed tax**
 10 **rate:**

11 **(A) the county treasurer shall place the approved tax rate**
 12 **on the tax duplicate for the taxing district and collect the**
 13 **tax; and**

14 **(B) the controller shall pay the proper creditors with the**
 15 **funds collected under this section by the county treasurer.**

16 **Once the indebtedness is paid, the taxing district is dissolved.**

17 **Sec. 12. A committee of township trustees or their designees**
 18 **shall meet between January 1, 2013, and July 1, 2013, to develop a**
 19 **proposal for countywide township assistance standards. The**
 20 **committee shall submit the committee's proposal to the county**
 21 **legislative body for its consideration.**

22 **Sec. 13. Taxpayer funds to support a township fire department**
 23 **may not be appropriated by the county legislative body for any**
 24 **other purpose except to fund that fire department, and the county**
 25 **legislative body may not reduce the tax rate of a township fire**
 26 **department or fail to adequately fund that fire department in an**
 27 **effort to force it to consolidate with the consolidated fire**
 28 **department.**

29 SECTION 67. IC 36-6-4-3, AS AMENDED BY P.L.1-2009,
 30 SECTION 163, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JANUARY 1, 2013]: Sec. 3. The executive shall do the
 32 following:

33 (1) Keep a written record of official proceedings.

34 (2) Manage all township property interests.

35 (3) Keep township records open for public inspection.

36 (4) Attend all meetings of the township legislative body.

37 (5) Receive and pay out township funds.

38 (6) Examine and settle all accounts and demands chargeable
 39 against the township.

40 (7) Administer township assistance under IC 12-20 and
 41 IC 12-30-4.

42 (8) Perform the duties of fence viewer under IC 32-26.

43 (9) Provide and maintain cemeteries under IC 23-14.

44 (10) Provide fire protection under IC 36-8. ~~except in a township~~
 45 ~~that:~~

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

47 ~~(B) consolidated the township's fire department under~~
 48 ~~IC 36-3-1-6.1.~~

49 (11) File an annual personnel report under IC 5-11-13.

50 (12) Provide and maintain township parks and community centers
 51 under IC 36-10.

1 (13) Destroy detrimental plants, noxious weeds, and rank
2 vegetation under IC 15-16-8.

3 (14) Provide insulin to the poor under IC 12-20-16.

4 (15) Perform other duties prescribed by statute.

5 SECTION 68. IC 36-6-4-16, AS AMENDED BY P.L.1-2010,
6 SECTION 148, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JANUARY 1, 2013]: Sec. 16. (a) When twenty-five (25)
8 or more resident freeholders of a township file a petition with the
9 circuit court of the county, alleging that the township executive is
10 incapable of performing ~~his~~ **the executive's** duties due to mental or
11 physical incapacity, the clerk of the court shall issue a summons to be
12 served on the executive. The summons is returnable not less than ten
13 (10) days from its date of issue.

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

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

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

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

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

34 (g) If the court finds the executive capable of resuming duties, the
35 clerk of the court shall certify a copy of the judgment to the county
36 executive, which shall, within five (5) days, revoke the appointment of
37 the acting executive.

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

40 SECTION 69. IC 36-6-6-2, AS AMENDED BY P.L.240-2005,
41 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JANUARY 1, 2013]: Sec. 2. (a) Except as provided in ~~subsection (b)~~
43 ~~and~~ section 2.1 of this chapter, a three (3) member township board
44 shall be elected under IC 3-10-2-13 by the voters of each township.

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

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

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

1 SECTION 70. IC 36-6-6-2.2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2.2. ~~(a) This~~
 3 ~~subsection applies to townships in a county containing a consolidated~~
 4 ~~city. The voters of each legislative body district established under~~
 5 ~~section 2.5 of this chapter shall elect one (1) member of the township~~
 6 ~~board.~~

7 ~~(b) This subsection applies to townships not included in subsection~~
 8 ~~(a): The voters of each township shall elect all the members of the~~
 9 ~~township board.~~

10 SECTION 71. IC 36-6-6-3, AS AMENDED BY P.L.240-2005,
 11 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JANUARY 1, 2013]: Sec. 3. ~~(a) This subsection applies to townships~~
 13 ~~in a county containing a consolidated city. One (1) member of the~~
 14 ~~legislative body must reside within each legislative body district. If a~~
 15 ~~member of the legislative body ceases to be a resident of the district~~
 16 ~~from which the member was elected, the office becomes vacant.~~

17 ~~(b) (a) This subsection applies to townships not included in~~
 18 ~~subsection (a) or (c): (b). A member of the legislative body must reside~~
 19 ~~within the township as provided in Article 6, Section 6 of the~~
 20 ~~Constitution of the State of Indiana. If a member of the legislative body~~
 21 ~~ceases to be a resident of the township, the office becomes vacant.~~

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

- 23 (1) is created by a merger of township governments under
 24 IC 36-6-1.5; and
 25 (2) elects a township board under section 2.1 of this chapter.

