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**PRELIMINARY DRAFT**  
**No. 3563**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2006 GENERAL ASSEMBLY**

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DIGEST

**Citations Affected:** IC 3-5-2-49.1; IC 3-8; IC 3-10; IC 3-11-1.5-32.5; IC 3-11-2-12; IC 3-13; IC 5-4-1-4; IC 5-8-3.5-1; IC 5-10.1-1; IC 6-1.1; IC 6-1.5-5-5; IC 6-2.5-8-1; IC 6-3.5-6-18.5; IC 6-6-5.5; IC 6-8.1-7-1; IC 8-22-3-11.6; IC 9-22-5-1; IC 10-18-5-1; IC 12-7-2-192.6; IC 14-21-1-13.5; IC 15-3; IC 15-5-9; IC 23-14; IC 32-21-2-13; IC 32-26; IC 32-28-3; IC 32-31-3-11; IC 33-23; IC 33-30-2-1; IC 33-33-49; IC 33-34; IC 33-37; IC 33-38; IC 33-41-1-7; IC 34-30-2-58; IC 36-1-2-22; IC 36-2-15-5; IC 36-3; IC 36-6; IC 36-7; IC 36-8; IC 36-9; IC 36-10.

**Synopsis:** Indianapolis/Marion County consolidation. Provides, beginning January 1, 2007, that Marion County consists of the central township district (consisting of the area comprising the Indianapolis public school district) and the consolidated township (consisting of all areas within the county that are outside of the Indianapolis public school district). Transfers all assets, property rights, equipment, records, personnel, and contracts concerning the provision of township assistance to the applicable township district on January 1, 2007. Transfers other assets, property rights, equipment, records, personnel, and contracts of a township to the consolidated city on January 1, 2007. Provides that the indebtedness of a township not connected with the  
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**Effective:** Upon passage; July 1, 2006; January 1, 2007.



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provision of township assistance is assumed or defeased by the consolidated city. Exempts property taxes imposed by the consolidated city for that indebtedness from the ad valorem property tax limits. Requires township trustees and township boards representing the township districts be elected at the 2006 general election. Provides for a transitional advisory board to make recommendations regarding reorganization of the townships. In Marion County: (1) eliminates the office of township assessor and provides that the city controller administers the dog tax and dog fund and the county assessor assumes other township assessor duties and responsibilities; (2) adjusts the membership of the county property tax assessment board of appeals; and (3) provides that ordinances and resolutions concerning budgets and appropriations for judicial officers and certain county officers are subject to veto (current law exempts those ordinances and resolutions from veto). Replaces the Marion County small claims court with corresponding township divisions of a small claims division of the Marion superior court. Permits the consolidated city to adopt an ordinance to merge the airport authority's law enforcement services into the consolidated law enforcement department of the consolidated city (current law requires the airport authority to adopt a substantially similar ordinance). Consolidates township fire departments, fire protection territories, and the airport authority fire department into the fire department of the consolidated city. Exempts from the ad valorem property tax limits amounts imposed by a consolidated city to fund indebtedness assumed, defeased, paid, or refunded in connection with the consolidation of certain fire departments into the fire department of a consolidated city. Establishes the annual maximum increase in the permissible ad valorem property tax levy for a consolidated city related to the fire special service district. Provides that the employees of the fire departments being consolidated become employees of the consolidated fire department. Provides that the property, equipment, records, rights, contracts (including labor contracts), and indebtedness related to fire protection services of the fire departments being consolidated are transferred to or assumed by the consolidated city. Establishes the process by which the fire department of an excluded city can be consolidated into the fire department of a consolidated city. Provides that the consolidated fire department shall provide emergency ambulance services in the county. Authorizes the fire special services district to levy a tax to pay the amounts required to satisfy the 1937 firefighters' pension fund obligations. Authorizes a consolidated city to issue obligations to refund obligations issued by the fire departments being consolidated into the fire department of the consolidated city. Adjusts the maximum ad valorem property tax levy of a consolidated

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city for 2007 to account for the consolidation of certain fire departments into the fire department of the consolidated city. Provides that a firefighter who is a member of the 1937 or 1977 fund remains a member of the same fund after the consolidation. Provides that a firefighter whose services for an entity are consolidated into the metropolitan law enforcement agency or the fire department of a consolidated city becomes a member of the 1977 fund. Makes conforming changes. Makes legislative findings concerning the need for government consolidation in Marion County. Repeals: (1) certain provisions concerning township board districts in Marion County; and (2) provisions concerning small claims courts that are replaced by this bill.



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

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

1 SECTION 1. IC 3-5-2-49.1 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
3 JANUARY 1, 2007]: **Sec. 49.1. "Township" means the following:**

- 4 (1) **A township in a county not having a consolidated city.**  
5 (2) **A township district (as defined in IC 36-6-4.1-5) in a**  
6 **county having a consolidated city.**

7 SECTION 2. IC 3-8-1-30 IS AMENDED TO READ AS FOLLOWS  
8 [EFFECTIVE JANUARY 1, 2007]: Sec. 30. A candidate for the office  
9 of **small claims judge of a small claims court (as defined in**  
10 **IC 33-33-49-5.2)** must:

- 11 (1) be a United States citizen upon taking office;  
12 (2) either:  
13 (A) have resided in the township from which the candidate is  
14 elected for at least one (1) year upon taking office; or  
15 (B) have been elected as a small claims court judge in the  
16 township before 1999;  
17 (3) be of high moral character and reputation; and  
18 (4) be admitted to the practice of law in Indiana upon filing a  
19 declaration of candidacy or petition of nomination or upon the  
20 filing of a certificate of candidate selection under IC 3-13-1-15 or  
21 IC 3-13-2-8.

22 SECTION 3. IC 3-8-1-31 IS AMENDED TO READ AS FOLLOWS  
23 [EFFECTIVE JANUARY 1, 2007]: Sec. 31. A candidate for the office  
24 of **small claims constable of a small claims court** must:

- 25 (1) have resided in the township for more than one (1) year upon  
26 taking office; and  
27 (2) be at least twenty-one (21) years old upon taking office.

28 SECTION 4. IC 3-8-2-5 IS AMENDED TO READ AS FOLLOWS  
29 [EFFECTIVE JANUARY 1, 2007]: Sec. 5. A declaration of candidacy  
30 for:

- 31 (1) a federal office;



- 1 (2) a state office;
- 2 (3) a legislative office; or
- 3 (4) the local office of:
- 4 (A) judge of a circuit, superior, probate, ~~or county or small~~
- 5 ~~claims~~ court; or
- 6 (B) prosecuting attorney of a judicial circuit;
- 7 shall be filed with the secretary of state.

8 SECTION 5. IC 3-10-1-19, AS AMENDED BY P.L.221-2005,  
 9 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JANUARY 1, 2007]: Sec. 19. (a) The ballot for a primary election shall  
 11 be printed in substantially the following form for all the offices for  
 12 which candidates have qualified under IC 3-8:

13 OFFICIAL PRIMARY BALLOT

14 \_\_\_\_\_ Party  
 15 For paper ballots, print: To vote for a person, make a voting mark  
 16 (X or ✓) on or in the box before the person's name in the proper  
 17 column. For punch card ballots, print: To vote for a person, punch  
 18 through the chad before the number assigned to the person's name in  
 19 the proper column. For optical scan ballots, print: To vote for a person,  
 20 darken or shade in the circle, oval, or square (or draw a line to connect  
 21 the arrow) that precedes the person's name in the proper column. For  
 22 optical scan ballots that do not contain a candidate's name, print: To  
 23 vote for a person, darken or shade in the oval that precedes the number  
 24 assigned to the person's name in the proper column. For electronic  
 25 voting systems, print: To vote for a person, touch the screen (or press  
 26 the button) in the location indicated.

- 27 Vote for one (1) only  
 28 Representative in Congress  
 29  (1) AB \_\_\_\_\_  
 30  (2) CD \_\_\_\_\_  
 31  (3) EF \_\_\_\_\_  
 32  (4) GH \_\_\_\_\_

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

- 35 (1) Federal and state offices:
  - 36 (A) President of the United States.
  - 37 (B) United States Senator.
  - 38 (C) Governor.
  - 39 (D) United States Representative.
- 40 (2) Legislative offices:
  - 41 (A) State senator.
  - 42 (B) State representative.
- 43 (3) Circuit offices and county judicial offices:
  - 44 (A) Judge of the circuit court, and unless otherwise specified
  - 45 under IC 33, with each division separate if there is more than
  - 46 one (1) judge of the circuit court.



- 1 (B) Judge of the superior court, and unless otherwise specified  
 2 under IC 33, with each division separate if there is more than  
 3 one (1) judge of the superior court.  
 4 (C) Judge of the probate court.  
 5 (D) Judge of the county court, with each division separate, as  
 6 required by IC 33-30-3-3.  
 7 (E) Prosecuting attorney.  
 8 (F) Circuit court clerk.  
 9 (4) County offices:  
 10 (A) County auditor.  
 11 (B) County recorder.  
 12 (C) County treasurer.  
 13 (D) County sheriff.  
 14 (E) County coroner.  
 15 (F) County surveyor.  
 16 (G) County assessor.  
 17 (H) County commissioner.  
 18 (I) County council member.  
 19 (5) Township offices:  
 20 (A) Township assessor.  
 21 (B) Township trustee.  
 22 (C) Township board member.  
 23 (D) ~~Small claims judge. of the small claims court.~~  
 24 (E) ~~Small claims constable. of the small claims court.~~  
 25 (6) City offices:  
 26 (A) Mayor.  
 27 (B) Clerk or clerk-treasurer.  
 28 (C) Judge of the city court.  
 29 (D) City-county council member or common council member.  
 30 (7) Town offices:  
 31 (A) Clerk-treasurer.  
 32 (B) Judge of the town court.  
 33 (C) Town council member.  
 34 (c) The political party offices with candidates for election shall be  
 35 placed on the primary election ballot in the following order after the  
 36 offices described in subsection (b):  
 37 (1) Precinct committeeman.  
 38 (2) State convention delegate.  
 39 (d) The following offices and public questions shall be placed on the  
 40 primary election ballot in the following order after the offices described  
 41 in subsection (c):  
 42 (1) School board offices to be elected at the primary election.  
 43 (2) Other local offices to be elected at the primary election.  
 44 (3) Local public questions.  
 45 (e) The offices and public questions described in subsection (d)  
 46 shall be placed:



- 1 (1) in a separate column on the ballot if voting is by paper ballot;  
 2 (2) after the offices described in subsection (c) in the form  
 3 specified in IC 3-11-13-11 if voting is by ballot card; or  
 4 (3) either:  
 5 (A) on a separate screen for each office or public question; or  
 6 (B) after the offices described in subsection (c) in the form  
 7 specified in IC 3-11-14-3.5;  
 8 if voting is by an electronic voting system.  
 9 (f) A public question shall be placed on the primary election ballot  
 10 in the following form:

11 (The explanatory text for the public question,  
 12 if required by law.)

13 "Shall (insert public question)?"

14  YES

15  NO

16 SECTION 6. IC 3-10-2-13 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13. The following  
 18 public officials shall be elected at the general election before their  
 19 terms of office expire and every four (4) years thereafter:

- 20 (1) Clerk of the circuit court.  
 21 (2) County auditor.  
 22 (3) County recorder.  
 23 (4) County treasurer.  
 24 (5) County sheriff.  
 25 (6) County coroner.  
 26 (7) County surveyor.  
 27 (8) County assessor.  
 28 (9) County commissioner.  
 29 (10) County council member.  
 30 (11) Township trustee.  
 31 (12) Township board member.  
 32 (13) Township assessor.  
 33 (14) **Small claims** judge. ~~of a small claims court.~~  
 34 (15) **Small claims** constable. ~~of a small claims court.~~

35 SECTION 7. IC 3-11-2-12, AS AMENDED BY P.L.2-2005,  
 36 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JANUARY 1, 2007]: Sec. 12. The following offices shall be placed on  
 38 the general election ballot in the following order:

- 39 (1) Federal and state offices:  
 40 (A) President and Vice President of the United States.  
 41 (B) United States Senator.  
 42 (C) Governor and lieutenant governor.  
 43 (D) Secretary of state.  
 44 (E) Auditor of state.  
 45 (F) Treasurer of state.  
 46 (G) Attorney general.



- 1 (H) Superintendent of public instruction.  
 2 (I) United States Representative.  
 3 (2) Legislative offices:  
 4 (A) State senator.  
 5 (B) State representative.  
 6 (3) Circuit offices and county judicial offices:  
 7 (A) Judge of the circuit court, and unless otherwise specified  
 8 under IC 33, with each division separate if there is more than  
 9 one (1) judge of the circuit court.  
 10 (B) Judge of the superior court, and unless otherwise specified  
 11 under IC 33, with each division separate if there is more than  
 12 one (1) judge of the superior court.  
 13 (C) Judge of the probate court.  
 14 (D) Judge of the county court, with each division separate, as  
 15 required by IC 33-30-3-3.  
 16 (E) Prosecuting attorney.  
 17 (F) Clerk of the circuit court.  
 18 (4) County offices:  
 19 (A) County auditor.  
 20 (B) County recorder.  
 21 (C) County treasurer.  
 22 (D) County sheriff.  
 23 (E) County coroner.  
 24 (F) County surveyor.  
 25 (G) County assessor.  
 26 (H) County commissioner.  
 27 (I) County council member.  
 28 (5) Township offices:  
 29 (A) Township assessor.  
 30 (B) Township trustee.  
 31 (C) Township board member.  
 32 (D) ~~Small claims judge. of the small claims court.~~  
 33 (E) ~~Small claims constable. of the small claims court.~~  
 34 (6) City offices:  
 35 (A) Mayor.  
 36 (B) Clerk or clerk-treasurer.  
 37 (C) Judge of the city court.  
 38 (D) City-county council member or common council member.  
 39 (7) Town offices:  
 40 (A) Clerk-treasurer.  
 41 (B) Judge of the town court.  
 42 (C) Town council member.

43 SECTION 8. IC 3-13-1-15 IS AMENDED TO READ AS  
 44 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 15. (a) A county  
 45 chairman filling a candidate vacancy under section 6(a)(2) of this  
 46 chapter or the chairman of a meeting filling a candidate vacancy under



1 this chapter shall file a written certificate of candidate selection on a  
 2 form prescribed by the commission stating the following information  
 3 for each candidate selected:

4 (1) The name of each candidate as:

5 (A) the candidate wants the candidate's name to appear on the  
 6 ballot; and

7 (B) the candidate's name is permitted to appear on the ballot  
 8 under IC 3-5-7.

9 (2) The residence address of each candidate.

10 (b) The certificate shall be filed with:

11 (1) the election division for:

12 (A) a committee acting under section 3, 4, 5, or 6(b) of this  
 13 chapter; or

14 (B) a committee acting under section 6(a) of this chapter to fill  
 15 a candidate vacancy in the office of judge **or small claims**  
 16 **judge** of a circuit, superior, probate, **or county or small claims**  
 17 court or prosecuting attorney; or

18 (2) the circuit court clerk, for a committee acting under section  
 19 6(a) of this chapter to fill a candidate vacancy for a local office  
 20 not described in subdivision (1).

21 (c) This subsection applies to a candidate vacancy resulting from a  
 22 vacancy on the primary election ballot as described in section 2 of this  
 23 chapter. The certificate required by subsection (a) shall be filed not  
 24 later than noon July 3 before election day.

25 (d) This subsection applies to all candidate vacancies not described  
 26 by subsection (c). The certificate required by subsection (a) shall be  
 27 filed not more than three (3) days (excluding Saturdays and Sundays)  
 28 after selection of the candidates.

29 SECTION 9. IC 3-13-2-8, AS AMENDED BY P.L.2-2005,  
 30 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JANUARY 1, 2007]: Sec. 8. (a) The chairman or chairmen filling a  
 32 candidate vacancy under this chapter shall immediately file a written  
 33 certificate of candidate selection on a form prescribed by the  
 34 commission stating the following information for each candidate  
 35 selected:

36 (1) The name of each candidate as:

37 (A) the candidate wants the candidate's name to appear on the  
 38 ballot; and

39 (B) the candidate's name is permitted to appear on the ballot  
 40 under IC 3-5-7.

41 (2) The residence address of each candidate.

42 (b) The certificate shall be filed with:

43 (1) the election division for:

44 (A) one (1) or more chairmen acting under section 2, 3, 4, or  
 45 5(b) of this chapter; or

46 (B) a committee acting under section 5(b) of this chapter to fill



1 a candidate vacancy for the office of judge **or small claims**  
 2 **judge** of a circuit, superior, probate, **or county or small claims**  
 3 court or prosecuting attorney; or

4 (2) the circuit court clerk of the county in which the greatest  
 5 percentage of the population of the election district is located, for  
 6 a chairman acting under section 5(a) of this chapter to fill a  
 7 candidate vacancy for a local office not described in subdivision  
 8 (1).

9 (c) The certificate required by subsection (a) shall be filed not more  
 10 than three (3) days (excluding Saturdays and Sundays) after selection  
 11 of the candidate.

12 SECTION 10. IC 3-13-10-5, AS AMENDED BY P.L.119-2005,  
 13 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JANUARY 1, 2007]: Sec. 5. (a) This section applies to a vacancy in the  
 15 office of **small claims** judge ~~of a small claims court~~ or small claims  
 16 ~~court~~ constable not covered by section 1 of this chapter.

17 (b) A vacancy shall be filled by the ~~township board at a regular or~~  
 18 ~~special meeting. The chairman of the township board shall give notice~~  
 19 ~~of the meeting. Except as provided in subsection (c), the meeting shall~~  
 20 ~~be held not later than thirty (30) days after the vacancy occurs. The~~  
 21 ~~notice must:~~

- 22 (1) ~~be in writing;~~  
 23 (2) ~~state the purpose of the meeting;~~  
 24 (3) ~~state the date, time, and place of the meeting; and~~  
 25 (4) ~~be sent by first class mail to each board member at least ten~~  
 26 ~~(10) days before the meeting.~~

27 (c) If a vacancy exists because of the death of a judicial officer, the  
 28 meeting required by subsection (b) shall be held not later than thirty  
 29 (30) days after the chairman of the township board receives notice of  
 30 the death under ~~IC 5-8-6~~. The chairman of the township board may not  
 31 give the notice required by subsection (b) until the chairman of the  
 32 township board receives notice of the death under ~~IC 5-8-6~~. **mayor of**  
 33 **the consolidated city.**

34 SECTION 11. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) As used in this section,  
 36 "political subdivision" has the meaning set forth in IC 36-1-2-13.

37 (b) The copy of the oath under section 2 of this chapter shall be  
 38 deposited by the person as follows:

39 (1) Of all officers whose oath is endorsed on or attached to the  
 40 commission and whose duties are not limited to a particular  
 41 county or of a justice, judge, or prosecuting attorney, in the office  
 42 of the secretary of state.

43 (2) Of the circuit court clerk, officers of a political subdivision or  
 44 school corporation, and **small claims** constables, ~~of a small~~  
 45 ~~claims court~~, in the circuit court clerk's office of the county  
 46 containing the greatest percentage of the population of the



1 political subdivision or school corporation.

2 (3) Of a deputy prosecuting attorney, in the office of the clerk of  
3 the circuit court of the county in which the deputy prosecuting  
4 attorney resides or serves.

5 SECTION 12. IC 5-8-3.5-1 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) An officer  
7 who wants to resign shall give written notice of the officer's resignation  
8 as follows:

9 (1) The governor and lieutenant governor shall notify the  
10 principal clerk of the house of representatives and the principal  
11 secretary of the senate to act in accordance with Article 5, Section  
12 10 of the Constitution of the State of Indiana. The clerk and the  
13 secretary shall file a copy of the notice with the office of the  
14 secretary of state.

15 (2) A member of the general assembly shall notify the following,  
16 whichever applies:

17 (A) A member of the senate shall notify the president pro  
18 tempore of the senate.

19 (B) A member of the house of representatives shall notify the  
20 speaker of the house of representatives.