26 One (1) member of the legislative body must reside within the
 27 boundaries of each of the former townships that merged. If a member
 28 of the legislative body ceases to be a resident of that former township,
 29 the office becomes vacant.

30 SECTION 72. IC 36-6-6-4, AS AMENDED BY P.L.240-2005,
 31 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JANUARY 1, 2013]: Sec. 4. ~~(a) Except as provided in subsections~~
 33 ~~subsection (b), and (c); two (2) members of the legislative body~~
 34 ~~constitute a quorum.~~

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

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

- 38 (1) is created by a merger of township governments under
 39 IC 36-6-1.5; and
 40 (2) elects a township board under section 2.1 of this chapter.

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

45 SECTION 73. IC 36-7-9-2, AS AMENDED BY P.L.73-2010,
 46 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 47 JULY 1, 2011]: Sec. 2. As used in this chapter:

48 "Community organization" means a citizen's group, neighborhood
 49 association, neighborhood development corporation, or similar
 50 organization that:

- 51 (1) has specific geographic boundaries defined in its bylaws or

1 articles of incorporation and contains at least forty (40)
 2 households within those boundaries;
 3 (2) is a nonprofit corporation that is representative of at least
 4 twenty-five (25) households or twenty percent (20%) of the
 5 households in the community, whichever is less;
 6 (3) is operated primarily for the promotion of social welfare and
 7 general neighborhood improvement and enhancement;
 8 (4) has been incorporated for at least two (2) years; and
 9 (5) is exempt from taxation under Section 501(c)(3) or 501(c)(4)
 10 of the Internal Revenue Code.

11 "Continuous enforcement order" means an order that:

12 (1) is issued for compliance or abatement and that remains in full
 13 force and effect on a property without further requirements to
 14 seek additional:

15 (A) compliance and abatement authority; or

16 (B) orders for the same or similar violations;

17 (2) authorizes specific ongoing compliance and enforcement
 18 activities if a property requires reinspection or additional periodic
 19 abatement;

20 (3) can be enforced, including assessment of fees and costs,
 21 without the need for additional notice or hearing; and

22 (4) authorizes the enforcement authority to assess and collect
 23 ongoing costs for continuous enforcement order activities from
 24 any party that is subject to the enforcement authority's order.

25 "Department" refers to the ~~executive~~ department authorized by
 26 ordinance to administer this chapter. ~~In a consolidated city, this~~
 27 ~~department is the department of metropolitan development, subject to~~
 28 ~~IC 36-3-4-23.~~

29 "Enforcement authority" refers to the chief administrative officer of
 30 the department, except in a consolidated city. In a consolidated city, ~~the~~
 31 ~~division of development services~~ is the enforcement authority ~~subject~~
 32 ~~to IC 36-3-4-23. refers to the department designated by ordinance.~~

33 "Hearing authority" refers to a person or persons designated as such
 34 by the executive of a city or county, or by the legislative body of a
 35 town. However, in a consolidated city, the director of the department
 36 or a person designated by the director is the hearing authority. An
 37 employee of the enforcement authority may not be designated as the
 38 hearing authority.

39 "Known or recorded fee interest, life estate interest, or equitable
 40 interest of a contract purchaser" means any fee interest, life estate
 41 interest, or equitable interest of a contract purchaser held by a person
 42 whose identity and address may be determined from:

43 (1) an instrument recorded in the recorder's office of the county
 44 where the unsafe premises is located;

45 (2) written information or actual knowledge received by the
 46 department (or, in the case of a consolidated city, the enforcement
 47 authority); or

48 (3) a review of department (or, in the case of a consolidated city,
 49 the enforcement authority) records that is sufficient to identify
 50 information that is reasonably ascertainable.

51 "Known or recorded substantial property interest" means any right

1 in real property, including a fee interest, a life estate interest, a future
 2 interest, a mortgage interest, a lien as evidenced by a certificate of sale
 3 issued under IC 6-1.1-24, or an equitable interest of a contract
 4 purchaser, that:

5 (1) may be affected in a substantial way by actions authorized by
 6 this chapter; and

7 (2) is held by a person whose identity and address may be
 8 determined from:

9 (A) an instrument recorded in:

10 (i) the recorder's office of the county where the unsafe
 11 premises is located; or

12 (ii) the office of the county auditor of the county where the
 13 unsafe premises are located in the case of a lien evidenced
 14 by a certificate of sale issued under IC 6-1.1-24;

15 (B) written information or actual knowledge received by the
 16 department (or, in the case of a consolidated city, the
 17 enforcement authority); or

18 (C) a review of department (or, in the case of a consolidated
 19 city, the enforcement authority) records that is sufficient to
 20 identify information that is reasonably ascertainable.

21 "Substantial property interest" means any right in real property that
 22 may be affected in a substantial way by actions authorized by this
 23 chapter, including a fee interest, a life estate interest, a future interest,
 24 a mortgage interest, or an equitable interest of a contract purchaser.

25 SECTION 74. IC 36-7-9-11, AS AMENDED BY P.L.169-2006,
 26 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2011]: Sec. 11. (a) The work required by an order of the
 28 enforcement authority may be performed in the following manner:

29 (1) If the work is being performed under an order other than an
 30 order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, and
 31 if the cost of this work is estimated to be less than ten thousand
 32 dollars (\$10,000), the department, acting through the unit's
 33 enforcement authority or other agent, may perform the work by
 34 means of the unit's own workers and equipment owned or leased
 35 by the unit. Notice that this work is to be performed must be given
 36 to all persons with a known or recorded substantial property
 37 interest, in the manner prescribed in subsection (c), at least ten
 38 (10) days before the date of performance of the work by the
 39 enforcement authority. This notice must include a statement that
 40 an amount representing a reasonable estimate of the cost incurred
 41 by the enforcement authority in processing the matter and
 42 performing the work may, if not paid, be recorded after a hearing
 43 as a lien against all persons having a fee interest, life estate
 44 interest, or equitable interest of a contract purchaser in the unsafe
 45 premises.

46 (2) If the work is being performed under an order other than an
 47 order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, and
 48 if the estimated cost of this work is ten thousand dollars (\$10,000)
 49 or more, this work must be ~~let at public~~ **awarded by contract**
 50 **after a public bid opening** to a contractor licensed and qualified
 51 under law. The obligation to pay costs imposed by section 12 of

1 this chapter is based on the condition of the unsafe premises at the
 2 time the public bid was accepted. Changes occurring in the
 3 condition of the unsafe premises after the public bid was accepted
 4 do not eliminate or diminish this obligation.

5 (3) If the work is being performed under an order issued under
 6 section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, the work may
 7 be performed by a contractor ~~who has been~~ awarded a ~~base bid~~
 8 contract to perform the work for the enforcement authority, or by
 9 the department, acting through the unit's enforcement authority or
 10 other governmental agency and using the unit's own workers and
 11 equipment owned or leased by the unit. Work performed under an
 12 order issued under section 5(a)(2), 5(a)(3), or 5(a)(4) of this
 13 chapter may be performed without further notice to the persons
 14 holding a fee interest, life estate interest, or equitable interest of
 15 a contract purchaser, and these persons are liable for the costs
 16 incurred by the enforcement authority in processing the matter
 17 and performing the work, as provided by section 12 of this
 18 chapter.

19 (b) Bids may be solicited and ~~accepted a contract awarded~~ for
 20 work on more than one (1) property if the bid ~~and contract reflects~~
 21 **include** an allocation of the ~~bid amount costs~~ among the various unsafe
 22 premises in proportion to the work to be accomplished. The part of the
 23 bid amount attributable to each of the unsafe premises constitutes the
 24 basis for calculating the part of the costs described by section 12(a)(1)
 25 of this chapter.