21 (3) The following officers commissioned by the governor under  
22 IC 4-3-1-5 shall notify the governor:

23 (A) An elector or alternate elector for President and Vice  
24 President of the United States.

25 (B) The secretary of state, auditor of state, treasurer of state,  
26 superintendent of public instruction, or attorney general.

27 (C) An officer elected by the general assembly, the senate, or  
28 the house of representatives.

29 (D) A justice of the Indiana supreme court, judge of the  
30 Indiana court of appeals, or judge of the Indiana tax court.

31 (E) A judge **or small claims judge** of a circuit, city, county,  
32 probate, superior, **or town or township small claims** court.

33 (F) A prosecuting attorney.

34 (G) A circuit court clerk.

35 (H) A county auditor, county recorder, county treasurer,  
36 county sheriff, county coroner, or county surveyor.

37 (4) An officer of a political subdivision (as defined by  
38 IC 36-1-2-13) other than an officer listed in subdivision (3) shall  
39 notify the circuit court clerk of the county containing the largest  
40 percentage of population of the political subdivision.

41 (5) An officer not listed in subdivisions (1) through (4) shall  
42 notify the person or entity from whom the officer received the  
43 officer's appointment.

44 (b) A person or an entity that receives notice of a resignation and  
45 does not have the power to fill the vacancy created by the resignation  
46 shall, not later than seventy-two (72) hours after receipt of the notice



1 of resignation, give notice of the vacancy to the person or entity that  
2 has the power to:

3 (1) fill the vacancy; or

4 (2) call a caucus for the purpose of filling the vacancy.

5 SECTION 13. IC 5-10.1-1-6 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. "Governing  
7 body" means the fiscal body of a county, city, town, ~~or~~ township, **or**  
8 **township district**, a trustee, the township board, board of school  
9 commissioners, library board, or any board which by law is authorized  
10 to fix a rate of taxation on property of a political subdivision, or any  
11 other board which is empowered to administer the affairs of any  
12 department of, or associated with, a political subdivision, which  
13 department receives revenue independently of, or in addition to, funds  
14 obtained from taxation.

15 SECTION 14. IC 5-10.1-1-7 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. Political  
17 Subdivision. "Political subdivision" as used in this article means a  
18 county, city, town, township, **township district**, political body  
19 corporate, political entity, local housing authority, public school  
20 corporation, public library, public utility of a county, city, town, or  
21 township whether the public utility is operated by the city or town or  
22 under the terms of a trusteeship for the benefit of the city or town, and  
23 a department of, or associated with, a county, city, town, or township,  
24 which department receives revenue independently of, or in addition to,  
25 funds obtained through taxation. A state agency or a judicial circuit  
26 may not be construed as a political subdivision.

27 SECTION 15. IC 6-1.1-1.5 IS ADDED TO THE INDIANA CODE  
28 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
29 JANUARY 1, 2007]:

30 **Chapter 1.5. County Assessor Performs Township Assessor**  
31 **Duties**

32 **Sec. 1. In a county having a consolidated city, the county**  
33 **assessor has the same duties and responsibilities for the county that**  
34 **the township assessor in a county that does not have a consolidated**  
35 **city has for the township.**

36 SECTION 16. IC 6-1.1-3-17 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 17. (a) On or  
38 before June 1 of each year, each township assessor of a county **not**  
39 **having a consolidated city** shall deliver to the county assessor a list  
40 which states by taxing district the total of the personal property  
41 assessments as shown on the personal property returns filed with the  
42 **township** assessor on or before the filing date of that year. ~~and in a~~  
43 ~~county with a township assessor under IC 36-6-5-1 in every township~~  
44 ~~the township assessor shall deliver the lists to the county auditor as~~  
45 ~~prescribed in subsection (b).~~

46 (b) On or before July 1 of each year, each county assessor shall



1 certify to the county auditor the assessment value of the personal  
2 property in every taxing district.

3 (c) The department of local government finance shall prescribe the  
4 forms required by this section.

5 SECTION 17. IC 6-1.1-4-13.8, AS AMENDED BY P.L.228-2005,  
6 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JANUARY 1, 2007]: Sec. 13.8. (a) As used in this section,  
8 "commission" refers to a county land valuation commission established  
9 under subsection (b).

10 (b) Subject to subsection (l), a county land valuation commission is  
11 established in each county for the purpose of determining the value of  
12 commercial, industrial, and residential land (including farm homesites)  
13 in the county.

14 (c) The county assessor is chairperson of the commission.

15 (d) The following are members of the commission:

16 (1) The county assessor. The county assessor shall cast a vote  
17 only to break a tie.

18 (2) **Except in a county having a consolidated city**, each  
19 township assessor, when the respective township land values for  
20 that township assessor's township are under consideration. A  
21 township assessor serving under this subdivision shall vote on all  
22 matters relating to the land values of that township assessor's  
23 township.

24 (3) **Except in a consolidated city**, one (1) township assessor from  
25 the county to be appointed by a majority vote of all the township  
26 assessors in the county.

27 (4) One (1) county resident who:

28 (A) holds a license under IC 25-34.1-3 as a salesperson or  
29 broker; and

30 (B) is appointed by:

31 (i) the board of commissioners (as defined in IC 36-3-3-10)  
32 for a county having a consolidated city; or

33 (ii) the county executive (as defined in IC 36-1-2-5) for a  
34 county not described in item (i).

35 (5) Four (4) individuals who:

36 (A) are appointed by the county executive (as defined in  
37 IC 36-1-2-5); and

38 (B) represent one (1) of the following four (4) kinds of land in  
39 the county:

40 (i) Agricultural.

41 (ii) Commercial.

42 (iii) Industrial.

43 (iv) Residential.

44 Each of the four (4) kinds of land in the county must be  
45 represented by one (1) individual appointed under this  
46 subdivision.



- 1 (6) One (1) individual who:  
 2 (A) represents financial institutions in the county; and  
 3 (B) is appointed by:  
 4 (i) the board of commissioners (as defined in IC 36-3-3-10)  
 5 for a county having a consolidated city; or  
 6 (ii) the county executive (as defined in IC 36-1-2-5) for a  
 7 county not described in item (i).  
 8 (e) The term of each member of the commission begins November  
 9 1 of the year that precedes by two (2) years the year in which a general  
 10 reassessment begins under IC 6-1.1-4-4, and ends January 1 of the year  
 11 in which the general reassessment begins under IC 6-1.1-4-4. The  
 12 appointing authority may fill a vacancy for the remainder of the vacated  
 13 term.  
 14 (f) The commission shall determine the values of all classes of  
 15 commercial, industrial, and residential land (including farm homesites)  
 16 in the county using guidelines determined by the department of local  
 17 government finance. Not later than November 1 of the year preceding  
 18 the year in which a general reassessment begins, the commission  
 19 determining the values of land shall submit the values, all data  
 20 supporting the values, and all information required under rules of the  
 21 department of local government finance relating to the determination  
 22 of land values to the county property tax assessment board of appeals  
 23 and the department of local government finance. Not later than January  
 24 1 of the year in which a general reassessment begins, the county  
 25 property tax assessment board of appeals shall hold a public hearing in  
 26 the county concerning those values. The property tax assessment board  
 27 of appeals shall give notice of the hearing in accordance with IC 5-3-1  
 28 and shall hold the hearing after March 31 of the year preceding the year  
 29 in which the general reassessment begins and before January 1 of the  
 30 year in which the general reassessment under IC 6-1.1-4-4 begins.  
 31 (g) The county property tax assessment board of appeals shall  
 32 review the values, data, and information submitted under subsection (f)  
 33 and may make any modifications it considers necessary to provide  
 34 uniformity and equality. The county property tax assessment board of  
 35 appeals shall coordinate the valuation of property adjacent to the  
 36 boundaries of the county with the county property tax assessment  
 37 boards of appeals of the adjacent counties using the procedures adopted  
 38 by rule under IC 4-22-2 by the department of local government finance.  
 39 If the commission fails to submit land values under subsection (f) to the  
 40 county property tax assessment board of appeals before January 1 of  
 41 the year the general reassessment under IC 6-1.1-4-4 begins, the county  
 42 property tax assessment board of appeals shall determine the values.  
 43 (h) The county property tax assessment board of appeals shall give  
 44 notice to the county and township assessors, **if any**, of its decision on  
 45 the values. The notice must be given before March 1 of the year the  
 46 general reassessment under IC 6-1.1-4-4 begins. Not later than twenty



1 (20) days after that notice, the county assessor or a township assessor  
 2 in the county, **if any**, may request that the county property tax  
 3 assessment board of appeals reconsider the values. The county property  
 4 tax assessment board of appeals shall hold a hearing on the  
 5 reconsideration in the county. The county property tax assessment  
 6 board of appeals shall give notice of the hearing under IC 5-3-1.

7 (i) Not later than twenty (20) days after notice to the county  
 8 **assessor** and **the** township assessor, **if any**, is given under subsection  
 9 (h), a taxpayer may request that the county property tax assessment  
 10 board of appeals reconsider the values. The county property tax  
 11 assessment board of appeals may hold a hearing on the reconsideration  
 12 in the county. The county property tax assessment board of appeals  
 13 shall give notice of the hearing under IC 5-3-1.

14 (j) A taxpayer may appeal the value determined under this section  
 15 as applied to the taxpayer's land as part of an appeal filed under  
 16 IC 6-1.1-15 after the taxpayer has received a notice of assessment. If a  
 17 taxpayer that files an appeal under IC 6-1.1-15 requests the values,  
 18 data, or information received by the county property tax assessment  
 19 board of appeals under subsection (f), the county property tax  
 20 assessment board of appeals shall satisfy the request. The department  
 21 of local government finance may modify the taxpayer's land value and  
 22 the value of any other land in the township, the county where the  
 23 taxpayer's land is located, or the adjacent county if the department of  
 24 local government finance determines it is necessary to provide  
 25 uniformity and equality.

26 (k) The county assessor shall notify all township assessors, **if any**,  
 27 in the county of the values as determined by the commission and as  
 28 modified by the county property tax assessment board of appeals or  
 29 department of local government finance under this section. Township  
 30 assessors shall use the values determined under this section.

31 (l) After notice to the county assessor and all township assessors in  
 32 the county, **if any**, a majority of the assessors authorized to vote under  
 33 this subsection may vote to abolish the county land valuation  
 34 commission established under subsection (b). Each township assessor,  
 35 **if any**, and the county assessor has one (1) vote. The county assessor  
 36 shall give written notice to:

37 (1) each member of the county land valuation commission; and

38 (2) each township assessor, **if any**, in the county;

39 of the abolishment of the commission under this subsection.

40 SECTION 18. IC 6-1.1-4-25, AS AMENDED BY P.L.177-2005,  
 41 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JANUARY 1, 2007]: Sec. 25. (a) Each township assessor shall keep  
 43 the assessor's reassessment data and records current by securing the  
 44 necessary field data and by making changes in the assessed value of  
 45 real property as changes occur in the use of the real property. The  
 46 township assessor's records shall at all times show the assessed value



1 of real property in accordance with the provisions of this chapter. The  
 2 township assessor shall ensure that the county assessor has full access  
 3 to the assessment records maintained by the township assessor.

4 (b) ~~The township assessor in a county having a consolidated city, or~~  
 5 ~~the county assessor in every other county,~~ shall:

6 (1) maintain an electronic data file of:

7 (A) the parcel characteristics and parcel assessments of all  
 8 parcels; and

9 (B) the personal property return characteristics and  
 10 assessments by return;

11 for each township in the county as of each assessment date;

12 (2) maintain the electronic file in a form that formats the  
 13 information in the file with the standard data, field, and record  
 14 coding required and approved by:

15 (A) the legislative services agency; and

16 (B) the department of local government finance;

17 (3) transmit the data in the file with respect to the assessment date  
 18 of each year before October 1 of the year to:

19 (A) the legislative services agency; and

20 (B) the department of local government finance;

21 in a manner that meets the data export and transmission  
 22 requirements in a standard format, as prescribed by the office of  
 23 technology established by IC 4-13.1-2-1 and approved by the  
 24 legislative services agency; and

25 (4) resubmit the data in the form and manner required under this  
 26 subsection, upon request of the legislative services agency or the  
 27 department of local government finance, if data previously  
 28 submitted under this subsection does not comply with the  
 29 requirements of this subsection, as determined by the legislative  
 30 services agency or the department of local government finance.

31 An electronic data file maintained for a particular assessment date may  
 32 not be overwritten with data for a subsequent assessment date until a  
 33 copy of an electronic data file that preserves the data for the particular  
 34 assessment date is archived in the manner prescribed by the office of  
 35 technology established by IC 4-13.1-2-1 and approved by the  
 36 legislative services agency.

37 SECTION 19. IC 6-1.1-5-14, AS AMENDED BY P.L.88-2005,  
 38 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JANUARY 1, 2007]: Sec. 14. Not later than May 15, each assessing  
 40 official **in a county not having a consolidated city** shall prepare and  
 41 deliver to the county assessor a detailed list of the real property listed  
 42 for taxation in the township. On or before July 1 of each year, each  
 43 county assessor shall, under oath, prepare and deliver to the county  
 44 auditor a detailed list of the real property listed for taxation in the  
 45 county. ~~In a county with an elected township assessor in every~~  
 46 ~~township the township assessor shall prepare the real property list.~~ The



1 assessing officials and the county assessor shall prepare the list in the  
 2 form prescribed by the department of local government finance. The  
 3 township assessor shall ensure that the county assessor has full access  
 4 to the assessment records maintained by the township assessor.

5 SECTION 20. IC 6-1.1-5.5-3, AS AMENDED BY P.L.228-2005,  
 6 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JANUARY 1, 2007]: Sec. 3. (a) For purposes of this section, "party"  
 8 includes:

9 (1) a seller of property that is exempt under the seller's ownership;  
 10 or

11 (2) a purchaser of property that is exempt under the purchaser's  
 12 ownership;

13 from property taxes under IC 6-1.1-10.

14 (b) Before filing a conveyance document with the county auditor  
 15 under IC 6-1.1-5-4, all the parties to the conveyance must complete and  
 16 sign a sales disclosure form as prescribed by the department of local  
 17 government finance under section 5 of this chapter. All the parties may  
 18 sign one (1) form, or if all the parties do not agree on the information  
 19 to be included on the completed form, each party may sign and file a  
 20 separate form.

21 (c) ~~Except as provided in subsection (d);~~ The auditor shall forward  
 22 each sales disclosure form to the county assessor. The county assessor  
 23 shall retain the forms for five (5) years. The county assessor shall  
 24 forward the sales disclosure form data to the department of local  
 25 government finance and the legislative services agency

26 ~~(1) before January 1, 2005, in an electronic format, if possible;~~  
 27 ~~and~~

28 ~~(2) after December 31, 2004, in an electronic format specified~~  
 29 ~~jointly by the department of local government finance and the~~  
 30 ~~legislative services agency.~~

31 The county assessor shall forward a copy of the sales disclosure forms  
 32 to the township assessors, **if any**, in the county. The forms may be used  
 33 by the county assessing officials, the department of local government  
 34 finance, and the legislative services agency for the purposes established  
 35 in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules  
 36 under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized  
 37 purpose.

38 ~~(d) In a county containing a consolidated city, the auditor shall~~  
 39 ~~forward the sales disclosure form to the appropriate township assessor:~~  
 40 ~~The township assessor shall forward the sales disclosure form to the~~  
 41 ~~department of local government finance and the legislative services~~  
 42 ~~agency:~~

43 ~~(1) before January 1, 2005, in an electronic format, if possible;~~  
 44 ~~and~~

45 ~~(2) after December 31, 2004, in an electronic format specified~~  
 46 ~~jointly by the department of local government finance and the~~



1 legislative services agency.  
 2 The forms may be used by the county assessing officials, the  
 3 department of local government finance, and the legislative services  
 4 agency for the purposes established in IC 6-1.1-4-13.6; sales ratio  
 5 studies; equalization; adoption of rules under IC 6-1.1-31-3 and  
 6 IC 6-1.1-31-6; and any other authorized purpose.

7 ~~(e)~~ (d) If a sales disclosure form includes the telephone number or  
 8 Social Security number of a party, the telephone number or Social  
 9 Security number is confidential.

10 SECTION 21. IC 6-1.1-5.5-12 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) A party to  
 12 a conveyance who:

- 13 (1) is required to file a sales disclosure form under this chapter;  
 14 and  
 15 (2) fails to file a sales disclosure form at the time and in the  
 16 manner required by this chapter;

17 is subject to a penalty in the amount determined under subsection (b).

18 (b) The amount of the penalty under subsection (a) is the greater of:

- 19 (1) one hundred dollars (\$100); or  
 20 (2) twenty-five thousandths percent (0.025%) of the sale price of  
 21 the real property transferred under the conveyance document.

22 (c) ~~The township assessor in a county containing a consolidated city,~~  
 23 ~~or the county assessor in any other county,~~ shall:

- 24 (1) determine the penalty imposed under this section;  
 25 (2) assess the penalty to the party to a conveyance; and  
 26 (3) notify the party to the conveyance that the penalty is payable  
 27 not later than thirty (30) days after notice of the assessment.

28 (d) The county auditor shall:

- 29 (1) collect the penalty imposed under this section;  
 30 (2) deposit penalty collections as required under section 4 of this  
 31 chapter; and  
 32 (3) notify the county prosecuting attorney of delinquent payments.

33 (e) The county prosecuting attorney shall initiate an action to  
 34 recover a delinquent penalty under this section. In a successful action  
 35 against a person for a delinquent penalty, the court shall award the  
 36 county prosecuting attorney reasonable attorney's fees.

37 SECTION 22. IC 6-1.1-8-24, AS AMENDED BY P.L.88-2005,  
 38 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JANUARY 1, 2007]: Sec. 24. (a) Each year a township assessor shall  
 40 assess the fixed property which as of the assessment date of that year  
 41 is:

- 42 (1) owned or used by a public utility company; and  
 43 (2) located in the township the township assessor serves.

44 (b) The township assessor shall determine the assessed value of  
 45 fixed property. **Except as provided in subsection (c),** the township  
 46 assessor shall certify the assessed values to the county assessor on or



1 before April 1 of the year of assessment. ~~However,~~ **The county**  
 2 **assessor shall review the assessed values and shall certify the**  
 3 **assessed values to the department of local government finance on**  
 4 **or before April 10 of the year of assessment.**

5 (c) In a county with an elected township assessor in every township,  
 6 the township assessor shall certify the list to the department of local  
 7 government finance. **In a county having a consolidated city,** the  
 8 county assessor shall ~~review the assessed values and shall~~ certify the  
 9 ~~assessed values~~ **list** to the department of local government finance. ~~on~~  
 10 ~~or before April 10 of the year of assessment.~~

11 SECTION 23. IC 6-1.1-18.5-21 IS ADDED TO THE INDIANA  
 12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 13 [EFFECTIVE JANUARY 1, 2007]: **Sec. 21. (a) The ad valorem**  
 14 **property tax levy limits imposed by this chapter do not apply to ad**  
 15 **valorem property taxes imposed by a consolidated city to pay or**  
 16 **fund any indebtedness assumed, defeased, paid, or refunded under**  
 17 **IC 36-3-1-6.1, IC 36-3-1-6.3, or IC 36-6-1.1-4.**

18 (b) **For property taxes first due and payable each year**  
 19 **beginning in 2007, the maximum permissible ad valorem property**  
 20 **tax levy for a consolidated city is increased each year by an amount**  
 21 **equal to the lesser of:**

22 (1) **the difference between:**

23 (A) **the maximum permissible ad valorem property tax**  
 24 **levy under section 3 of this chapter for the current year for**  
 25 **the consolidated city's fire special service district created**  
 26 **under IC 36-3-1-6; and**

27 (B) **the amount levied that year for the fire special service**  
 28 **district; or**

29 (2) **ten percent (10%) of the maximum permissible ad valorem**  
 30 **property tax levy under section 3 of this chapter for property**  
 31 **taxes first due and payable in 2007 for the consolidated city's**  
 32 **fire special service district created under IC 36-3-1-6.**

33 SECTION 24. IC 6-1.1-28-1, AS AMENDED BY P.L.228-2005,  
 34 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JANUARY 1, 2007]: **Sec. 1. (a) This section applies to all counties**  
 36 **except a county having a consolidated city.** Each county shall have  
 37 a county property tax assessment board of appeals composed of  
 38 individuals who are at least eighteen (18) years of age and  
 39 knowledgeable in the valuation of property. In addition to the county  
 40 assessor, only one (1) other individual who is an officer or employee of  
 41 a county or township may serve on the board of appeals in the county  
 42 in which the individual is an officer or employee. Subject to  
 43 subsections (d) and (e), the fiscal body of the county shall appoint two  
 44 (2) individuals to the board. At least one (1) of the members appointed  
 45 by the county fiscal body must be a certified level two  
 46 assessor-appraiser. Subject to subsections (d) and (e), the board of



1 commissioners of the county shall appoint two (2) freehold members  
 2 so that not more than three (3) of the five (5) members ~~may be~~ **are** of  
 3 the same political party and so that at least three (3) of the five (5)  
 4 members are residents of the county. At least one (1) of the members  
 5 appointed by the board of county commissioners must be a certified  
 6 level two assessor-appraiser. If the county assessor is a certified level  
 7 two assessor-appraiser, the board of county commissioners may waive  
 8 the requirement in this subsection that one (1) of the freehold members  
 9 appointed by the board of county commissioners must be a certified  
 10 level two assessor-appraiser. A person appointed to a property tax  
 11 assessment board of appeals may serve on the property tax assessment  
 12 board of appeals of another county at the same time. The members of  
 13 the board shall elect a president. The employees of the county assessor  
 14 shall provide administrative support to the property tax assessment  
 15 board of appeals. The county assessor is a voting member of the  
 16 property tax assessment board of appeals. The county assessor shall  
 17 serve as secretary of the board. The secretary shall keep full and  
 18 accurate minutes of the proceedings of the board. A majority of the  
 19 board that includes at least one (1) certified level two  
 20 assessor-appraiser constitutes a quorum for the transaction of business.  
 21 Any question properly before the board may be decided by the  
 22 agreement of a majority of the whole board.

23 (b) The county assessor, county fiscal body, and board of county  
 24 commissioners may agree to waive the requirement in subsection (a)  
 25 that not more than three (3) of the five (5) members of the county  
 26 property tax assessment board of appeals may be of the same political  
 27 party if it is necessary to waive the requirement due to the absence of  
 28 certified level two Indiana assessor-appraisers:

- 29 (1) who are willing to serve on the board; and
- 30 (2) whose political party membership status would satisfy the  
 31 requirement in subsection ~~(c)(1)~~: **(a)**.

32 (c) If the board of county commissioners is not able to identify at  
 33 least two (2) prospective freehold members of the county property tax  
 34 assessment board of appeals who are:

- 35 (1) residents of the county;
- 36 (2) certified level two Indiana assessor-appraisers; and
- 37 (3) willing to serve on the county property tax assessment board  
 38 of appeals;

39 it is not necessary that at least three (3) of the five (5) members of the  
 40 county property tax assessment board of appeals be residents of the  
 41 county.

42 (d) Except as provided in subsection (e), the term of a member of  
 43 the county property tax assessment board of appeals appointed under  
 44 subsection (a):

- 45 (1) is one (1) year; and
- 46 (2) begins January 1.



1 (e) If:

- 2 (1) the term of a member of the county property tax assessment  
 3 board of appeals appointed under subsection (a) expires;  
 4 (2) the member is not reappointed; and  
 5 (3) a successor is not appointed;

6 the term of the member continues until a successor is appointed.

7 SECTION 25. IC 6-1.1-28-1.5 IS ADDED TO THE INDIANA  
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 9 [EFFECTIVE JANUARY 1, 2007]: **Sec. 1.5. (a) This section applies  
 10 to a county having a consolidated city. The county property tax  
 11 assessment board of appeals is established, composed of individuals  
 12 who are at least eighteen (18) years of age and knowledgeable in  
 13 the valuation of property. In addition to the county assessor, who  
 14 serves as a nonvoting member, only one (1) other individual who  
 15 is an officer or employee of the county may serve on the board of  
 16 appeals. The fiscal body of the county shall appoint two (2)  
 17 individuals to the board. At least one (1) of the members appointed  
 18 by the county fiscal body must be a certified level two Indiana  
 19 assessor-appraiser. The board of commissioners of the county shall  
 20 appoint three (3) freehold members so that not more than three (3)  
 21 of the five (5) voting members are of the same political party and  
 22 so that at least three (3) of the five (5) voting members are  
 23 residents of the county. At least one (1) of the members appointed  
 24 by the board of county commissioners must be a certified level two  
 25 Indiana assessor-appraiser. One (1) of the members appointed by  
 26 the board of county commissioners must be a representative of a  
 27 neighborhood or taxpayer organization located in the county. A  
 28 person appointed to a property tax assessment board of appeals  
 29 may serve on the property tax assessment board of appeals of  
 30 another county at the same time. The members of the board shall  
 31 elect a president. The employees of the county assessor shall  
 32 provide administrative support to the property tax assessment  
 33 board of appeals. The county assessor shall serve as secretary of  
 34 the board. The secretary shall keep full and accurate minutes of the  
 35 proceedings of the board. A majority of the voting members of the  
 36 board that includes at least one (1) certified level two Indiana  
 37 assessor-appraiser constitutes a quorum for the transaction of  
 38 business. Any question properly before the board may be decided  
 39 by the agreement of a majority of the voting members of the board.**

40 (b) The county fiscal body and board of commissioners of the  
 41 county may agree to waive the requirement in subsection (a) that  
 42 not more than three (3) of the five (5) members of the county  
 43 property tax assessment board of appeals are of the same political  
 44 party if it is necessary to waive the requirement due to the absence  
 45 of certified level two Indiana assessor-appraisers:

- 46 (1) who are willing to serve on the board; and



1           **(2) whose political party membership status would satisfy the**  
 2           **requirement in subsection (a).**

3           **(c) If the board of county commissioners is not able to identify**  
 4           **at least two (2) prospective freehold members of the county**  
 5           **property tax assessment board of appeals who are:**

6           **(1) residents of the county;**

7           **(2) certified level two Indiana assessor-appraisers; and**

8           **(3) willing to serve on the county property tax assessment**  
 9           **board of appeals;**

10          **it is not necessary that at least three (3) of the five (5) members of**  
 11          **the county property tax assessment board of appeals be residents**  
 12          **of the county.**

13          SECTION 26. IC 6-1.1-31.5-3.5, AS AMENDED BY P.L.228-2005,  
 14          SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15          JANUARY 1, 2007]: Sec. 3.5. (a) Until the system described in  
 16          subsection (e) is implemented, each county shall maintain a state  
 17          certified computer system that has the capacity to:

18                 (1) process and maintain assessment records;

19                 (2) process and maintain standardized property tax forms;

20                 (3) process and maintain standardized property assessment  
 21                 notices;

22                 (4) maintain complete and accurate assessment records for the  
 23                 county; and

24                 (5) process and compute complete and accurate assessments in  
 25                 accordance with Indiana law.

26          **In a county that does not have a consolidated city and does not**  
 27          **have an elected township assessor in every township, the county**  
 28          **assessor with the recommendation of the township assessors shall**  
 29          **select the computer system used by township assessors and the county**  
 30          **assessor in the county. ~~except in a county with an elected township~~**  
 31          **assessor in every township. In a county with that does not have a**  
 32          **consolidated city but has an elected township assessor in every**  
 33          **township, the elected township assessors shall select a computer system**  
 34          **based on a majority vote of the township assessors in the county. In a**  
 35          **county that has a consolidated city, the county assessor shall select**  
 36          **a computer system.**

37          (b) All information on a computer system referred to in subsection  
 38          (a) shall be readily accessible to:

39                 (1) township assessors;

40                 (2) the county assessor;

41                 (3) the department of local government finance; and

42                 (4) members of the county property tax assessment board of  
 43                 appeals.

44          (c) The certified system referred to in subsection (a) used by the  
 45          counties must be:

46                 (1) compatible with the data export and transmission



- 1 requirements in a standard format prescribed by the office of  
2 technology established by IC 4-13.1-2-1 and approved by the  
3 legislative services agency; and
- 4 (2) maintained in a manner that ensures prompt and accurate  
5 transfer of data to the department of local government finance and  
6 the legislative services agency.
- 7 (d) All standardized property forms and notices on the certified  
8 computer system referred to in subsection (a) shall be maintained by  
9 the township assessor and the county assessor in an accessible location  
10 and in a format that is easily understandable for use by persons of the  
11 county.
- 12 (e) The department shall adopt rules before July 1, 2006, for the  
13 establishment of:
- 14 (1) a uniform and common property tax management system  
15 among all counties that:
- 16 (A) includes a combined mass appraisal and county auditor  
17 system integrated with a county treasurer system; and  
18 (B) replaces the computer system referred to in subsection (a);  
19 and
- 20 (2) a schedule for implementation of the system referred to in  
21 subdivision (1) structured to result in the implementation of the  
22 system in all counties with respect to an assessment date:
- 23 (A) determined by the department; and  
24 (B) specified in the rule.
- 25 (f) The department shall appoint an advisory committee to assist the  
26 department in the formulation of the rules referred to in subsection (e).  
27 The department shall determine the number of members of the  
28 committee. The committee:
- 29 (1) must include at least:
- 30 (A) one (1) township assessor;  
31 (B) one (1) county assessor;  
32 (C) one (1) county auditor; and  
33 (D) one (1) county treasurer; and
- 34 (2) shall meet at times and locations determined by the  
35 department.
- 36 (g) Each member of the committee appointed under subsection (f)  
37 who is not a state employee is not entitled to the minimum salary per  
38 diem provided by IC 4-10-11-2.1(b). The member is entitled to  
39 reimbursement for traveling expenses as provided under IC 4-13-1-4  
40 and other expenses actually incurred in connection with the member's  
41 duties as provided in the state policies and procedures established by  
42 the Indiana department of administration and approved by the budget  
43 agency.
- 44 (h) Each member of the committee appointed under subsection (f)  
45 who is a state employee is entitled to reimbursement for traveling  
46 expenses as provided under IC 4-13-1-4 and other expenses actually



1 incurred in connection with the member's duties as provided in the state  
2 policies and procedures established by the Indiana department of  
3 administration and approved by the budget agency.

4 (i) The department shall report to the budget committee in writing  
5 the department's estimate of the cost of implementation of the system  
6 referred to in subsection (e).

7 SECTION 27. IC 6-1.5-5-5, AS AMENDED BY P.L.199-2005,  
8 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JANUARY 1, 2007]: Sec. 5. After the hearing, the Indiana board shall  
10 give the petitioner, the township assessor, **if any**, the county assessor,  
11 the county auditor, the affected taxing units required to be notified  
12 under section 2(e) of this chapter, and the department of local  
13 government finance:

14 (1) notice, by mail, of its final determination, findings of fact, and  
15 conclusions of law; and

16 (2) notice of the procedures the petitioner or the department of  
17 local government finance must follow in order to obtain court  
18 review of the final determination of the Indiana board.

19 SECTION 28. IC 6-2.5-8-1 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) A retail  
21 merchant may not make a retail transaction in Indiana, unless ~~he~~ **the**  
22 **retail merchant** has applied for a registered retail merchant's  
23 certificate.

24 (b) A retail merchant may obtain a registered retail merchant's  
25 certificate by filing an application with the department and paying a  
26 registration fee of twenty-five dollars (\$25) for each place of business  
27 listed on the application. The retail merchant shall also provide such  
28 security for payment of the tax as the department may require under  
29 IC 6-2.5-6-12.

30 (c) The retail merchant shall list on the application the location  
31 (including the township) of each place of business where ~~he~~ **the**  
32 **merchant** makes retail transactions. However, if the retail merchant  
33 does not have a fixed place of business, ~~he~~ **the merchant** shall list ~~his~~  
34 **the merchant's** residence as ~~his~~ **the merchant's** place of business. In  
35 addition, a public utility may list only its principal Indiana office as its  
36 place of business for sales of public utility commodities or service, but  
37 the utility must also list on the application the places of business where  
38 it makes retail transactions other than sales of public utility  
39 commodities or service.

40 (d) Upon receiving a proper application, the correct fee, and the  
41 security for payment, if required, the department shall issue to the retail  
42 merchant a separate registered retail merchant's certificate for each  
43 place of business listed on the application. Each certificate shall bear  
44 a serial number and the location of the place of business for which it is  
45 issued.

46 (e) If a retail merchant intends to make retail transactions during a



1 calendar year at a new Indiana place of business, ~~he~~ **the retail**  
 2 **merchant** must file a supplemental application and pay the fee for that  
 3 place of business.

4 (f) A retail merchant engaged in business in Indiana as defined in  
 5 IC 6-2.5-3-1(c) who makes retail transactions that are only subject to  
 6 the use tax must obtain a registered retail merchant's certificate before  
 7 making those transactions. The retail merchant may obtain the  
 8 certificate by following the same procedure as a retail merchant under  
 9 subsections (b) and (c), except that the retail merchant must also  
 10 include on the application:

- 11 (1) the names and addresses of the retail merchant's principal
- 12 employees, agents, or representatives who engage in Indiana in
- 13 the solicitation or negotiation of the retail transactions;
- 14 (2) the location of all of the retail merchant's places of business in
- 15 Indiana, including offices and distribution houses; and
- 16 (3) any other information that the department requests.

17 (g) The department may permit an out-of-state retail merchant to  
 18 collect the use tax. However, before the out-of-state retail merchant  
 19 may collect the tax, ~~he~~ **the retail merchant** must obtain a registered  
 20 retail merchant's certificate in the manner provided by this section.  
 21 Upon receiving the certificate, the out-of-state retail merchant becomes  
 22 subject to the same conditions and duties as an Indiana retail merchant  
 23 and must then collect the use tax due on all sales of tangible personal  
 24 property that ~~he~~ **the retail merchant** knows is intended for use in  
 25 Indiana.

26 (h) The department shall submit to the township assessor **or, in the**  
 27 **case of a township located in a county having a consolidated city,**  
 28 **the county assessor** before July 15 of each year:

- 29 (1) the name of each retail merchant that has newly obtained a
- 30 registered retail merchant's certificate between March 2 of the
- 31 preceding year and March 1 of the current year for a place of
- 32 business located in the township **or county, as appropriate;** and
- 33 (2) the address of each place of business of the taxpayer in the
- 34 township **or county, as appropriate.**

35 SECTION 29. IC 6-3.5-6-18.5, AS AMENDED BY P.L.234-2005,  
 36 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JANUARY 1, 2007]: Sec. 18.5. (a) This section applies to a county  
 38 containing a consolidated city.

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

- 42 (1) For the calendar year beginning January 1, 1995, calculate the
- 43 total amount of revenues that are to be distributed as distributive
- 44 shares during that month multiplied by the following factor:

45	Center Township	.0251
46	Decatur Township	.00217



1	Franklin Township	.0023
2	Lawrence Township	.01177
3	Perry Township	.01130
4	Pike Township	.01865
5	Warren Township	.01359
6	Washington Township	.01346
7	Wayne Township	.01307
8	Lawrence-City	.00858
9	Beech Grove	.00845
10	Southport	.00025
11	Speedway	.00722
12	Indianapolis/Marion County	.86409
13	(2) Notwithstanding subdivision (1), for the calendar year	
14	beginning January 1, 1995, the distributive shares for each civil	
15	taxing unit in a county containing a consolidated city shall be not	
16	less than the following:	
17	Center Township	\$1,898,145
18	Decatur Township	\$164,103
19	Franklin Township	\$173,934
20	Lawrence Township	\$890,086
21	Perry Township	\$854,544
22	Pike Township	\$1,410,375
23	Warren Township	\$1,027,721
24	Washington Township	\$1,017,890
25	Wayne Township	\$988,397
26	Lawrence-City	\$648,848
27	Beech Grove	\$639,017
28	Southport	\$18,906
29	Speedway	\$546,000
30	(3) For each year after 1995, calculate the total amount of	
31	revenues that are to be distributed as distributive shares during	
32	that month as follows:	
33	STEP ONE: Determine the total amount of revenues that were	
34	distributed as distributive shares during that month in calendar	
35	year 1995.	
36	STEP TWO: Determine the total amount of revenue that the	
37	department has certified as distributive shares for that month	
38	under section 17 of this chapter for the calendar year.	
39	STEP THREE: Subtract the STEP ONE result from the STEP	
40	TWO result.	
41	STEP FOUR: If the STEP THREE result is less than or equal	
42	to zero (0), multiply the STEP TWO result by the ratio	
43	established under subdivision (1).	
44	STEP FIVE: Determine the ratio of:	
45	(A) the maximum permissible property tax levy under	
46	IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for each civil	



1 taxing unit for the calendar year in which the month falls,  
 2 plus, for a county, an amount equal to the property taxes  
 3 imposed by the county in 1999 for the county's welfare fund  
 4 and welfare administration fund; divided by

5 (B) the sum of the maximum permissible property tax levies  
 6 under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all  
 7 civil taxing units of the county during the calendar year in  
 8 which the month falls, and an amount equal to the property  
 9 taxes imposed by the county in 1999 for the county's welfare  
 10 fund and welfare administration fund.

11 STEP SIX: If the STEP THREE result is greater than zero (0),  
 12 the STEP ONE amount shall be distributed by multiplying the  
 13 STEP ONE amount by the ratio established under subdivision  
 14 (1).

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

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

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

27 (A) the maximum permissible property tax levy under  
 28 IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for the  
 29 qualifying civil taxing unit during the calendar year in which  
 30 the month falls, plus, for a county, an amount equal to the  
 31 property taxes imposed by the county in 1999 for the  
 32 county's welfare fund and welfare administration fund;  
 33 divided by

34 (B) the sum of the maximum permissible property tax levies  
 35 under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all  
 36 qualifying civil taxing units of the county during the  
 37 calendar year in which the month falls, and an amount equal  
 38 to the property taxes imposed by the county in 1999 for the  
 39 county's welfare fund and welfare administration fund.

40 **(c) Except with respect to Center Township, for each year after**  
 41 **2006, sixty-six percent (66%) of the revenues to be distributed as**  
 42 **distributive shares during each month to the townships listed in**  
 43 **this section are to be distributed as additional distributive shares**  
 44 **to Indianapolis/Marion County and the township distributive**  
 45 **shares are reduced by sixty-six percent (66%).**

46 **(d) If Lawrence, Beech Grove, Southport, or Speedway**



1 consolidates its fire department into the consolidated fire  
 2 department under IC 36-3-1-6.3, commencing with the calendar  
 3 year following that consolidation and for each year thereafter, the  
 4 monthly distributive share of county option income taxes  
 5 distributed to Lawrence, Beech Grove, Southport, or Speedway, as  
 6 applicable, shall be reduced by a percentage set forth in the  
 7 ordinances adopted under IC 36-3-1-6.3, and those revenues shall  
 8 instead be distributed as additional distributive shares to  
 9 Indianapolis/Marion County.

10 SECTION 30. IC 6-6-5.5-18 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 18. (a) A taxpayer  
 12 who owns, holds, possesses, or controls a commercial vehicle that:

13 (1) is subject to the commercial vehicle excise tax imposed under  
 14 this chapter; and

15 (2) would have been subject to assessment as personal property  
 16 on March 1, 2000, under the law in effect before January 1, 2000;  
 17 shall file an information return on or before May 15, 2000, with the  
 18 assessor of each township in which the taxpayer's commercial vehicles  
 19 would have been subject to assessment and taxation under IC 6-1.1.