26 (c) All persons who have a known or recorded substantial property
 27 interest in the unsafe premises and are subject to an order other than an
 28 order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter must be
 29 notified about the public bid in the manner prescribed by section 25 of
 30 this chapter, by means of a written statement including:

- 31 (1) the name of the person to whom the order was issued;
 32 (2) a legal description or address of the unsafe premises that are
 33 the subject of the order;
 34 (3) ~~a statement that a contract is to be let at public bid to a~~
 35 ~~licensed contractor to accomplish work to comply with the order;~~
 36 **will be opened;**
 37 (4) a description of work to be accomplished;
 38 (5) ~~a statement~~ that both the bid price of the licensed contractor
 39 who accomplishes the work and an amount representing a
 40 reasonable estimate of the cost incurred by the enforcement
 41 authority in processing the matter of the unsafe premises may, if
 42 not paid, be recorded after a hearing as a lien against all persons
 43 having a fee interest, life estate interest, or equitable interest of a
 44 contract purchaser in the unsafe premises;
 45 (6) the time of the bid opening;
 46 (7) the place of the bid opening; and
 47 (8) the name, address, and telephone number of the enforcement
 48 authority.

49 (d) If the notice of the statement that public bids are to be ~~let~~
 50 **opened** is served by publication, the publication must include the
 51 information required by subsection (c), except that it need only include

1 a general description of the work to be accomplished. The publication
2 must also state that a copy of the statement of public bid may be
3 obtained from the enforcement authority.

4 (e) Notice of the statement that public bids are to be ~~let~~ **opened**
5 must be given, at least ten (10) days before the date of the public bid
6 **opening**, to all persons who have a known or recorded substantial
7 property interest in the property and are subject to an order other than
8 an order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter.

9 (f) If action is being taken under this section on the basis of an order
10 that was served by publication, it is sufficient to serve the statement
11 that public bids are to be ~~let~~ **opened** by publication, unless the
12 enforcement authority has received information in writing that enables
13 the unit to make service under section 25 of this chapter by a method
14 other than publication.

15 SECTION 75. 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 76. IC 36-8-3.5-1.5 IS ADDED TO THE INDIANA
38 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
39 [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. An individual who**
40 **becomes a firefighter employed by the fire department of the**
41 **consolidated city through the consolidation of township fire**
42 **protection services after 2010 may not have the individual's merit**
43 **rank reduced below the merit rank held by the individual on**
44 **January 1, 2011, as a firefighter employed by a township fire**
45 **department.**

46 SECTION 77. IC 36-8-8-2.1 IS AMENDED TO READ AS
47 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.1. (a) As used in this
48 chapter, "local board" means the following:

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

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

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 78. 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
43 of the 1925 fund, the 1937 fund, or the 1953 fund.

44 (b) A police officer or firefighter with service before May 1, 1977,
45 who is hired or rehired after April 30, 1977, may receive credit under
46 this chapter for service as a police officer or firefighter prior to entry
47 into the 1977 fund if the employer who rehires the police officer or
48 firefighter chooses to contribute to the 1977 fund the amount necessary
49 to amortize the police officer's or firefighter's prior service liability over
50 a period of not more than forty (40) years, the amount and the period
51 to be determined by the PERF board. If the employer chooses to make

1 the contributions, the police officer or firefighter is entitled to receive
 2 credit for the police officer's or firefighter's prior years of service
 3 without making contributions to the 1977 fund for that prior service. In
 4 no event may a police officer or firefighter receive credit for prior years
 5 of service if the police officer or firefighter is receiving a benefit or is
 6 entitled to receive a benefit in the future from any other public pension
 7 plan with respect to the prior years of service.

8 (c) Except as provided in section 18 of this chapter, a police officer
 9 or firefighter is entitled to credit for all years of service after April 30,
 10 1977, with the police or fire department of an employer covered by this
 11 chapter.

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

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

19 (e) A police officer or firefighter does not become a member of the
 20 1977 fund and is not covered by this chapter if the police officer or
 21 firefighter:

- 22 (1) was hired before May 1, 1977;
- 23 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
 24 of which were repealed September 1, 1981);
- 25 (3) was rehired after April 30, 1977, but before February 1, 1979;
 26 and
- 27 (4) was made, before February 1, 1979, a member of a 1925,
 28 1937, or 1953 fund.

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

- 32 (1) was hired by the police or fire department of a unit before May
 33 1, 1977;
- 34 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
 35 of which were repealed September 1, 1981);
- 36 (3) is rehired by the police or fire department of another unit after
 37 December 31, 1981; and
- 38 (4) is made, by the fiscal body of the other unit after December
 39 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
 40 unit.

41 If the police officer or firefighter is made a member of a 1925, 1937, or
 42 1953 fund, the police officer or firefighter is entitled to receive credit
 43 for all the police officer's or firefighter's years of service, including
 44 years before January 1, 1982.