20 (b) The information return ~~shall be~~ is filed on a form prescribed by  
 21 the department of local government finance and shall require the  
 22 taxpayer to provide information regarding the value, nature, and  
 23 location of each commercial vehicle which the taxpayer owns, holds,  
 24 possesses, or controls on March 1, 2000. If a commercial vehicle is  
 25 used or operated in interstate commerce, the value reported on the  
 26 information return ~~shall be~~ is determined under the procedure set forth  
 27 in 50 IAC 4.2-10-3.

28 (c) The information return shall be furnished to the taxpayer by the  
 29 appropriate ~~township~~ assessor **for each township** in the same manner  
 30 and at the same time as the taxpayer's personal property tax return.

31 (d) In completing an information return under this section, a  
 32 taxpayer shall make a complete disclosure of all information, required  
 33 by the department of local government finance, that is related to the  
 34 value, nature, or location of commercial vehicles that the taxpayer  
 35 owns, holds, possesses or controls on March 1, 2000. The taxpayer  
 36 shall certify to the truth of all information appearing in the information  
 37 return and all data accompanying the information return.

38 (e) The ~~township~~ assessor **for each township** shall examine and  
 39 verify the accuracy of each information return filed by a taxpayer. If  
 40 appropriate, the assessor **for each township** shall compare an  
 41 information return with the books of the taxpayer and with commercial  
 42 vehicles owned, held, possessed, or controlled by the taxpayer.

43 SECTION 31. IC 6-6-5.5-19 IS AMENDED TO READ AS  
 44 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 19. (a) As used  
 45 in this section, "assessed value" means an amount equal to the true tax  
 46 value of commercial vehicles that:



- 1 (1) are subject to the commercial vehicle excise tax under this  
 2 chapter; and
- 3 (2) would have been subject to assessment as personal property  
 4 on March 1, 2000, under the law in effect before January 1, 2000.
- 5 (b) For calendar year 2001, a taxing unit's base revenue shall be  
 6 determined as provided in subsection (f). For calendar years that begin  
 7 after December 31, 2001, a taxing unit's base revenue shall be  
 8 determined by multiplying the previous year's base revenue by one  
 9 hundred five percent (105%).
- 10 (c) The amount of commercial vehicle excise tax distributed to the  
 11 taxing units of Indiana from the commercial vehicle excise tax fund  
 12 shall be determined in the manner provided in this section. On or  
 13 before June 1, 2000, ~~each township the~~ **assessor of a county for each**  
 14 **township** shall deliver to the county assessor a list that states by taxing  
 15 district the total assessed value as shown on the information returns  
 16 filed with the assessor on or before May 15, 2000.
- 17 (d) On or before July 1, 2000, each county assessor shall certify to  
 18 the county auditor the assessed value of commercial vehicles in every  
 19 taxing district.
- 20 (e) On or before August 1, 2000, the county auditor shall certify the  
 21 following to the department of local government finance:
- 22 (1) The total assessed value of commercial vehicles in the county.  
 23 (2) The total assessed value of commercial vehicles in each taxing  
 24 district of the county.
- 25 (f) The department of local government finance shall determine  
 26 each taxing unit's base revenue by applying the current tax rate for each  
 27 taxing district to the certified assessed value from each taxing district.  
 28 The department of local government finance shall also determine the  
 29 following:
- 30 (1) The total amount of base revenue to be distributed from the  
 31 commercial vehicle excise tax fund in 2001 to all taxing units in  
 32 Indiana.
- 33 (2) The total amount of base revenue to be distributed from the  
 34 commercial vehicle excise tax fund in 2001 to all taxing units in  
 35 each county.
- 36 (3) Each county's total distribution percentage. A county's total  
 37 distribution percentage shall be determined by dividing the total  
 38 amount of base revenue to be distributed in 2001 to all taxing  
 39 units in the county by the total base revenue to be distributed  
 40 statewide.
- 41 (4) Each taxing unit's distribution percentage. A taxing unit's  
 42 distribution percentage shall be determined by dividing each  
 43 taxing unit's base revenue by the total amount of base revenue to  
 44 be distributed in 2001 to all taxing units in the county.
- 45 (g) The department of local government finance shall certify each  
 46 taxing unit's base revenue and distribution percentage for calendar year



1 2001 to the auditor of state on or before September 1, 2000.

2 (h) The auditor of state shall keep permanent records of each taxing  
3 unit's base revenue and distribution percentage for calendar year 2001  
4 for purposes of determining the amount of money each taxing unit in  
5 Indiana is entitled to receive in calendar years that begin after  
6 December 31, 2001.

7 SECTION 32. IC 6-8.1-7-1 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) This  
9 subsection does not apply to the disclosure of information concerning  
10 a conviction on a tax evasion charge. Unless in accordance with a  
11 judicial order or as otherwise provided in this chapter, the department,  
12 its employees, former employees, counsel, agents, or any other person  
13 may not divulge the amount of tax paid by any taxpayer, terms of a  
14 settlement agreement executed between a taxpayer and the department,  
15 investigation records, investigation reports, or any other information  
16 disclosed by the reports filed under the provisions of the law relating  
17 to any of the listed taxes, including required information derived from  
18 a federal return, except to:

- 19 (1) members and employees of the department;  
20 (2) the governor;  
21 (3) the attorney general or any other legal representative of the  
22 state in any action in respect to the amount of tax due under the  
23 provisions of the law relating to any of the listed taxes; or  
24 (4) any authorized officers of the United States;

25 when it is agreed that the information is to be confidential and to be  
26 used solely for official purposes.

27 (b) The information described in subsection (a) may be revealed  
28 upon the receipt of a certified request of any designated officer of the  
29 state tax department of any other state, district, territory, or possession  
30 of the United States when:

- 31 (1) the state, district, territory, or possession permits the exchange  
32 of like information with the taxing officials of the state; and  
33 (2) it is agreed that the information is to be confidential and to be  
34 used solely for tax collection purposes.

35 (c) The information described in subsection (a) relating to a person  
36 on public welfare or a person who has made application for public  
37 welfare may be revealed to the director of the division of family and  
38 children, and to any county director of family and children located in  
39 Indiana, upon receipt of a written request from either director for the  
40 information. The information shall be treated as confidential by the  
41 directors. In addition, the information described in subsection (a)  
42 relating to a person who has been designated as an absent parent by the  
43 state Title IV-D agency shall be made available to the state Title IV-D  
44 agency upon request. The information shall be subject to the  
45 information safeguarding provisions of the state and federal Title IV-D  
46 programs.



1 (d) The name, address, Social Security number, and place of  
 2 employment relating to any individual who is delinquent in paying  
 3 educational loans owed to an institution of higher education may be  
 4 revealed to that institution if it provides proof to the department that the  
 5 individual is delinquent in paying for educational loans. This  
 6 information shall be provided free of charge to approved institutions of  
 7 higher learning (as defined by IC 20-12-21-3(2)). The department shall  
 8 establish fees that all other institutions must pay to the department to  
 9 obtain information under this subsection. However, these fees may not  
 10 exceed the department's administrative costs in providing the  
 11 information to the institution.

12 (e) The information described in subsection (a) relating to reports  
 13 submitted under IC 6-6-1.1-502 concerning the number of gallons of  
 14 gasoline sold by a distributor, and IC 6-6-2.5 concerning the number of  
 15 gallons of special fuel sold by a supplier and the number of gallons of  
 16 special fuel exported by a licensed exporter or imported by a licensed  
 17 transporter may be released by the commissioner upon receipt of a  
 18 written request for the information.

19 (f) The information described in subsection (a) may be revealed  
 20 upon the receipt of a written request from the administrative head of a  
 21 state agency of Indiana when:

22 (1) the state agency shows an official need for the information;  
 23 and

24 (2) the administrative head of the state agency agrees that any  
 25 information released will be kept confidential and will be used  
 26 solely for official purposes.

27 (g) The name and address of retail merchants, including township,  
 28 as specified in IC 6-2.5-8-1(h) may be released solely for tax collection  
 29 purposes to ~~township~~ assessors **for each township**.

30 (h) The department shall notify the appropriate innkeepers' tax  
 31 board, bureau, or commission that a taxpayer is delinquent in remitting  
 32 innkeepers' taxes under IC 6-9.

33 (i) All information relating to the delinquency or evasion of the  
 34 motor vehicle excise tax may be disclosed to the bureau of motor  
 35 vehicles in Indiana and may be disclosed to another state, if the  
 36 information is disclosed for the purpose of the enforcement and  
 37 collection of the taxes imposed by IC 6-6-5.

38 (j) All information relating to the delinquency or evasion of  
 39 commercial vehicle excise taxes payable to the bureau of motor  
 40 vehicles in Indiana may be disclosed to the bureau and may be  
 41 disclosed to another state, if the information is disclosed for the  
 42 purpose of the enforcement and collection of the taxes imposed by  
 43 IC 6-6-5.5.

44 (k) All information relating to the delinquency or evasion of  
 45 commercial vehicle excise taxes payable under the International  
 46 Registration Plan may be disclosed to another state, if the information



1 is disclosed for the purpose of the enforcement and collection of the  
2 taxes imposed by IC 6-6-5.5.

3 (l) This section does not apply to:

- 4 (1) the beer excise tax (IC 7.1-4-2);  
5 (2) the liquor excise tax (IC 7.1-4-3);  
6 (3) the wine excise tax (IC 7.1-4-4);  
7 (4) the hard cider excise tax (IC 7.1-4-4.5);  
8 (5) the malt excise tax (IC 7.1-4-5);  
9 (6) the motor vehicle excise tax (IC 6-6-5);  
10 (7) the commercial vehicle excise tax (IC 6-6-5.5); and  
11 (8) the fees under IC 13-23.

12 (m) The name and business address of retail merchants within each  
13 county that sell tobacco products may be released to the division of  
14 mental health and addiction and the alcohol and tobacco commission  
15 solely for the purpose of the list prepared under ~~IC 6-2.5-6-14.~~  
16 **IC 6-2.5-6-14.2.**

17 SECTION 33. IC 8-22-3-11.6, AS ADDED BY P.L.227-2005,  
18 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 UPON PASSAGE]: Sec. 11.6. (a) This section applies only to an  
20 airport authority established for a county having a consolidated city.

21 (b) ~~The legislative body of the consolidated city and the governing~~  
22 ~~body of the airport authority may adopt substantially similar ordinances~~  
23 ~~providing that After December 31, 2006, the fire department of the~~  
24 ~~airport authority is consolidated into the fire department of the~~  
25 ~~consolidated city created by IC 36-3-1-6.1, and that the fire~~  
26 ~~department of the consolidated city shall provide fire protection~~  
27 ~~services for the airport authority. If ordinances are adopted under this~~  
28 ~~section, the consolidation shall take effect on the date agreed to by the~~  
29 ~~legislative body of the consolidated city and the governing body of the~~  
30 ~~airport authority in the ordinances.~~

31 (c) ~~The legislative body of the consolidated city and the governing~~  
32 ~~body of the airport authority may adopt substantially similar ordinances~~  
33 ~~an ordinance under IC 36-3-1-5.1 providing that the law enforcement~~  
34 ~~services of the airport authority are consolidated into the consolidated~~  
35 ~~law enforcement department of the consolidated city created by~~  
36 ~~IC 36-3-1-5.1, and that the law enforcement department of the~~  
37 ~~consolidated city shall provide law enforcement services for the airport~~  
38 ~~authority. If ordinances are adopted under this section, the~~  
39 ~~consolidation shall take effect on the date agreed to by the legislative~~  
40 ~~body of the consolidated city and the governing body of the airport~~  
41 ~~authority in the ordinances.~~

42 SECTION 34. IC 9-22-5-1 IS AMENDED TO READ AS  
43 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. The following  
44 officers may act for their respective units of government under this  
45 chapter:

- 46 (1) The sheriff, for a county.



- 1 (2) The chief of police, for a city.  
 2 (3) A town marshal, for a town.  
 3 (4) A township trustee, for a township **in a county not having a**  
 4 **consolidated city.**  
 5 (5) A state police officer, for the state.

6 SECTION 35. IC 10-18-5-1 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. A township  
 8 trustee **for a township in a county not having a consolidated city**  
 9 may receive as public property a monument or memorial built:

- 10 (1) in the township;  
 11 (2) in honor of the township's soldiers or marines; and  
 12 (3) by the people with public donations;  
 13 if the people of the township want to give the monument or memorial  
 14 to the township.

15 SECTION 36. IC 12-7-2-192.6 IS ADDED TO THE INDIANA  
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 17 [EFFECTIVE JANUARY 1, 2007]: **Sec. 192.6. "Township", for**  
 18 **purposes of IC 12-20 and IC 12-30-4, means a:**

- 19 (1) **civil township; or**  
 20 (2) **township district (as defined in IC 36-6-4.1-5) for a county**  
 21 **having a consolidated city.**

22 SECTION 37. IC 14-21-1-13.5, AS AMENDED BY P.L.1-2005,  
 23 SECTION 143, IS AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE JANUARY 1, 2007]: Sec. 13.5. (a) The division may  
 25 conduct a program to survey and register in a registry of Indiana  
 26 cemeteries and burial grounds that the division establishes and  
 27 maintains all cemeteries and burial grounds in each county in Indiana.  
 28 The division may conduct the program alone or by entering into an  
 29 agreement with one (1) or more of the following entities:

- 30 (1) The Indiana Historical Society established under IC 23-6-3.  
 31 (2) A historical society (as defined in IC 36-10-13-3).  
 32 (3) The Historic Landmarks Foundation of Indiana.  
 33 (4) A professional archeologist or historian associated with a  
 34 college or university.  
 35 (5) A township trustee **in a county not having a consolidated**  
 36 **city.**  
 37 (6) Any other entity that the division selects.

38 (b) In conducting a program under subsection (a), the division may  
 39 receive gifts and grants under terms, obligations, and liabilities that the  
 40 director considers appropriate. The director shall use a gift or grant  
 41 received under this subsection:

- 42 (1) to carry out subsection (a); and  
 43 (2) according to the terms of the gift or grant.

44 (c) At the request of the director, the auditor of state shall establish  
 45 a trust fund for purposes of holding money received under subsection  
 46 (b).



1 (d) The director shall administer a trust fund established by  
 2 subsection (c). The expenses of administering the trust fund shall be  
 3 paid from money in the trust fund.

4 (e) The treasurer of state shall invest the money in the trust fund  
 5 established by subsection (c) that is not currently needed to meet the  
 6 obligations of the trust fund in the same manner as other public trust  
 7 funds may be invested. The treasurer of state shall deposit in the trust  
 8 fund the interest that accrues from the investment of the trust fund.

9 (f) Money in the trust fund at the end of a state fiscal year does not  
 10 revert to the state general fund.

11 (g) Nothing in this section may be construed to authorize violation  
 12 of the confidentiality of information requirements of 16 U.S.C. 470(w)  
 13 and 16 U.S.C. 470(h)(h).

14 (h) The division may record in each county recorder's office the  
 15 location of each cemetery and burial ground located in that county.

16 SECTION 38. IC 15-3-4-0.5 IS ADDED TO THE INDIANA CODE  
 17 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 18 **JANUARY 1, 2007]: Sec. 0.5. (a) This section applies to a township**  
 19 **in a county having a consolidated city.**

20 **(b) After December 31, 2006, the duties of a township trustee**  
 21 **under this chapter are transferred to the consolidated city.**

22 SECTION 39. IC 15-3-4-1 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) As used in  
 24 this chapter, "detrimental plant" includes Canada thistle (*cirsium*  
 25 *arvense*), Johnson grass, sorghum alumun (*sorghum halrphense*), bur  
 26 cucumber (*sicyos angulatus*), shattercane (*Sorghum bicolor [L.]*  
 27 *Moench spp. drummondii [Steud.] deWet*), and, in residential areas  
 28 only, noxious weeds and rank vegetation. The term does not include  
 29 agricultural crops.

30 (b) As used in this chapter, "person" means an individual, an  
 31 incorporated or unincorporated organization or association, a trustee or  
 32 legal representative, the state, a political subdivision (as defined in  
 33 IC 36-1-2-13), an agency of the state or a political subdivision, or a  
 34 group of those persons acting in concert.

35 (c) As used in this chapter, "fund" means:

36 (1) the township fund for a township in a county not having a  
 37 consolidated city; or

38 (2) the appropriate fund of the consolidated city for a county  
 39 having a consolidated city.

40 (d) As used in this chapter, "township trustee" or "trustee"  
 41 means:

42 (1) a township trustee for a township in a county not having  
 43 a consolidated city; or

44 (2) the consolidated city for a township in a county having a  
 45 consolidated city.

46 (e) A person owning or possessing real estate in Indiana shall



1 destroy detrimental plants by cutting or mowing and, if necessary, by  
 2 plowing, cultivating, or smothering, or by the use of chemicals in the  
 3 bud stage of growth or earlier, to prevent those detrimental plants from  
 4 maturing on any such real estate.

5 SECTION 40. IC 15-3-4-2 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) A township  
 7 trustee who has reason to believe that detrimental plants may be on real  
 8 estate may, after giving forty-eight (48) hours notice to the owner or  
 9 person in possession of the property, enter the real estate to investigate.

10 (b) Except as provided in subsection (c), if the township trustee  
 11 determines after investigating the property or by visual inspection  
 12 without entering the property that a person has detrimental plants  
 13 growing on real estate in ~~the~~ **a township that comprises all or a part**  
 14 **of the township trustee's jurisdiction** that have not been destroyed as  
 15 described in section 1 of this chapter, ~~the trustee of the township in~~  
 16 ~~which the real estate is located~~ **township trustee** shall notify, in  
 17 writing, the owner or person in possession of the real estate to destroy  
 18 the detrimental plants in a manner provided in section 1 of this chapter  
 19 within five (5) days after the notice is given. If the detrimental plants  
 20 are not destroyed as provided in section 1 of this chapter within five (5)  
 21 days after notice is given, the trustee shall cause the detrimental plants  
 22 to be destroyed in a manner seeming most practical to the trustee  
 23 within three (3) additional days. The trustee may hire a person to  
 24 destroy the detrimental plants. The trustee or the person employed to  
 25 destroy the detrimental plants may enter upon the real estate where the  
 26 detrimental plants are growing to destroy the detrimental plants, and  
 27 are not civilly or criminally liable for damage to crops, livestock, or  
 28 other property occurring while carrying out such work, except for gross  
 29 negligence or willful or wanton destruction.

30 (c) If the county has established a county weed control board under  
 31 IC 15-3-4.6 the township trustee may notify the county weed control  
 32 board of the real estate containing detrimental plants, and the board  
 33 shall either assume jurisdiction to control the detrimental plants or  
 34 decline jurisdiction and refer the matter back to the township trustee.  
 35 The county weed control board shall notify the township trustee of the  
 36 board's decision.

37 (d) Notice required in subsection (a) or (b) may be given:

- 38 (1) by mail, using certified mail; or
- 39 (2) by personal service.

40 (e) Notice under subsection (d) is considered received by the owner  
 41 or person in possession of the real estate:

- 42 (1) if sent by mail, on the earlier of:
  - 43 (A) the date of signature of receipt of the mailing; or
  - 44 (B) three (3) business days after the date of mailing; or
- 45 (2) if served personally, on the date of delivery.

46 SECTION 41. IC 15-3-4-3 IS AMENDED TO READ AS



1       FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) The  
 2 township trustee may pay for the chemicals, work, and labor performed  
 3 in cutting or destroying detrimental plants under this chapter at a rate  
 4 per hour to be fixed by the township trustee commensurate with local  
 5 hourly wages.

6       (b) In all cases in which the infestation of the land with detrimental  
 7 plants is so great and widespread as in the opinion of the trustee to  
 8 render such cutting or eradication by hand methods impractical, the  
 9 trustee shall engage the necessary power machinery or equipment and  
 10 may pay for the work at a rate per hour fixed by the township trustee  
 11 commensurate with the local hourly rate.

12       (c) When the work has been performed, the person doing the work  
 13 shall file an itemized bill for the work ~~in the office of~~ **with** the trustee  
 14 ~~of the township~~, and when the bill has been approved the trustee shall  
 15 pay the bill out of the ~~township~~ fund. The trustee of the township shall  
 16 certify the cost or expense of the work, and the cost of the chemicals,  
 17 adding to such bill twenty dollars (\$20) per day for each day that the  
 18 trustee or the trustee's agent supervises the performance of the services  
 19 required under this chapter as compensation for services, with a  
 20 description of the real estate on which the labor was performed.

21       (d) The certified statement of costs prepared under subsection (c)  
 22 shall be mailed using certificate of mailing to, or personally served on,  
 23 the owner or person possessing the real estate. The certified statement  
 24 shall be mailed to the auditor of state for any real estate owned by the  
 25 state or to the fiscal officer of another municipality (as defined in  
 26 IC 5-11-1-16) for real estate owned by the municipality. The statement  
 27 shall request that the person pay the cost of performing the service  
 28 under subsection (c) to the township trustee.

29       (e) If the owner or person in possession of the property does not pay  
 30 the amount set forth in the statement within ten (10) days after  
 31 receiving the notice under subsection (d), the township trustee shall file  
 32 a copy of the certified statement in the office of the county auditor of  
 33 the county where the real estate is located **or, if the township is in a**  
 34 **county having a consolidated city, the office of the controller.**

35       (f) The auditor **or the city controller** shall place the amount  
 36 claimed in the certified statement on the tax duplicate of the real estate.  
 37 Except as provided in subsections (j) through (l), the amount claimed  
 38 shall be collected as taxes are collected.

39       (g) After an amount described in subsection (f) is collected, the  
 40 funds shall be deposited in the ~~trustee's township funds fund~~ for use at  
 41 the discretion of the trustee.

42       (h) If there is no money available in ~~a the township~~ fund for that  
 43 purpose, ~~the township board~~; upon finding an emergency exists:

44               **(1) the township legislative body** shall act under IC 36-6-6-14(b)  
 45               or IC 36-6-6-15; **or**

46               **(2) a consolidated city shall act under IC 36-3-4;**



1 to borrow a sum of money sufficient to meet the emergency.

2 (i) The trustee, when submitting estimates to the ~~township board~~  
3 **legislative body** for action, shall include in the estimates an item  
4 sufficient to cover those expenditures.

5 (j) This subsection applies to real estate owned by the state. The  
6 auditor of state shall issue a warrant to pay the amount set forth in the  
7 certified statement of costs for real estate owned by the state and shall  
8 charge the appropriate fund for the amount.

9 (k) This subsection applies to real estate owned by a municipality  
10 (as defined in IC 5-11-1-16) other than the township **or a consolidated**  
11 **city**. The fiscal officer of the municipality shall make the necessary  
12 appropriation from the appropriate fund to pay the township the  
13 amount set forth in the certified statement of costs for real estate owned  
14 by the municipality.

15 (l) This subsection applies to real estate that is exempt from  
16 property taxation. The owner of the tax exempt real estate shall pay the  
17 amount set forth in the certified statement of costs for the tax exempt  
18 real estate. If the owner of the tax exempt real estate fails to pay the  
19 amount required by this chapter, the owner is ineligible for the property  
20 tax exemption and the department of local government finance shall  
21 deny the property tax exemption for the real estate.

22 SECTION 42. IC 15-3-4-4 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. Except as  
24 provided in section 3 of this chapter, the county auditor **or, if a**  
25 **township is in a county having a consolidated city, the controller,**  
26 upon receiving and filing such trustee's certificate as prescribed in this  
27 chapter, shall immediately place said amounts on the tax duplicate of  
28 the county and such amounts shall be due at the next tax paying time,  
29 and shall be collected for the proper township, ~~or~~ townships, **or**  
30 **consolidated city**, the same as other state, county, or township taxes  
31 are collected, including penalties, forfeitures, and sales, and when so  
32 collected shall be paid to the proper trustee and placed in the ~~township~~  
33 fund.

34 SECTION 43. IC 15-3-4-5 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) A person  
36 who:

37 (1) knowingly allows detrimental plants to grow and mature on  
38 land owned or possessed by the person;

39 (2) knowing of the existence of detrimental plants on land owned  
40 or possessed by the person, fails to cut them down or eradicate  
41 them by chemicals each year, as prescribed in this chapter;

42 (3) having charge of or control over any highway, knowingly  
43 allows detrimental plants to grow or mature on the right-of-way  
44 of the highway, or, knowing of the existence of the detrimental  
45 plants fails to cut them down or eradicate them by chemicals, as  
46 prescribed in this chapter;



1 (4) having charge of or control over the right-of-way of a railroad  
 2 or interurban company, knowingly allows detrimental plants to  
 3 grow and mature thereon, or knowing of the existence of the  
 4 detrimental plants, fails to cut them down or eradicate them by  
 5 chemicals, as prescribed in this chapter; or

6 (5) knowingly sells Canada thistle (*cirsium arvense*) seed;  
 7 commits a Class C infraction. Each day this section is violated  
 8 constitutes a separate infraction.

9 (b) All judgments collected under this section shall be paid to the  
 10 trustee and placed in the ~~trustee's township funds fund~~ for use at the  
 11 discretion of the trustee **or the consolidated city.**

12 SECTION 44. IC 15-3-4-7 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. When the  
 14 annual budget is prepared, a sufficient amount shall be appropriated to  
 15 enable the township ~~officials trustee~~ to comply with this chapter.

16 SECTION 45. IC 15-3-4-8 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) The Purdue  
 18 University cooperative extension service shall provide technical  
 19 assistance to township trustees for the control of detrimental plants.

20 (b) All law enforcement agencies having jurisdiction in a township  
 21 **or a consolidated city** shall assist the township trustee in carrying out  
 22 the duties imposed on the trustee under this chapter.

23 SECTION 46. IC 15-3-4.6-3 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. The weed  
 25 control board consists of the following members to be appointed by the  
 26 authorizing body:

27 (1) One (1) **member appointed as follows:**

28 **(A) In a county not having a consolidated city, a township**  
 29 **trustee of a township in the county.**

30 **(B) In a county having a consolidated city, the director of**  
 31 **the department of the consolidated city that is responsible**  
 32 **for the destruction of detrimental plants described in this**  
 33 **chapter or the director's designee.**

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

35 (3) A representative from the agricultural community of the  
 36 county.

37 (4) A representative from the county highway department or an  
 38 appointee of the county commissioners. ~~and~~

39 (5) A cooperative extension service agent from the county to  
 40 serve in non-voting advisory capacity.

41 Each board member shall be appointed for a term of four (4) years. All  
 42 vacancies in the membership of the board shall be filled for the  
 43 unexpired term in the same manner as initial appointments. The board  
 44 shall elect a chairman, and a secretary. The members of the board are  
 45 not entitled to receive any compensation, but are entitled to such  
 46 traveling and other expenses as may be necessary in the discharge of



1 their duties. The board may appoint an executive director and employ  
 2 necessary technical, professional, and other assistants and it shall fix  
 3 the qualifications, duties, and salaries of these employees subject to the  
 4 permission of the county council. The county highway supervisor and  
 5 the soil and water conservation district supervisor or employee serving  
 6 the county shall serve as inspectors for the board. They shall make  
 7 periodic inspections and report their findings to the board and the  
 8 executive director, if any.

9 SECTION 47. IC 15-3-5-1 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. The Indiana  
 11 department of transportation, railroads, drainage districts, township  
 12 boards, **except township boards of townships in a county having a**  
 13 **consolidated city**, public utilities, and other public and quasi-public  
 14 corporations shall, between July 1 and September 15, do anything  
 15 possible to restrict the growth and seed production of all Johnson grass  
 16 growing on lands for which they are responsible in a municipality or  
 17 township of this state.

18 SECTION 48. IC 15-5-9-0.5 IS ADDED TO THE INDIANA CODE  
 19 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
 20 JANUARY 1, 2007]: **Sec. 0.5. As used in this chapter, "assessor"**  
 21 **means:**

22 **(1) for a township located in a county not having a**  
 23 **consolidated city:**

24 **(A) the township assessor elected under IC 36-6-5-1; or**

25 **(B) the township trustee who is required by law to act as**  
 26 **the assessor for the township the trustee serves; or**

27 **(2) for a township located in a county having a consolidated**  
 28 **city, the controller of the consolidated city or the controller's**  
 29 **designee.**

30 SECTION 49. IC 15-5-9-1 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) The  
 32 ~~township~~ assessor shall make a diligent census as to the number of  
 33 dogs owned, harbored, or kept by any person. A person owning or  
 34 harboring a dog shall pay immediately to the ~~township~~ assessor a tax  
 35 for each dog owned, harbored, or kept on the same premises, whether  
 36 owned by that person or some other person, as follows:

37 (1) Except as provided in subsection (d), for each neutered dog,  
 38 two dollars (\$2).

39 (2) For each nonneutered dog, four dollars (\$4).

40 (3) For each additional dog, six dollars (\$6).

41 No dog under six (6) months of age is subject to any tax under this  
 42 chapter. Whoever becomes the owner or harborer of a dog after the dog  
 43 census by the ~~township~~ assessor or any owner or harborer of a dog for  
 44 which for any reason the assessor failed to collect the tax, shall, within  
 45 thirty (30) days after becoming the owner or harborer of a dog, apply  
 46 to the assessor, or the assessor's designee, pay the required fee, and



1 procure a tag for the dog.

2 (b) Dogs kept in kennels for breeding, boarding, or training  
3 purposes or for sale shall not be assessed an individual license fee, but  
4 the owner or keeper shall pay a kennel license fee according to the  
5 following schedule:

6 (1) For a major kennel, consisting of fifteen (15) or more dogs, a  
7 fee of thirty dollars (\$30).

8 (2) For a minor kennel, consisting of less than fifteen (15) dogs,  
9 a fee of twenty dollars (\$20).

10 For each individual dog tag or kennel license issued under this chapter,  
11 the ~~township~~ assessor (~~or trustee who collects the fee~~) shall retain from  
12 the fee described in this section, an administrative fee of fifty cents  
13 (\$0.50). Administrative fees collected by ~~the an~~ assessor **other than a**  
14 **township trustee** shall be deposited in the county general fund, and  
15 administrative fees collected by ~~the a township~~ trustee shall be  
16 deposited in the township general fund.

17 (c) Upon the payment of the license fee required by subsection (b),  
18 the ~~township~~ assessor shall deliver to the owner or keeper of the kennel  
19 a proper license together with a metallic tag for each dog in such  
20 kennel. The license shall be dated and numbered and shall bear the  
21 name of the county issuing it and the name and address of the owner of  
22 the kennel licensed, and a description of the breed, number, sex, and  
23 age of the dogs kept in such kennel. Any person becoming the owner  
24 of a dog kennel shall, within thirty (30) days after becoming the owner,  
25 apply to the ~~township~~ assessor, township trustee, or assessor's designee  
26 and, upon payment of the required fee, procure a license and a metallic  
27 tag for all dogs kept in the kennel.

28 (d) A county council may increase the tax on neutered dogs imposed  
29 under subsection (a) from two dollars (\$2) to three dollars (\$3).

30 (e) ~~A township~~ **An** assessor (~~or a township trustee who has the~~  
31 ~~duties of a township assessor~~) may designate one (1) or more licensed  
32 veterinarians or humane societies in the assessor's township **or county,**  
33 **as the case may be,** to collect the dog taxes and kennel license fees  
34 and issue the licenses under this chapter. A designee may retain  
35 seventy-five cents (\$0.75) as a fee for that service and remit the  
36 balance of the money collected to the ~~township trustee assessor who~~  
37 **designated the designee** by the tenth day of each month. As used in  
38 this subsection, "humane society" includes an animal shelter, animal  
39 control center, or other animal impounding facility that has as its  
40 purpose the humane treatment of animals.

41 SECTION 50. IC 15-5-9-2 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) The  
43 ~~township~~ assessor shall give to each person a receipt for the money  
44 paid the assessor, which shall be designated for dog tax. The receipt  
45 shall show the person's name who owns, harbors, or keeps the dog, the  
46 amount paid, and the number, description, and kind of dogs paid for,



1 whether male or female, and the number of each. The receipt relieves  
 2 the person owning, keeping, or harboring dogs for the current year,  
 3 extending one (1) year from its date. The assessor shall keep a record  
 4 of persons owning dogs subject to taxation and a record of the dogs  
 5 paid for. The assessor shall keep a stub record or copy of the receipts  
 6 given for money paid as dog tax. The stub record shall show the  
 7 amount paid, the number of dogs, both male and female, paid for, and  
 8 the person's name owning the dogs paid for. At the time when the  
 9 receipt is issued to the person, the assessor shall give to the person a  
 10 tag, which shall be attached to the collar worn by the dog.

11 (b) Before July 1 each year, the ~~township~~ assessor, **except an**  
 12 **assessor in a county having a consolidated city**, shall turn over to the  
 13 township trustee all the records kept by the assessor relating to the  
 14 collecting and payment of dog taxes and kennel license fees, and a  
 15 copy of all receipts given by the assessor to persons having paid dog  
 16 taxes and kennel license fees, and all money received by the assessor  
 17 as dog taxes, and all tags left in the assessor's possession. The assessor  
 18 shall assess against each person who failed to pay to the assessor the  
 19 amount of any license fee owed by the person, and the amount of the  
 20 license fees shall be placed upon the tax duplicate by the county auditor  
 21 and collected as taxes are collected.

22 (c) From July 1 each year until March 1 of the next year, the  
 23 ~~township trustee assessor~~ shall receive any license fees subject to be  
 24 paid under this chapter and issue any licenses under this chapter that  
 25 may be received or issued by the ~~township~~ assessor under this chapter.

26 SECTION 51. IC 15-5-9-3 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. **This section**  
 28 **does not apply to a township in a county having a consolidated city**  
 29 **or to a consolidated city.** The ~~township~~ assessor shall, before July 1  
 30 each year, report the amount collected as dog tax and kennel license  
 31 fees to the county auditor. The dog taxes and kennel license fees  
 32 collected by ~~the a township~~ assessor shall be turned over by the  
 33 **township** assessor to the township trustee of the **township** assessor's  
 34 township. The county auditor shall make a record of the same, and  
 35 charge the amount stated in the report against the township trustee as  
 36 receipts from the county dog fund.

37 SECTION 52. IC 15-5-9-4 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) Each  
 39 ~~township~~ assessor shall perform the duties imposed by this chapter. If  
 40 a dog owner has failed to turn in a dog for taxation purposes, the  
 41 assessor shall notify the owner that the assessor is listing the unpaid  
 42 taxes within a period of ten (10) days, at which time the person will be  
 43 assessed double the amount of taxes provided by this chapter unless the  
 44 person owning the dog appears voluntarily within the ten (10) days  
 45 and:

46 (1) proves to the satisfaction of the assessor that the person owned



1 no such dog at the time the census was made; or  
 2 (2) makes an affidavit to be kept on file by the assessor to the  
 3 effect that the failure to report a dog for taxation was not  
 4 intentional and was not purposely omitted for the purpose of  
 5 avoiding payment of taxes.

6 (b) Each assessor shall keep a complete list of all dogs subject to the  
 7 tax under this chapter together with the names of their owners on  
 8 record in the assessor's office at all times and available to the public.  
 9 If any person shall acquire, own, harbor, or keep any dog after the  
 10 assessor has completed the census, the person shall report the dog to  
 11 and pay to the assessor the amount of dog tax as provided in this  
 12 chapter and receive a receipt and tag for the payment. The receipt and  
 13 tag exempts the person from further payment of dog tax on dogs  
 14 described in the receipt for one (1) year from the date of the receipt.

15 SECTION 53. IC 15-5-9-5 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. ~~A township~~ An  
 17 assessor ~~or assessor's designee or township trustee~~ who:

18 (1) fails to perform the duties imposed by this chapter; or  
 19 (2) fails to make a complete report within the time specified in  
 20 this chapter;  
 21 commits a Class C infraction.

22 SECTION 54. IC 15-5-9-6 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. Every person  
 24 liable to taxation in any township and residing in the township when  
 25 listed for taxation shall make and subscribe to an oath to the ~~township~~  
 26 assessor in which the person states the number of dogs neutered or  
 27 unneutered over the age of six (6) months and owned or harbored by  
 28 the person.

29 SECTION 55. IC 15-5-9-8 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) All money  
 31 derived by the taxing of dogs under this chapter shall constitute a fund  
 32 known as the township dog fund ~~or, in the case of a township located~~  
 33 **in a county having a consolidated city, the county dog fund** that the  
 34 township trustee ~~or, in the case of a township located in a county~~  
 35 **having a consolidated city, the controller of the consolidated city,**  
 36 shall use in the manner provided in this chapter for the payment of the  
 37 following:

38 (1) Damages, less insurance proceeds, sustained by owners of the  
 39 following stock, fowl, or game killed, maimed, or damaged by  
 40 dogs:  
 41 (A) Sheep.  
 42 (B) Cattle.  
 43 (C) Horses.  
 44 (D) Swine.  
 45 (E) Goats.  
 46 (F) Mules.



- 1 (G) Chickens.  
 2 (H) Geese.  
 3 (I) Turkeys.  
 4 (J) Ducks.  
 5 (K) Guineas.  
 6 (L) Tame rabbits.  
 7 (M) Game birds and game animals held in captivity under  
 8 authority of a game breeder's license issued by the department  
 9 of natural resources.  
 10 (N) Bison.  
 11 (O) Farm raised cervidae.  
 12 (P) Ratitae.  
 13 (2) The expense of taking the Pasteur treatment for hydrophobia  
 14 incurred by any person bitten by or exposed to a dog known to  
 15 have hydrophobia. ~~within any township of Indiana.~~  
 16 (b) Any person requiring the treatment described in subsection  
 17 (a)(2) may select the person's own physician.  
 18 (c) No damages shall be assessed or paid under this chapter on  
 19 sheep except where individual damage exists or is shown.  
 20 (d) This subsection applies to a county whose legislative body has  
 21 acted under this subsection. A county legislative body may designate  
 22 by ordinance one (1) humane society located in that county to receive  
 23 fifty cents (\$0.50) from each dog tax payment collected under this  
 24 chapter.  
 25 (e) A humane society designated under subsection (d) shall use the  
 26 funds disbursed to the society to maintain an animal shelter.  
 27 (f) If a county does not designate a humane society to receive  
 28 payments under subsection (d), those amounts remain in the township  
 29 dog fund **or, in the case of a county having a consolidated city, the**  
 30 **county dog fund.**  
 31 SECTION 56. IC 15-5-9-9.1 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9.1. (a) ~~In order~~  
 33 To qualify for payment for damages by a township trustee **or, in the**  
 34 **case of a township located in a county having a consolidated city,**  
 35 **the controller of the consolidated city** under this chapter, the owner  
 36 of stock, fowl, or game listed in section 8(a)(1) of this chapter killed,  
 37 maimed, or damaged by dogs shall do the following:  
 38 (1) Not more than seventy-two (72) hours after the time of the  
 39 loss, notify one (1) of the following having jurisdiction in the  
 40 location where the loss occurred:  
 41 (A) A law enforcement officer.  
 42 (B) An officer of a county or municipal animal control center,  
 43 shelter, or similar impounding facility.  
 44 (2) Within twenty (20) days from the time of the loss, report the  
 45 loss to the trustee ~~of his township of the owner's township or, in~~  
 46 **a township located in a county having a consolidated city, to**



- 1           **the controller of the consolidated city** as follows:
- 2           (A) Under oath, the owner shall state:
- 3               (i) the number, age, and value of the stock, fowl, or game;
- 4               and
- 5               (ii) the damages, less any insurance proceeds, sustained.
- 6           (B) In an affidavit, the owner must be joined by two (2)
- 7           disinterested and reputable freeholders residing in the
- 8           township in which the stock, fowl, or game were killed,
- 9           maimed, or damaged. The affidavit must state that the
- 10           freeholders are:
- 11               (i) disinterested; and
- 12               (ii) not related by blood or marriage to the claimant.
- 13           (C) No appraisal may exceed the actual cash value of the
- 14           stock, fowl, or game. As it applies to ratitae, cash value is no
- 15           more than the slaughter value.
- 16           (D) The owner shall provide verification of the loss by an
- 17           officer under subdivision (1).
- 18           (E) No loss shall be paid for property owned by a claimant on
- 19           the last property tax assessment date if the property was not
- 20           reported by the owner for assessment purposes at that time.
- 21           (b) An officer who receives notice under subsection (a)(1) shall visit
- 22           the scene of the loss, verify the loss in writing, and mark the animal so
- 23           that the animal can support only one (1) claim under this chapter.
- 24           SECTION 57. IC 15-5-9-10 IS AMENDED TO READ AS
- 25           FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The
- 26           ~~trustees township trustee or the controller of the consolidated city~~
- 27           shall register and pay damages for all losses in the order in which the
- 28           losses are reported.
- 29           (b) A person may not receive payment from the trustee **or the**
- 30           **controller of the consolidated city** for stock, fowl, or game listed in
- 31           section 8(a)(1) of this chapter:
- 32               (1) that are killed, maimed, or damaged by any dog or dogs owned
- 33               or harbored by that person;
- 34               (2) for which the person received from another person an amount
- 35               equal to the actual damages; or
- 36               (3) for which the owner has not complied with section 9.1 of this
- 37               chapter.
- 38           (c) When rabies shall develop in any stock, fowl, or game listed in
- 39           section 8(a)(1) of this chapter, however contracted, and when the
- 40           existence of such disease shall be proven by:
- 41               (1) laboratory diagnosis, made in the laboratory of the state
- 42               department of health, or some other laboratory maintained by
- 43               state, county, or municipal funds; or
- 44               (2) affidavit of an attending legally qualified graduate
- 45               veterinarian;
- 46           the owner of such animal with rabies shall be entitled to recover in the



1 same amount and manner as provided in sections 8 and 9.1 of this  
2 chapter.