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

- 48 (1) is employed by a unit that is participating in the 1977 fund;
- 49 (2) was employed as an emergency medical technician by a
 50 political subdivision wholly or partially within the department's
 51 jurisdiction;

1 (3) was a member of the public employees' retirement fund during
 2 the employment described in subdivision (2); and
 3 (4) ceased employment with the political subdivision and was
 4 hired by the unit's fire department due to the reorganization of
 5 emergency medical services within the department's jurisdiction;
 6 shall participate in the 1977 fund. A firefighter who participates in the
 7 1977 fund under this subsection is subject to sections 18 and 21 of this
 8 chapter.

9 (h) A police officer or firefighter does not become a member of the
 10 1977 fund and is not covered by this chapter if the individual was
 11 appointed as:

12 (1) a fire chief under a waiver under IC 36-8-4-6(c); or

13 (2) a police chief under a waiver under IC 36-8-4-6.5(c);

14 unless the executive of the unit requests that the 1977 fund accept the
 15 individual in the 1977 fund and the individual previously was a
 16 member of the 1977 fund.

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

20 (j) A park ranger who:

21 (1) completed at least the number of weeks of training at the
 22 Indiana law enforcement academy or a comparable law
 23 enforcement academy in another state that were required at the
 24 time the park ranger attended the Indiana law enforcement
 25 academy or the law enforcement academy in another state;

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

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

31 is a member of the fund.

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

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

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

40 (3) who, after the consolidation, becomes an employee of the
 41 consolidated law enforcement department **under IC 36-3-1-5.1**
 42 or the consolidated fire department under ~~IC 36-3-1-5.1~~ ~~or~~
 43 IC 36-3-1-6.1 **or IC 36-3-1-6.4;**

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

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

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

50 (2) the provision of those services is consolidated into the
 51 **consolidated** law enforcement department **under IC 36-3-1-5.1**

1 or **the consolidated** fire department of a consolidated city under
2 **IC 36-3-1-6.1 or IC 36-3-1-6.4;** and

3 (3) after the consolidation, the police officer or firefighter
4 becomes an employee of the consolidated law enforcement
5 department or the consolidated fire department under
6 IC 8-22-3-11.6;

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

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

11 (1) may not be:

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

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

14 solely because of a change in employer under the consolidation;
15 **and**

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

19 SECTION 79. IC 36-8-15-19, AS AMENDED BY
20 P.L.182-2009(ss), SECTION 440, IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 19. (a) This subsection
22 applies to a county that has a population of more than one hundred
23 eighty-two thousand seven hundred ninety (182,790) but less than two
24 hundred thousand (200,000). For the purpose of raising money to fund
25 the operation of the district, the county fiscal body may impose, for
26 property taxes first due and payable during each year after the adoption
27 of an ordinance establishing the district, an ad valorem property tax
28 levy on property within the district. The property tax rate for that levy
29 may not exceed five cents (\$0.05) on each one hundred dollars (\$100)
30 of assessed valuation.

31 (b) This subsection applies to a county having a consolidated city.
32 The county fiscal body may elect to fund the operation of the district
33 from part of the certified distribution, if any, that the county is to
34 receive during a particular calendar year under IC 6-3.5-6-17. To make
35 such an election, the county fiscal body must adopt an ordinance before
36 ~~September~~ **November** 1 of the immediately preceding calendar year.
37 The county fiscal body must specify in the ordinance the amount of the
38 certified distribution that is to be used to fund the operation of the
39 district. If the county fiscal body adopts such an ordinance, it shall
40 immediately send a copy of the ordinance to the county auditor.

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

48 (d) If a unit by ordinance or resolution joins the district or elects to
49 have its public safety agencies served by the district, the department of
50 local government finance shall reduce the maximum permissible ad
51 valorem property tax levy of the unit for property taxes first due and

1 payable during the year after the adoption of the ordinance or
 2 resolution. The reduction shall be based on the amount budgeted by the
 3 unit for public safety communication services in the year in which the
 4 ordinance was adopted. If such an ordinance or resolution is adopted,
 5 the district shall refer its proposed budget, ad valorem property tax
 6 levy, and property tax rate for the following year to the department of
 7 local government finance, which shall review and set the budget, levy,
 8 and rate as though the district were covered by IC 6-1.1-18.5-7.