3 (d) Whenever any dog not accompanied by the dog's owner or  
4 owner's agent is suspected of having rabies and found roaming at large,  
5 and the dog dies or is destroyed on said account, the **township** trustee  
6 **or controller of the consolidated city** shall do the following:

7 (1) Remove or have removed the head of the dog.

8 (2) Pay from the township dog fund **or, in the case of a township**  
9 **located in a county having a consolidated city, the county dog**  
10 **fund**, the following:

11 (A) A reasonable fee for the removal of the dog's head.

12 (B) All charges for transporting the head to a laboratory  
13 maintained by state, county, or municipal funds. If no money  
14 is available in the **appropriate** dog fund, ~~of the township~~; then  
15 such necessary fees shall be paid out of the township **general**  
16 **fund or, in the case of a township located in a county**  
17 **having a consolidated city, the county general fund**, without  
18 appropriations having been made.

19 (e) On the first Monday of March of each year, the township shall  
20 transfer the following to the county treasurer:

21 (1) Any funds in a township dog fund designated for a humane  
22 society under section 8 of this chapter.

23 (2) Any amount in a township dog fund exceeding three hundred  
24 dollars (\$300) over and above orders drawn on the fund.

25 (f) The funds transferred to the county treasurer under subsection (e)  
26 shall be deposited in the county dog fund. On the second Monday in  
27 March of each year, the money in the county dog fund shall be  
28 distributed as follows:

29 (1) **Except for a township located in a county having a**  
30 **consolidated city**, among the townships of the county in which  
31 the orders drawn against the dog fund exceed the money on hand.

32 (2) To a humane society designated under section 8 of this  
33 chapter.

34 (g) If the funds in the county dog fund, after any distribution to a  
35 designated humane society, are insufficient to pay for all stock, fowl,  
36 or game listed in section 8(a)(1) of this chapter that are killed, maimed,  
37 or damaged by dogs ~~of all the townships~~ in the county, the distribution  
38 shall be made, **except in a township located in a county having a**  
39 **consolidated city**, in the ratio of the orders drawn against the dog fund  
40 of the townships and unpaid and unprovided for. The ratio shall be  
41 obtained from the report of the trustees of the townships made to the  
42 auditor of the county.

43 (h) The report under subsection (g) shall be made by each township  
44 trustee of the county upon the first Monday of March of each year and  
45 must show the following:

46 (1) All receipts into the dog fund of the township.



1 (2) All orders drawn against the township fund in the order in  
2 which the orders were drawn.

3 (i) If the funds in the dog fund of any township and the share of the  
4 county dog fund distributed to such township during any year **or, in the**  
5 **case of a township located in a county having a consolidated city,**  
6 **the county dog fund,** are insufficient to pay for all stock, fowl, and  
7 game listed in section 8(a)(1) of this chapter that are killed, maimed,  
8 or damaged by dogs in such township **or county, as the case may be,**  
9 during such year, any such losses registered and any orders drawn  
10 which are unpaid and unprovided for shall be paid out of the state dog  
11 account.

12 (j) If upon the first Monday in May of any year there is a surplus left  
13 of the county dog fund after provisions have been made for the  
14 payment of all stock, fowl, and game listed in section 8(a)(1) of this  
15 chapter that are killed, maimed, or damaged by dogs of all the  
16 townships of the county and the distribution to any designated humane  
17 society, the surplus shall be:

- 18 (1) paid to the auditor of state; and  
19 (2) placed in a separate account of the general fund of the state  
20 treasury known as the state dog account.

21 SECTION 58. IC 15-5-9-11 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. On or before  
23 the first day of May of each year, the trustee of each township shall  
24 make a report in writing, to the county auditor, of the amount of all  
25 claims in ~~his~~ **the trustee's** township for livestock, fowls, or game  
26 which have been destroyed or damaged by dogs, and which claims  
27 have been filed before March 9, 1937, or which may be filed thereafter  
28 but have not been paid for lack of funds. On or before the second  
29 Monday in May of each year, the auditor of each county, **or in a**  
30 **county having a consolidated city, the controller of the consolidated**  
31 **city,** shall make a report, in writing, to the auditor of state, in such form  
32 as the auditor of state shall prescribe, of the amount of all such claims  
33 in ~~his~~ **the** county which have been filed and which have not been paid  
34 for lack of funds, and on or before the second Monday in July, the  
35 auditor of state shall issue ~~his~~ **the auditor's** warrant, payable to the  
36 auditor of each such county **or, in a county having a consolidated**  
37 **city, the controller of the consolidated city,** for the amount of the  
38 unpaid claims. The warrant shall be drawn on the state dog account.  
39 Upon the receipt of the money, the auditor of the county **or, in a**  
40 **county having a consolidated city, the controller of the consolidated**  
41 **city,** shall distribute the funds to the respective townships of ~~his~~ **the**  
42 county entitled thereto **or, in the case of a county having a**  
43 **consolidated city, to the appropriate fund of the consolidated city,**  
44 and the trustee of the township **or controller of a consolidated city**  
45 shall pay all unpaid claims of ~~his~~ **the township or county** in the order  
46 in which the claims were filed. If in any year there is not sufficient



1 money in the state dog account to pay all of the claims, the auditor of  
 2 state shall make such distribution, as near as practicable, in proportion  
 3 to the aggregate value of livestock, fowls, or game for the destruction  
 4 of which or the damage to which claims have been filed in the  
 5 respective counties, and the county auditor, **except in a county having**  
 6 **a consolidated city**, shall distribute the money so received to the  
 7 several townships in the same proportion. All money in excess of fifty  
 8 thousand dollars (\$50,000) remaining in the state dog account, after  
 9 such annual distribution shall have been made as hereinbefore  
 10 provided, shall be distributed by the auditor of state in the manner  
 11 following:

12 ~~(a)~~ **(1)** One-half (1/2) of such excess or one hundred thousand  
 13 dollars (\$100,000) of such excess, whichever sum is the lesser,  
 14 shall be distributed to Purdue University for the School of  
 15 Veterinary Science and Medicine to be used solely for canine  
 16 disease research.

17 ~~(b)~~ **(2)** The balance remaining of such excess, after the  
 18 distribution to Purdue University is made as hereinbefore  
 19 provided, shall be distributed to the general fund of each county  
 20 in direct proportion to the total amount of money paid into the dog  
 21 account on the second Monday in May by the county prior to the  
 22 distribution.

23 Of the funds returned to the respective counties the county may, with  
 24 the approval of the county commissioners and the county council,  
 25 construct dog pounds within said counties.

26 SECTION 59. IC 15-5-9-12 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) At the time  
 28 when the dog kennel license fee is paid to the ~~township~~ assessor, the  
 29 assessor, at the time when the assessor issues a receipt, shall likewise  
 30 furnish to the person a metal tag. The metal tag furnished shall be  
 31 attached securely to the collar of the dog for which the license fee has  
 32 been paid and the collar, with the tag attached, shall be worn  
 33 continuously by the dog.

34 (b) All license tags shall be of uniform design or color for any one  
 35 (1) year, but the same color or shape shall not be used for any two (2)  
 36 consecutive years. All tags shall be designed by the auditor of state,  
 37 shall be paid for out of the state dog account, and shall be  
 38 manufactured at the state prison in the same manner as motor vehicle  
 39 registration plates. Each tag shall have a distinct number and the  
 40 number of the tag shall appear on the receipt issued to the owner of the  
 41 dog.

42 (c) If any dog tag is lost, it shall be replaced without cost by the  
 43 assessor upon application by the owner of the dog and upon the  
 44 production of the receipt and a sworn statement of the facts regarding  
 45 the loss of the tag. No license tag is transferable to another dog.

46 SECTION 60. IC 23-14-33-7.5 IS ADDED TO THE INDIANA



1 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 2 [EFFECTIVE JANUARY 1, 2007]: **Sec. 7.5. "Cemetery fund" means**  
 3 **the:**

4 **(1) township fund for a township in a county not having a**  
 5 **consolidated city; or**

6 **(2) cemetery fund of the consolidated city for a township in a**  
 7 **county having a consolidated city.**

8 SECTION 61. IC 23-14-33-32.5 IS ADDED TO THE INDIANA  
 9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 10 [EFFECTIVE JANUARY 1, 2007]: **Sec. 32.5. "Township" means:**

11 **(1) a township in a county not having a consolidated city; or**

12 **(2) the consolidated city for a township in a county having a**  
 13 **consolidated city.**

14 SECTION 62. IC 23-14-33-32.6 IS ADDED TO THE INDIANA  
 15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 16 [EFFECTIVE JANUARY 1, 2007]: **Sec. 32.6. "Township trustee" or**  
 17 **"trustee" means:**

18 **(1) a township trustee for a township in a county not having**  
 19 **a consolidated city; or**

20 **(2) the consolidated city for a township in a county having a**  
 21 **consolidated city.**

22 SECTION 63. IC 23-14-64-4 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. All expenses  
 24 incurred by the trustee in administering this chapter shall be paid out  
 25 of the ~~township cemetery~~ fund of the township.

26 SECTION 64. IC 23-14-68-4 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) The  
 28 township shall appropriate enough money to provide for the care,  
 29 repair, and maintenance of each cemetery described in section 1(a) of  
 30 this chapter that is located within the township. Funds shall be  
 31 appropriated under this subsection in the same manner as other  
 32 ~~township~~ appropriations.

33 (b) The township may levy a ~~township~~ cemetery tax to create a fund  
 34 for maintenance of cemeteries under this chapter. If a fund has not been  
 35 provided for maintenance of cemeteries under this chapter, part of the  
 36 township fund **or other funds of the township** may be used.

37 SECTION 65. IC 23-14-69-5 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) If:

39 (1) no land suitable for a public cemetery is donated to a  
 40 township; and

41 (2) if the township legislative body adopts a resolution approving  
 42 the purchase;

43 the township ~~executive~~ may purchase land for the purpose of  
 44 establishing a public cemetery.

45 (b) When land is purchased and conveyed to the township under  
 46 subsection (a), the land must be set apart, kept in repair, and used as



1 provided in section 6 of this chapter.

2 SECTION 66. IC 23-14-69-9 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9. All expenses  
4 incurred by the township trustee for administering this chapter shall be  
5 paid out of the ~~township cemetery~~ fund of the township.

6 SECTION 67. IC 32-21-2-13 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13. (a) If the  
8 auditor of the county or the ~~township~~ assessor **for a township** under  
9 IC 6-1.1-5-9 and IC 6-1.1-5-9.1 determines it necessary, an instrument  
10 transferring fee simple title to less than the whole of a tract that will  
11 result in the division of the tract into at least two (2) parcels for  
12 property tax purposes may not be recorded unless the auditor or  
13 township assessor is furnished a drawing or other reliable evidence of  
14 the following:

- 15 (1) The number of acres in each new tax parcel being created.  
16 (2) The existence or absence of improvements on each new tax  
17 parcel being created.  
18 (3) The location within the original tract of each new tax parcel  
19 being created.

20 (b) Any instrument that is accepted for recording and placed of  
21 record that bears the endorsement required by IC 36-2-11-14 is  
22 presumed to comply with this section.

23 SECTION 68. IC 32-26-4-2 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) The trustee  
25 of each township, the county highway superintendent, the Indiana  
26 department of transportation, or other officer in control of the  
27 maintenance of a highway shall between January 1 and April 1 of each  
28 year, examine all hedges, live fences, natural growths along highways,  
29 and other obstructions described in section 1 of this chapter in their  
30 respective jurisdictions. **However, in a county having a consolidated**  
31 **city, the duties and obligations of a township trustee under this**  
32 **chapter are the responsibility of the consolidated city.** If there are  
33 hedges, live fences, other growths, or obstructions along the highways  
34 that have not been cut, trimmed down, and maintained in accordance  
35 with this chapter, the owner shall be given written notice to cut or trim  
36 the hedge or live fence and to burn the brush trimmed from the hedge  
37 or live fence and remove any other obstructions or growths.

38 (b) The notice required under subsection (a) must be served by  
39 reading the notice to the owner or by leaving a copy of the notice at the  
40 owner's usual place of residence.

41 (c) If the owner is not a resident of the township, county, or state  
42 where the hedge, live fence, or other obstructions or growth is located,  
43 the notice shall be served upon the owner's agent or tenant residing in  
44 the township, **county, or state.** If an agent or a tenant of the owner  
45 does not reside in the township, the notice shall be served by mailing  
46 a copy of the notice to the owner, directed to the owner's last known



1 post office address.

2 (d) If the owner, agents, or tenants do not proceed to cut and trim  
3 the fences and burn the brush trimmed from the fences or remove any  
4 obstructions or growths within ten (10) days after notice is served, the  
5 township trustee, **consolidated city**, county highway superintendent,  
6 or Indiana department of transportation shall immediately:

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

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

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

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

26 SECTION 69. IC 32-26-9-0.6 IS ADDED TO THE INDIANA  
27 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
28 [EFFECTIVE JANUARY 1, 2007]: **Sec. 0.6. As used in this chapter,**  
29 **"township" means:**

30 (1) a township in a county not having a consolidated city; or

31 (2) the consolidated city for a township in a county having a  
32 consolidated city.

33 SECTION 70. IC 32-26-9-0.7 IS ADDED TO THE INDIANA  
34 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
35 [EFFECTIVE JANUARY 1, 2007]: **Sec. 0.7. As used in this chapter,**  
36 **"township trustee" or "trustee" means:**

37 (1) a township trustee for a township in a county not having  
38 a consolidated city; or

39 (2) the consolidated city for a township in a county having a  
40 consolidated city.

41 SECTION 71. IC 32-26-9-3 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) A partition  
43 fence shall be built, rebuilt, and kept in repair at the cost of the property  
44 owners whose properties are enclosed or separated by the fences  
45 proportionately according to the number of rods or proportion of the  
46 fence the property owner owns along the line of the fence, whether the



1 property owner's title is a fee simple or a life estate.

2 (b) If a property owner fails or refuses to compensate for building,  
3 rebuilding, or repairing the property owner's portion of a partition  
4 fence, another property owner who is interested in the fence, after  
5 having built, rebuilt, or repaired the property owner's portion of the  
6 fence, shall give to the defaulting property owner or the defaulting  
7 property owner's agent or tenant twenty (20) days notice to build,  
8 rebuild, or repair the defaulting property owner's portion of the fence.  
9 If the defaulting property owner or the defaulting property owner's  
10 agent or tenant fails to build, rebuild, or repair the fence within twenty  
11 (20) days, the complaining property owner shall notify the township  
12 trustee of the township in which the properties are located of the  
13 default.

14 (c) This subsection applies if the fence sought to be established,  
15 rebuilt, or repaired is on a township line. Unless disqualified under  
16 subsection (h), the complaining property owner shall notify the trustee  
17 of the township in which the property of the complaining property  
18 owner is located of the default under subsection (b), and the trustee has  
19 jurisdiction in the matter.

20 (d) The township trustee who receives a complaint under this  
21 section shall:

- 22 (1) estimate the costs for building, rebuilding, or repairing the  
23 partition fence; and  
24 (2) within a reasonable time after receiving the complaint, make  
25 out a statement and notify the defaulting property owner of the  
26 probable cost of building, rebuilding, or repairing the fence.

27 If twenty (20) days after receiving a notice under this subsection the  
28 defaulting property owner has not built, rebuilt, or repaired the fence,  
29 the trustee shall build or repair the fence. The trustee may use only the  
30 materials for the fences that are most commonly used by the farmers of  
31 the community.

32 (e) If the trustee of a township is disqualified to act under subsection  
33 (h), the trustee of an adjoining township who resides nearest to where  
34 the fence is located shall act on the complaint upon receiving a notice  
35 by a property owner who is interested in the fence.

36 (f) A lawful partition fence is any one (1) of the following that is  
37 sufficiently tight and strong to hold cattle, hogs, horses, mules, and  
38 sheep:

- 39 (1) A straight board and wire fence, a straight wire fence, a  
40 straight board fence, or a picket fence four (4) feet high.  
41 (2) A straight rail fence four and one-half (4 1/2) feet high.  
42 (3) A worm rail fence five (5) feet high.

43 (g) This subsection applies if a ditch or creek crosses the division  
44 line between two (2) property owners, causing additional expense in  
45 the maintenance of the part over the stream. If the property owners  
46 cannot agree upon the proportionate share of each property owner, the



1 township trustee shall appoint three (3) disinterested citizens who shall  
2 apportion the partition fence to be built by each property owner.

3 (h) If a township trustee is:

4 (1) related to any of the interested property owners; or

5 (2) an interested property owner;

6 ~~the trustee of any other township who resides nearest to where the~~  
7 ~~fence is located shall township shall appoint another official to act~~  
8 under this chapter.

9 (i) This subsection applies if a ditch or creek forms, covers, or  
10 marks the dividing line or a part of the dividing line between the  
11 properties of separate and different property owners so that partition  
12 fences required under this chapter cannot be built and maintained on  
13 the dividing line. The partition fences shall be built and maintained  
14 under this chapter as near to the boundary line as is practical, and each  
15 property owner shall build a separate partition fence on the property  
16 owner's property and maintain the fence at the property owner's cost.

17 (j) This subsection applies where a partition fence required under  
18 this chapter crosses a ditch or creek and it is impracticable to construct  
19 or maintain that portion of the fence that crosses the ditch or creek as  
20 a stationary fence. Instead of the portion of the fence that would cross  
21 the ditch or creek, there shall be constructed, as a part of the partition  
22 fence, floodgates or other similar structures that are sufficiently high,  
23 tight, and strong to turn hogs, sheep, cattle, mules, and horses or other  
24 domestic animals. The floodgates or other similar structures shall be  
25 constructed to swing up in times of high water and to connect  
26 continuously with the partition fences.

27 (k) This subsection applies if the building and maintenance of the  
28 floodgates or other similar structure required under subsection (j)  
29 causes additional expenses and the property owners cannot agree upon  
30 the character of floodgates or other similar structure, or upon the  
31 proportionate share of the cost to be borne by each property owner. The  
32 township trustee, upon notice in writing from either property owner of  
33 a disagreement and the nature of the disagreement, shall appoint three  
34 (3) disinterested citizens of the township who shall determine the kind  
35 of structure and apportion the cost of the floodgate or other structure  
36 between the property owners, taking into consideration the parts of the  
37 fence being maintained by each property owner.

38 (l) The determination of a majority of the arbitrators of any matter  
39 or matters submitted to them under this section is final and binding on  
40 each property owner. The compensation of the arbitrators is two dollars  
41 (\$2) each, which shall be paid by the property owners in the proportion  
42 each property owner is ordered to bear the expense of a gate or  
43 structure.

44 (m) This subsection applies if either or both of the property owners  
45 fail to construct or compensate for constructing the structure  
46 determined upon by the arbitrators in the proportion determined within



1 thirty (30) days after the determination. The township trustee shall  
 2 proceed at once to construct the gate or structure and collect the cost  
 3 of the gate or structure, including the compensation of the arbitrators,  
 4 from the defaulting property owner in the same manner as is provided  
 5 for ordinary partition fences. The floodgate or other structure shall be  
 6 repaired, rebuilt, or replaced according to the determination of the  
 7 arbitrators.

8 SECTION 72. IC 32-28-3-1 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) A  
 10 contractor, a subcontractor, a mechanic, a lessor leasing construction  
 11 and other equipment and tools, whether or not an operator is also  
 12 provided by the lessor, a journeyman, a laborer, or any other person  
 13 performing labor or furnishing materials or machinery, including the  
 14 leasing of equipment or tools, for:

15 (1) the erection, alteration, repair, or removal of:

16 (A) a house, mill, manufactory, or other building; or

17 (B) a bridge, reservoir, system of waterworks, or other  
 18 structure;

19 (2) the construction, alteration, repair, or removal of a walk or  
 20 sidewalk located on the land or bordering the land, a stile, a well,  
 21 a drain, a drainage ditch, a sewer, or a cistern; or

22 (3) any other earth moving operation;

23 may have a lien as set forth in this section.

24 (b) A person described in subsection (a) may have a lien separately  
 25 or jointly upon the:

26 (1) house, mill, manufactory, or other building, bridge, reservoir,  
 27 system of waterworks, or other structure, sidewalk, walk, stile,  
 28 well, drain, drainage ditch, sewer, cistern, or earth:

29 (A) that the person erected, altered, repaired, moved, or  
 30 removed; or

31 (B) for which the person furnished materials or machinery of  
 32 any description; and

33 (2) on the interest of the owner of the lot or parcel of land:

34 (A) on which the structure or improvement stands; or

35 (B) with which the structure or improvement is connected;

36 to the extent of the value of any labor done or the material furnished,  
 37 or both, including any use of the leased equipment and tools.

38 (c) All claims for wages of mechanics and laborers employed in or  
 39 about a shop, mill, wareroom, storeroom, manufactory or structure,  
 40 bridge, reservoir, system of waterworks or other structure, sidewalk,  
 41 walk, stile, well, drain, drainage ditch, cistern, or any other earth  
 42 moving operation shall be a lien on all the:

43 (1) machinery;

44 (2) tools;

45 (3) stock;

46 (4) material; or



1 (5) finished or unfinished work;  
 2 located in or about the shop, mill, wareroom, storeroom, manufactory  
 3 or other building, bridge, reservoir, system of waterworks, or other  
 4 structure, sidewalk, walk, stile, well, drain, drainage ditch, sewer,  
 5 cistern, or earth used in a business.

6 (d) If the person, firm, limited liability company, or corporation  
 7 described in subsection (a) is in failing circumstances, the claims  
 8 described in this section shall be preferred debts whether a claim or  
 9 notice of lien has been filed.

10 (e) Subject to subsection (f), a contract:

11 (1) for the construction, alteration, or repair of a Class 2 structure  
 12 (as defined in IC 22-12-1-5);

13 (2) for the construction, alteration, or repair of an improvement on  
 14 the same real estate auxiliary to a Class 2 structure (as defined in  
 15 IC 22-12-1-5);

16 (3) for the construction, alteration, or repair of property that is:

17 (A) owned, operated, managed, or controlled by a:

18 (i) public utility (as defined in IC 8-1-2-1);

19 (ii) municipally owned utility (as defined in IC 8-1-2-1);

20 (iii) joint agency (as defined in IC 8-1-2.2-2);

21 (iv) rural electric membership corporation formed under  
 22 IC 8-1-13-4;

23 (v) rural telephone cooperative corporation formed under  
 24 IC 8-1-17; or

25 (vi) not-for-profit utility (as defined in IC 8-1-2-125);

26 regulated under IC 8; and

27 (B) intended to be used and useful for the production,  
 28 transmission, delivery, or furnishing of heat, light, water,  
 29 telecommunications services, or power to the public; or

30 (4) to prepare property for Class 2 residential construction;

31 may include a provision or stipulation in the contract of the owner and  
 32 principal contractor that a lien may not attach to the real estate,  
 33 building, structure, or any other improvement of the owner.

34 (f) A contract containing a provision or stipulation described in  
 35 subsection (e) must meet the requirements of this subsection to be valid  
 36 against subcontractors, mechanics, journeymen, laborers, or persons  
 37 performing labor upon or furnishing materials or machinery for the  
 38 property or improvement of the owner. The contract must:

39 (1) be in writing;

40 (2) contain specific reference by legal description of the real  
 41 estate to be improved;

42 (3) be acknowledged as provided in the case of deeds; and

43 (4) be filed and recorded in the recorder's office of the county in  
 44 which the real estate, building, structure, or other improvement is  
 45 situated not more than five (5) days after the date of execution of  
 46 the contract.



1 A contract containing a provision or stipulation described in subsection  
 2 (e) does not affect a lien for labor, material, or machinery supplied  
 3 before the filing of the contract with the recorder.

4 (g) Upon the filing of a contract under subsection (f), the recorder  
 5 shall:

6 (1) record the contract at length in the order of the time it was  
 7 received in books provided by the recorder for that purpose;

8 (2) index the contract in the name of the:

9 (A) contractor; and

10 (B) owner;

11 in books kept for that purpose; and

12 (3) collect a fee for recording the contract as is provided for the  
 13 recording of deeds and mortgages.

14 (h) A person, firm, partnership, limited liability company, or  
 15 corporation that sells or furnishes on credit any material, labor, or  
 16 machinery for the alteration or repair of an owner occupied single or  
 17 double family dwelling or the appurtenances or additions to the  
 18 dwelling to:

19 (1) a contractor, subcontractor, mechanic; or

20 (2) anyone other than the occupying owner or the owner's legal  
 21 representative;

22 must furnish to the occupying owner of the parcel of land where the  
 23 material, labor, or machinery is delivered a written notice of the  
 24 delivery or work and of the existence of lien rights not later than thirty  
 25 (30) days after the date of first delivery or labor performed. The  
 26 furnishing of the notice is a condition precedent to the right of  
 27 acquiring a lien upon the lot or parcel of land or the improvement on  
 28 the lot or parcel of land.

29 (i) A person, firm, partnership, limited liability company, or  
 30 corporation that sells or furnishes on credit material, labor, or  
 31 machinery for the original construction of a single or double family  
 32 dwelling for the intended occupancy of the owner upon whose real  
 33 estate the construction takes place to a contractor, subcontractor,  
 34 mechanic, or anyone other than the owner or the owner's legal  
 35 representatives must:

36 (1) furnish the owner of the real estate:

37 (A) as named in the latest entry in the transfer books described  
 38 in IC 6-1.1-5-4 of the county auditor; or

39 (B) if IC 6-1.1-5-9 applies, as named in the transfer books of  
 40 the ~~township~~ **assessor for the township**;

41 with a written notice of the delivery or labor and the existence of  
 42 lien rights not later than sixty (60) days after the date of the first  
 43 delivery or labor performed; and

44 (2) file a copy of the written notice in the recorder's office of the  
 45 county not later than sixty (60) days after the date of the first  
 46 delivery or labor performed.



1 The furnishing and filing of the notice is a condition precedent to the  
 2 right of acquiring a lien upon the real estate or upon the improvement  
 3 constructed on the real estate.

4 (j) A lien for material or labor in original construction does not  
 5 attach to real estate purchased by an innocent purchaser for value  
 6 without notice of a single or double family dwelling for occupancy by  
 7 the purchaser unless notice of intention to hold the lien is recorded  
 8 under section 3 of this chapter before recording the deed by which the  
 9 purchaser takes title.

10 SECTION 73. IC 32-28-3-3 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) Except as  
 12 provided in subsection (b), a person who wishes to acquire a lien upon  
 13 property, whether the claim is due or not, must file in duplicate a sworn  
 14 statement and notice of the person's intention to hold a lien upon the  
 15 property for the amount of the claim:

- 16 (1) in the recorder's office of the county; and  
 17 (2) not later than ninety (90) days after performing labor or  
 18 furnishing materials or machinery described in section 1 of this  
 19 chapter.

20 The statement and notice of intention to hold a lien may be verified and  
 21 filed on behalf of a client by an attorney registered with the clerk of the  
 22 supreme court as an attorney in good standing under the requirements  
 23 of the supreme court.

24 (b) This subsection applies to a person that performs labor or  
 25 furnishes materials or machinery described in section 1 of this chapter  
 26 related to a Class 2 structure (as defined in IC 22-12-1-5) or an  
 27 improvement on the same real estate auxiliary to a Class 2 structure (as  
 28 defined in IC 22-12-1-5). A person who wishes to acquire a lien upon  
 29 property, whether the claim is due or not, must file in duplicate a sworn  
 30 statement and notice of the person's intention to hold a lien upon the  
 31 property for the amount of the claim:

- 32 (1) in the recorder's office of the county; and  
 33 (2) not later than sixty (60) days after performing labor or  
 34 furnishing materials or machinery described in section 1 of this  
 35 chapter.

36 The statement and notice of intention to hold a lien may be verified and  
 37 filed on behalf of a client by an attorney registered with the clerk of the  
 38 supreme court as an attorney in good standing under the requirements  
 39 of the supreme court.

40 (c) A statement and notice of intention to hold a lien filed under this  
 41 section must specifically set forth:

- 42 (1) the amount claimed;  
 43 (2) the name and address of the claimant;  
 44 (3) the owner's:  
 45 (A) name; and  
 46 (B) latest address as shown on the property tax records of the



1 county; and  
 2 (4) the:  
 3 (A) legal description; and  
 4 (B) street and number, if any;  
 5 of the lot or land on which the house, mill, manufactory or other  
 6 buildings, bridge, reservoir, system of waterworks, or other  
 7 structure may stand or be connected with or to which it may be  
 8 removed.

9 The name of the owner and legal description of the lot or land will be  
 10 sufficient if they are substantially as set forth in the latest entry in the  
 11 transfer books described in IC 6-1.1-5-4 of the county auditor or, if  
 12 IC 6-1.1-5-9 applies, the transfer books of the ~~township~~ assessor **for**  
 13 **the township** at the time of filing of the notice of intention to hold a  
 14 lien.

15 (d) The recorder shall:  
 16 (1) mail, first class, one (1) of the duplicates of the statement and  
 17 notice of intention to hold a lien to the owner named in the  
 18 statement and notice not later than three (3) business days after  
 19 recordation;  
 20 (2) post records as to the date of the mailing; and  
 21 (3) collect a fee of two dollars (\$2) from the lien claimant for each  
 22 statement and notice that is mailed.

23 The statement and notice shall be addressed to the latest address of the  
 24 owner as specifically set out in the sworn statement and notice of the  
 25 person intending to hold a lien upon the property.

26 SECTION 74. IC 32-31-3-11 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) The  
 28 following courts have original and concurrent jurisdiction in cases  
 29 arising under this chapter:

30 (1) A circuit court.  
 31 (2) A superior court.  
 32 (3) A county court.  
 33 (4) A municipal court.  
 34 ~~(5) A small claims court.~~

35 (b) A case arising under this chapter may be filed on the small  
 36 claims docket of a court that has jurisdiction.

37 SECTION 75. IC 33-23-11-7 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) As used in  
 39 this chapter, "judge" means a judge of the court of appeals, the tax  
 40 court, ~~or a circuit, superior, county, small claims,~~ or probate court, **or**  
 41 **a small claims judge (as defined in IC 33-33-49-5.2).**

42 (b) The term includes a judge pro tempore, commissioner, or  
 43 hearing officer if the judge pro tempore, commissioner, or hearing  
 44 officer sits more than twenty (20) days other than Saturdays, Sundays,  
 45 or holidays in one (1) calendar year as a judge, commissioner, or  
 46 hearing officer in any court.



1 SECTION 76. IC 33-23-12-2 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) As used in  
 3 this chapter, "court employee" means a person employed by any of the  
 4 following:

- 5 (1) The supreme court.
- 6 (2) The court of appeals.
- 7 (3) The tax court.
- 8 (4) A circuit court.
- 9 (5) A superior court.
- 10 (6) A juvenile court.
- 11 (7) A probate court.
- 12 (8) A county court.
- 13 (9) A municipal court.
- 14 (10) A city or town court.
- 15 ~~(11) A small claims court.~~

16 (b) The term does not include a judge **or small claims judge (as**  
 17 **defined in IC 33-33-49-5.2)** of any of the courts listed in subsection  
 18 (a)(1) through ~~(a)(11)~~: **(a)(10)**.

19 SECTION 77. IC 33-30-2-1, AS AMENDED BY P.L.237-2005,  
 20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JANUARY 1, 2007]: Sec. 1. (a) A county court is established in the  
 22 following counties:

- 23 (1) Floyd County.
- 24 (2) Madison County.

25 (b) However, a county court listed in subsection (a) is abolished if:

- 26 (1) IC 33-33 provides a small claims docket of the circuit court;
- 27 **or**
- 28 (2) IC 33-33 provides a small claims docket of the superior court;
- 29 **or**
- 30 ~~(3) IC 33-34 provides a small claims court;~~

31 for the county in which the county court was established.

32 SECTION 78. IC 33-33-49-5.1 IS ADDED TO THE INDIANA  
 33 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 34 [EFFECTIVE JANUARY 1, 2007]: **Sec. 5.1. (a) As used in this**  
 35 **chapter, "judge" means a person elected under section 13 of this**  
 36 **chapter.**

37 **(b) The term does not include a small claims judge.**

38 SECTION 79. IC 33-33-49-5.2 IS ADDED TO THE INDIANA  
 39 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 40 [EFFECTIVE JANUARY 1, 2007]: **Sec. 5.2. As used in this chapter,**  
 41 **"small claims judge" means a person elected under:**

- 42 **(1) section 13.1 of this chapter; or**
- 43 **(2) IC 33-34-2-1 (before its repeal).**

44 SECTION 80. IC 33-33-49-6 IS AMENDED TO READ AS  
 45 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) There is  
 46 established a superior court in Marion County. The court consists of



1 **the following:**

2 (1) Thirty-two (32) judges.

3 **(2) Nine (9) small claims judges.**

4 (b) To be qualified to serve as a judge of the court, a person must  
5 be, at the time a declaration of candidacy or a petition of nomination  
6 under IC 3-8-6 is filed:

7 (1) a resident of Marion County; and

8 (2) an attorney who has been admitted to the bar of Indiana for at  
9 least five (5) years.

10 **(c) To be qualified to serve as a small claims judge, a person**  
11 **must meet the qualifications described in IC 3-8-1-30.**

12 ~~(c)~~ **(d)** During the term of office:

13 **(1)** a judge of the court must remain a resident of Marion County;  
14 **and**

15 **(2) a small claims judge must remain a resident of:**

16 **(A) Marion County; and**

17 **(B) the township from which the small claims judge was**  
18 **elected.**

19 SECTION 81. IC 33-33-49-9 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9. **(a) Except as**  
21 **provided in subsection (b),** the court has the following jurisdiction:

22 (1) Concurrent and coextensive jurisdiction with the Marion  
23 circuit court in all cases and upon all subject matters, including  
24 civil, criminal, juvenile, probate, and statutory cases and matters,  
25 whether original or appellate.

26 (2) Original and exclusive jurisdiction in all matters pertaining to  
27 the following:

28 (A) The probate and settlement of decedents' estates, trusts,  
29 and guardianships.

30 (B) The probate of wills.

31 (C) Proceedings to resist the probate of wills.

32 (D) Proceedings to contest wills.

33 (E) The appointment of guardians, assignees, executors,  
34 administrators, and trustees.

35 (F) The administration and settlement of:

36 (i) estates of protected persons (as defined in IC 29-3-1-13)  
37 and deceased persons;

38 (ii) trusts, assignments, adoptions, and surviving  
39 partnerships; and

40 (iii) all other probate matters.

41 (3) Original jurisdiction of all violations of Indiana law.  
42 Whenever jurisdiction is by law conferred on a small claims  
43 court, the court has the appellate jurisdiction provided by law.

44 (4) Original and exclusive juvenile jurisdiction.

45 **(b) The small claims division of the court established in section**  
46 **14(c)(5) of this chapter has the following jurisdiction:**



- 1           **(1) The small claims division of the court has original and**  
 2           **concurrent jurisdiction with the court and the Marion circuit**  
 3           **court in all civil cases founded on contract or tort in which the**  
 4           **debt or damage claimed does not exceed six thousand dollars**  
 5           **(\$6,000), not including interest or attorney's fees.**  
 6           **(2) The small claims division of the court has original and**  
 7           **concurrent jurisdiction with the court and the Marion circuit**  
 8           **court in possessory actions between landlord and tenant in**  
 9           **which the past due rent at the time of filing does not exceed**  
 10           **six thousand dollars (\$6,000), not including interest or**  
 11           **attorney's fees.**  
 12           **(3) The small claims division of the court has original and**  
 13           **concurrent jurisdiction with the court and the Marion circuit**  
 14           **court in actions for the possession of property where the value**  
 15           **of the property sought to be recovered does not exceed six**  
 16           **thousand dollars (\$6,000), not including interest and**  
 17           **attorney's fees.**  
 18           **(4) The small claims division of the court has original and**  
 19           **concurrent jurisdiction with the court and the Marion circuit**  
 20           **court in emergency possessory actions between a landlord and**  
 21           **tenant under IC 32-31-6.**  
 22           **(5) The small claims division of the court does not have**  
 23           **jurisdiction in the following:**  
 24               **(A) Actions seeking injunctive relief or involving partition**  
 25               **of real estate.**  
 26               **(B) Actions to declare or enforce a lien, except as provided**  
 27               **in section 20.5 of this chapter.**  
 28               **(C) Actions in which the appointment of a receiver is**  
 29               **asked.**  
 30               **(D) Suits for dissolution or annulment of marriage.**  
 31           **SECTION 82. IC 33-33-49-10 IS AMENDED TO READ AS**  
 32           **FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) Except as**  
 33           **provided in subsection (b), the court is a court of record. The court's**  
 34           **judgments, decrees, orders, and proceedings have the same effect and**  
 35           **shall be enforced in the same manner as those of the circuit court.**  
 36           **(b) The small claims division of the court is not a court of**  
 37           **record.**  
 38           **SECTION 83. IC 33-33-49-11 IS AMENDED TO READ AS**  
 39           **FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) The court**  
 40           **may adopt rules for conducting the business of the court. Except as**  
 41           **provided in subsection (b), in all matters action of the court may only**  
 42           **be taken by a vote of a majority of the judges sitting at the time the vote**  
 43           **is taken.**  
 44               **(b) Action of the court to remove the presiding judge or either**  
 45               **associate presiding judge may only be taken by a vote of two-thirds**  
 46               **(2/3) of the judges sitting at the time the vote is taken.**



1 (c) The court has all the powers incident to a court of record in  
 2 relation to the attendance of witnesses, punishment of contempts, and  
 3 enforcement of the court's orders. The judges **and small claims judges**  
 4 may administer oaths, solemnize marriages, take and certify  
 5 acknowledgments of deeds and all legal instruments, and ~~to~~ give all  
 6 necessary certificates for the authentication of the records and  
 7 proceedings in the court.

8 SECTION 84. IC 33-33-49-12 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. **A judge of**  
 10 the court may do the following:

- 11 (1) Grant restraining orders and injunctions.  
 12 (2) Issue writs of habeas corpus.  
 13 (3) Appoint receivers, masters, and commissioners to:  
 14 (A) convey real property;  
 15 (B) grant commissions for the examination of witnesses; and  
 16 (C) appoint other officers necessary to transact the business of  
 17 the court.