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

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

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

29 SECTION 80. IC 36-9-4-42 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 42. (a) A municipality
 31 or a public transportation corporation that expends money for the
 32 establishment or maintenance of an urban mass transportation system
 33 under this chapter may acquire the money for these expenditures:

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

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

- 50 (1) studies under section 4, 9, or 11 of this chapter;
- 51 (2) grants in aid;

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

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

28 SECTION 81. IC 36-12-2-16, AS ADDED BY P.L.1-2005,
 29 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JANUARY 1, 2012]: Sec. 16. (a) This section applies to the
 31 appointment of members to a library board of a public library serving
 32 a library district that is:

- 33 (1) partly or fully within the boundaries of a consolidated city;
 34 and
 35 (2) fully within the boundaries of one (1) county.

36 (b) Seven (7) members of a library board shall be appointed ~~in the~~
 37 ~~following order as the terms of previously appointed members expire:~~
 38 **as follows:**

- 39 (1) ~~One (1) member appointed by the board of county~~
 40 ~~commissioners~~ **Three (3) members, not more than two (2) of**
 41 **whom may be of the same political party, appointed by the**
 42 **executive** of the county in which the library district is located.
 43 (2) ~~One (1) member~~ **Two (2) members** appointed by the
 44 **majority leader of the** fiscal body of the county in which the
 45 library district is located.
 46 (3) ~~One (1) member~~ **Two (2) members** appointed by the ~~board of~~
 47 ~~county commissioners~~ **minority leader of the fiscal body** of the
 48 county in which the library district is located.
 49 (4) ~~Two (2) members appointed by the school board of the school~~
 50 ~~corporation in which the principal administrative offices of the~~
 51 ~~public library are located.~~

1 (5) One (1) member appointed by the board of county
2 commissioners of the county in which the library district is
3 located:

4 (6) One (1) member appointed by the fiscal body of the county in
5 which the library district is located:

6 **(c) Each member shall serve a four (4) year term. However, a**
7 **member's term continues until a successor has qualified for the**
8 **office. The terms of the members serving on the board as of**
9 **December 31, 2011, expire on January 1, 2012. The four (4) year**
10 **terms of the initial members under this section, as amended in**
11 **2011, shall begin January 1, 2012.**

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

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

15 **(f) Sections 8, 18, and 20 of this chapter do not apply to a public**
16 **library described in subsection (a).**

17 SECTION 82. IC 36-12-2-18, AS AMENDED BY P.L.113-2010,
18 SECTION 159, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JANUARY 1, 2012]: Sec. 18. (a) Subject to subsection
20 (b), the term of a library board member is four (4) years. A member
21 may continue to serve on a library board after the member's term
22 expires until the member's successor is qualified under section 19 of
23 this chapter. The term of the member's successor is not extended by the
24 time that has elapsed before the successor's appointment and
25 qualification. If a member is appointed to fill a vacancy on a library
26 board, the member's term is the unexpired term of the member being
27 replaced.

28 (b) Except for a library board whose membership is established
29 under section 15 or 16 of this chapter, for purposes of establishing
30 staggered terms for the members of a library board, the initial members
31 shall serve the following terms:

32 (1) One (1) year for one (1) member appointed under section 9(1),
33 9(5), ~~16(b)(1)~~, ~~16(b)(2)~~, or 17(1) of this chapter.

34 (2) Two (2) years for one (1) member appointed under section
35 9(3)(A), 9(4), ~~16(b)(3)~~, ~~16(b)(4)~~, or 17(2) of this chapter.

36 (3) Three (3) years for one (1) member appointed under section
37 9(2), 9(3)(A), ~~16(b)(4)~~, ~~16(b)(5)~~, or 17(1) of this chapter.

38 (4) Four (4) years for one (1) member appointed under section
39 9(3)(B) ~~16(b)(6)~~, or 17(2) of this chapter.

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

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

45 SECTION 83. THE FOLLOWING ARE REPEALED [EFFECTIVE
46 JANUARY 1, 2013]: IC 3-11-1.5-32.5; IC 36-6-6-2.5.

47 SECTION 84. [EFFECTIVE JULY 1, 2011] **(a) The legislative**
48 **services agency, as directed by the legislative council, shall prepare**
49 **legislation for introduction in the 2012 regular session of the**
50 **general assembly to organize and correct statutes affected by this**
51 **act, if necessary.**

- 1 **(b) This SECTION expires July 1, 2012.**
- 2 **SECTION 85. An emergency is declared for this act.**
 (Reference is to ESB 526 as reprinted April 21, 2011.)

Conference Committee Report
on
Engrossed Senate Bill 526

Signed by:

Senator Merritt
Chairperson

Representative Hinkle

Senator Breaux

Representative Torr

Senate Conferees

House Conferees