18 SECTION 85. IC 33-33-49-13.1 IS ADDED TO THE INDIANA  
 19 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 20 [EFFECTIVE JANUARY 1, 2007]: **Sec. 13.1. (a) A small claims**  
 21 **judge shall be elected for a term of four (4) years that begins**  
 22 **January 1 after the year of the small claims judge's election and**  
 23 **continues through December 31 in the fourth year. The small**  
 24 **claims judge shall hold office for the four (4) year term or until the**  
 25 **small claims judge's successor is elected and qualified.**

26 **(b) A small claims judge shall be elected at the general election**  
 27 **every four (4) years by the registered voters residing within the**  
 28 **township in which the small claims division of the court is located.**

29 SECTION 86. IC 33-33-49-13.2 IS ADDED TO THE INDIANA  
 30 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 31 [EFFECTIVE JANUARY 1, 2007]: **Sec. 13.2. (a) A small claims**  
 32 **judge serving part time may participate in other gainful**  
 33 **employment if the employment does not:**

- 34 (1) **interfere with the exercise of the small claims judge's**  
 35 **judicial office; or**  
 36 (2) **involve any conflict of interest in the performance of the**  
 37 **small claims judge's judicial duties.**

38 **(b) A small claims judge serving full time may practice law if the**  
 39 **practice does not conflict in any way with the small claims judge's**  
 40 **official duties and does not:**

- 41 (1) **cause the small claims judge to be unduly absent from the**  
 42 **court; or**  
 43 (2) **interfere with the ready and prompt disposal of the small**  
 44 **claims judge's judicial duties.**

45 **(c) A small claims judge and the employees of the small claims**  
 46 **division of the court may be eligible to participate in the public**



1 employees' retirement fund as provided in IC 5-10.3, but a small  
 2 claims judge is not eligible to participate as a member in the  
 3 judges' retirement fund under IC 33-38.

4 (d) A vacation of one (1) month per year shall be provided for  
 5 a full-time small claims judge. The executive committee may  
 6 authorize the appointment of a small claims judge pro tempore to  
 7 handle the judicial business of the vacationing small claims judge  
 8 if the executive committee considers it necessary.

9 SECTION 87. IC 33-33-49-13.3 IS ADDED TO THE INDIANA  
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 11 [EFFECTIVE JANUARY 1, 2007]: **Sec. 13.3. A small claims judge**  
 12 **shall:**

13 (1) furnish a bond in a sum required by the circuit court judge  
 14 to provide for the:

15 (A) faithful discharge of the duties of the office; and

16 (B) payment or delivery to the proper persons of whatever  
 17 money or other property may come into the small claims  
 18 judge's hands when acting as small claims judge; and

19 (2) file the bond with the county recorder.

20 The bond must also extend to cover a person that is appointed to  
 21 act as a small claims judge under section 13.4 of this chapter.

22 SECTION 88. IC 33-33-49-13.4 IS ADDED TO THE INDIANA  
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 24 [EFFECTIVE JANUARY 1, 2007]: **Sec. 13.4. (a) If a small claims**  
 25 **judge is unable to preside over the small claims judge's division of**  
 26 **the small claims court during any number of days, the small claims**  
 27 **judge may appoint in writing a person qualified to be a small**  
 28 **claims judge under section 6(c) of this chapter to preside in place**  
 29 **of the small claims judge.**

30 (b) The written appointment shall be entered on the order book  
 31 or record of the superior court. The appointee shall, after taking  
 32 the oath prescribed for the small claims judges, conduct the  
 33 business of the division subject to the same rules and regulations as  
 34 small claims judges and has the same authority during the  
 35 continuance of the appointee's appointment.

36 (c) The appointee is entitled to the same compensation from the  
 37 county auditor as accruable to the small claims judge in whose  
 38 place the appointee is serving.

39 SECTION 89. IC 33-33-49-13.5 IS ADDED TO THE INDIANA  
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 41 [EFFECTIVE JANUARY 1, 2007]: **Sec. 13.5. (a) A small claims**  
 42 **judge absent from the bench for more than thirty (30) days shall**  
 43 **deposit the dockets, books, and papers of the office with:**

44 (1) the small claims judge of another township division; or

45 (2) the executive committee of the court;

46 as directed by the presiding judge.



**(b) A:**

**(1) small claims judge with whom the docket of another small claims judge is deposited during a vacancy or an absence; and  
(2) successor of any small claims judge who has the dockets of the successor's predecessor in the successor's possession;**  
**may perform all duties that the small claims judge might do legally in relation to the small claims judge's own dockets.**

**(c) Process shall be returned to the small claims judge or judge who has the legal custody of the docket at the day of return.**

SECTION 90. IC 33-33-49-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. (a) Not more than thirty (30) days after taking the oath of office, the judges shall meet and designate three (3) of the judges as the executive committee for administrative purposes. The executive committee shall be selected by a vote of two-thirds (2/3) of the judges sitting at the time the vote is taken. If all vacancies cannot be filled by a two-thirds (2/3) vote, vacancies may be filled by such other method as provided by court rule. The executive committee is responsible for the operation and conduct of the court. A member of the executive committee shall serve in the capacity provided by rules adopted by the court under section 11 of this chapter. A member of the executive committee serves for a term of two (2) years beginning on the date of the member's election. Any or all of the members elected to the executive committee may be reelected. Of the three (3) judges elected to the executive committee, not more than two (2) may be members of the same political party.

(b) One (1) of the three (3) judges elected to the executive committee shall be elected as presiding judge and two (2) of the three (3) judges elected to the executive committee shall be elected as associate presiding judges. Each judge who is a member of the executive committee has an equal vote in all matters pertaining to the business of the court when an action requires a majority vote. Any action taken by the executive committee may be overruled by a vote of two-thirds (2/3) of all the judges sitting at the time the vote is taken. The physical reassignment of a judge to a different courtroom requires a unanimous vote of the executive committee. The executive committee shall assign cases, offices, and courtrooms for trial judges or reassignment of newly filed cases in the interests of the speedy, economical, and uniform disposition of cases. All matters of trial dates, continuances, and subpoenas used for trial shall be determined by the trial judge in accordance with rules of the superior court. The executive committee shall perform other duties as determined by rules of the court.

(c) The court shall, by rules of the court, divide the work of the court into various divisions, including but not limited to the following:

- (1) Civil.
- (2) Criminal.



1 (3) Probate.

2 (4) Juvenile.

3 **(5) Small claims.**

4 (d) The work of each division shall be allocated by the rules of the  
5 court, **except to the extent that the work of the small claims division**  
6 **is otherwise provided by law. The judges shall extend aid and**  
7 **assistance to the small claims judges in the conduct of the small**  
8 **claims division of the court.**

9 (e) The judges shall be assigned to various divisions or rooms as  
10 provided by rules of the court. Whenever possible, an incumbent judge  
11 shall be allowed the option of remaining in a particular room or  
12 division. Whenever any action of the court is required, the judges of the  
13 court shall act in concert, by a vote under section 11 of this chapter.  
14 The court shall keep appropriate records of rules, orders, and  
15 assignments of the court.

16 **(f) The executive committee of the court, assisted by the small**  
17 **claims judges, shall make and adopt uniform rules for conducting**  
18 **the business of the small claims division of the court:**

19 **(1) according to a simplified procedure; and**

20 **(2) in the spirit of sections 20.1 and 20.3 of this chapter.**

21 **(g) The executive committee of the court, assisted by the small**  
22 **claims judges, may establish a regular hourly schedule for the**  
23 **performance of duties by full-time and part-time small claims**  
24 **judges. A small claims judge shall maintain the schedule. If the**  
25 **executive committee of the court does not establish a regular**  
26 **hourly schedule, the small claims judge shall perform the small**  
27 **claims judge's duties at regular, reasonable hours. Regardless of**  
28 **whether a regular hourly schedule has been established under this**  
29 **subsection, a small claims judge shall hold sessions in addition to**  
30 **the small claims judge's regular schedule when the business of the**  
31 **small claims judge's court requires.**

32 SECTION 91. IC 33-33-49-14.1 IS ADDED TO THE INDIANA  
33 CODE AS A NEW SECTION TO READ AS FOLLOWS  
34 [EFFECTIVE JANUARY 1, 2007]: **Sec. 14.1. The small claims**  
35 **division of the court is composed of township divisions. The name**  
36 **of each township division shall be the " \_\_\_\_\_ Township of Marion**  
37 **County Small Claims Division".**

38 SECTION 92. IC 33-33-49-14.2 IS ADDED TO THE INDIANA  
39 CODE AS A NEW SECTION TO READ AS FOLLOWS  
40 [EFFECTIVE JANUARY 1, 2007]: **Sec. 14.2. (a) The voters of each**  
41 **township having a small claims division of the court shall elect a**  
42 **small claims constable at the general election every four (4) years**  
43 **for a term of office of four (4) years, beginning January 1 after**  
44 **election and continuing until a successor is elected and qualified.**  
45 **The ballot must state the:**

46 **(1) name of the candidate; and**



- 1           **(2) division of the court for which the candidate is to serve.**  
 2           **(b) Each township small claims division of the court shall have**  
 3 **a constable who:**  
 4           **(1) acts as the bailiff;**  
 5           **(2) serves the division's personal service of process;**  
 6           **(3) has police powers to:**  
 7               **(A) make arrests;**  
 8               **(B) keep the peace; and**  
 9               **(C) carry out the orders of the court;**  
 10          **(4) meets the qualifications prescribed by IC 3-8-1-31;**  
 11          **(5) is compensated for each process that is delivered to effect**  
 12 **personal service when serving as the bailiff;**  
 13          **(6) is responsible for:**  
 14               **(A) the preparation and mailing of all registered or**  
 15               **certified service and is compensated for each process**  
 16               **served by mail; and**  
 17               **(B) all the official acts of the deputies;**  
 18          **(7) is compensated solely from the service of process fees**  
 19          **collected under IC 33-37-4-6.5; and**  
 20          **(8) may require a deputy to give a bond for the proper**  
 21 **discharge of the deputy's duties for an amount fixed by the**  
 22 **constable.**  
 23          **(c) The elected constable may appoint full-time and part-time**  
 24 **deputies for assistance in the performance of official duties who:**  
 25               **(1) perform all the official duties required to be performed by**  
 26               **the constable;**  
 27               **(2) possess the same statutory and common law powers and**  
 28               **authority as the constable;**  
 29               **(3) must take the same oath required of the constable;**  
 30               **(4) are compensated solely from the service of process fees**  
 31               **collected under IC 33-37-4-6.5; and**  
 32               **(5) serve at the pleasure of the constable and may be**  
 33               **dismissed at any time with or without cause.**  
 34          **(d) If there is an:**  
 35               **(1) emergency; or**  
 36               **(2) inability of a constable to carry out the constable's duties;**  
 37 **the small claims judge may appoint a special constable to carry out**  
 38 **the duties of the constable during the emergency or inability.**  
 39          SECTION 93. IC 33-33-49-15 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 15. (a) The  
 41 executive committee, with the approval of two-thirds (2/3) of the  
 42 judges, shall determine the number of hearing judges, commissioners,  
 43 referees, bail commissioners, court reporters, probation officers, and  
 44 other personnel required to efficiently serve the court. The salaries of  
 45 the personnel shall be fixed and paid as provided by law.  
 46          (b) The administrative officers shall perform the duties prescribed



1 by the executive committee and shall operate under the jurisdiction of  
 2 the executive committee and serve at the pleasure of the executive  
 3 committee.

4 (c) The executive committee shall see that the court at all times is  
 5 amply provided with supplies and sufficient clerical and other help,  
 6 including extra reporters or bailiffs, when needed. Each judge shall  
 7 appoint the judge's court reporters, bailiffs, secretary, commissioners,  
 8 and clerks. **Personnel of the small claims division of the court shall**  
 9 **be appointed under rules of the court.** In addition to the specified  
 10 duties of this subsection, the executive committee shall exercise any  
 11 other powers and duties that may be assigned to the executive  
 12 committee by an order book entry signed by a two-thirds (2/3) majority  
 13 of the judges. At least once each month, a general term conference of  
 14 all superior division judges must be held, at which the presiding judge  
 15 shall preside. A special order book must be kept for the court in which  
 16 shall be entered all special rules, proceedings, and similar matters.  
 17 During an absence or a vacation of a judge who is a member of the  
 18 executive committee, the senior superior court judge shall act for the  
 19 absent member, if necessary.

20 SECTION 94. IC 33-33-49-17 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 17. (a) **Except as**  
 22 **provided in subsection (b),** the court shall hold sessions in:

- 23 (1) the city-county building in Indianapolis; and
- 24 (2) other places in Marion County as the court determines.

25 (b) The city-county council shall:

- 26 (1) provide and maintain in the building and at other places in  
 27 Marion County as the court may determine suitable and  
 28 convenient courtrooms for the holding of the court, suitable and  
 29 convenient jury rooms, and offices for the judges, other court  
 30 officers and personnel, and other facilities as are necessary; ~~and~~
- 31 (2) provide all necessary furniture and equipment for rooms and  
 32 offices of the court;
- 33 (3) **determine whether each of the township divisions of the**  
 34 **small claims division of the court shall be a full-time or**  
 35 **part-time division;**
- 36 (4) **determine where each of the township divisions of the**  
 37 **small claims division of the court shall hold sessions; and**
- 38 (5) **in making the determination required by subdivision (4),**  
 39 **consider any recommendations of the transitional advisory**  
 40 **board established in IC 36-6-1.1.**

41 SECTION 95. IC 33-33-49-19 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 19. The court  
 43 shall maintain a single order book for each division or room of the  
 44 court that may be signed on behalf of the court by the judge **or small**  
 45 **claims judge** of that division or room of the court. The signature of the  
 46 judge **or small claims judge** authenticates the actions of the court.



1 SECTION 96. IC 33-33-49-20 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 20. Except as**  
3 **otherwise provided in this chapter concerning the small claims**  
4 **division of the court**, all laws of Indiana and rules adopted by the  
5 supreme court governing the circuit court in matters of pleadings,  
6 practice, the issuing and service of process, the giving of notice, the  
7 appointing of judges pro tempore and special judges, changes of venue  
8 from the judge and from the county, adjournments by the court and by  
9 the clerk in the absence of the judge, and the selection of jurors for the  
10 court apply to and govern the court.

11 SECTION 97. IC 33-33-49-20.1 IS ADDED TO THE INDIANA  
12 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
13 [EFFECTIVE JANUARY 1, 2007]: **Sec. 20.1. A simplified procedure**  
14 **applies to and governs the small claims division of the court. The**  
15 **simplified procedure shall be established by rule to enable any**  
16 **person, including the state, to:**

17 (1) **file the necessary papers; and**

18 (2) **present the person's case in court;**

19 **either to seek or to defend against a small claim without consulting**  
20 **or being represented by an attorney.**

21 SECTION 98. IC 33-33-49-20.2 IS ADDED TO THE INDIANA  
22 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
23 [EFFECTIVE JANUARY 1, 2007]: **Sec. 20.2. (a) Upon the filing of**  
24 **a complaint in the small claims division of the court, service of**  
25 **original process shall be attempted by personal service of the**  
26 **summons and complaint on the defendant, which may include**  
27 **leaving a copy of the service at the last known place of residence of**  
28 **the party if the process server properly describes on the return the**  
29 **residence, noting any of its unique features, and mailing by first**  
30 **class a copy of the service without charge to the party at the same**  
31 **last known place of residence.**

32 (b) **If service cannot be made in this manner, service of process**  
33 **shall be made in an alternate manner as provided by the Indiana**  
34 **Rules of Civil Procedure.**

35 (c) **Subsequent service of process, other than that originally**  
36 **served upon filing of the complaint, may be made by registered or**  
37 **certified mail or another manner authorized by the Indiana Rules**  
38 **of Civil Procedure.**

39 SECTION 99. IC 33-33-49-20.3 IS ADDED TO THE INDIANA  
40 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
41 [EFFECTIVE JANUARY 1, 2007]: **Sec. 20.3. (a) A trial in the small**  
42 **claims division of the court:**

43 (1) **must be informal, with the sole objective of dispensing**  
44 **speedy justice between the parties according to the rules of**  
45 **substantive law; and**

46 (2) **may not be bound by the statutory provisions or rules of**



1 practice, procedure, pleadings, or evidence, except the  
 2 provisions relating to privileged communications and offers  
 3 of compromise.

4 (b) There may not be a trial by jury in the small claims division  
 5 of the court.

6 (c) A filing of a civil claim in the small claims division of the  
 7 court constitutes a waiver of trial by jury by the plaintiff.

8 (d) A defendant in a small claims case waives the right to trial  
 9 by jury unless the defendant requests a jury trial at least three (3)  
 10 calendar days before the trial date that appears on the complaint.  
 11 Upon the filing of a jury trial request, the small claims division of  
 12 the court shall transfer the claim out of the small claims division to  
 13 the general jurisdiction of the court. The defendant shall pay all  
 14 costs necessary for filing the claim in the general jurisdiction of the  
 15 court as if the cause had been filed initially in the general  
 16 jurisdiction of the court.

17 (e) A notice of claim filed in the small claims division of the  
 18 court must include a statement that reflects the provisions of  
 19 subsection (d).

20 SECTION 100. IC 33-33-49-20.4 IS ADDED TO THE INDIANA  
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 22 [EFFECTIVE JANUARY 1, 2007]: Sec. 20.4. (a) Except for a claim  
 23 between landlord and tenant, a case within the jurisdiction of a  
 24 township small claims division may be:

- 25 (1) venued;
- 26 (2) commenced; and
- 27 (3) decided;

28 in any township small claims division within the county. However,  
 29 upon a motion for change of venue filed by the defendant within  
 30 ten (10) days of service of the summons, the township small claims  
 31 division in which the motion was filed shall determine in  
 32 accordance with subsection (b) whether required venue lies with it  
 33 or with another township small claims division in the county in  
 34 which the small claims action was filed.

35 (b) The venue determination to be made under subsection (a)  
 36 must be made in the following order:

- 37 (1) In an action upon a debt or an account, venue is in the  
 38 township where any defendant has consented to venue in a  
 39 writing signed by the defendant.
- 40 (2) Venue is in the township where a transaction or  
 41 occurrence giving rise to any part of the claim took place.
- 42 (3) Venue is in the township (in a county of the small claims  
 43 division) where the greater percentage of individual  
 44 defendants included in the complaint resides or, if there is not  
 45 a greater percentage, the place where any individual named  
 46 as a defendant:



- 1           **(A) resides;**  
 2           **(B) owns real estate; or**  
 3           **(C) rents an apartment or real estate or where the**  
 4           **principal office or place of business of any defendant is**  
 5           **located.**  
 6           **(4) Venue is in the township where the claim was filed if there**  
 7           **is no other township in the county in which the small claims**  
 8           **division sits in which required venue lies.**  
 9           **(c) Venue of any claim between landlord and tenant must be in**  
 10          **the township where the real estate is located.**  
 11          **(d) If a written motion challenging venue is received by the**  
 12          **township small claims division, the township small claims division**  
 13          **shall rule whether required venue lies in the township of filing.**  
 14          SECTION 101. IC 33-33-49-20.5 IS ADDED TO THE INDIANA  
 15          CODE AS A NEW SECTION TO READ AS FOLLOWS  
 16          [EFFECTIVE JANUARY 1, 2007]: **Sec. 20.5. (a) If the small claims**  
 17          **judgment or order is against the defendant, the defendant shall pay**  
 18          **the judgment at any time and upon terms and conditions as the**  
 19          **small claims judge orders.**  
 20          **(b) If the small claims judge orders that the judgment be paid**  
 21          **in specified installments, the small claims judge may stay the**  
 22          **issuance of execution and other supplementary process during the**  
 23          **period of compliance with the order.**  
 24          **(c) A stay ordered under subsection (b) may be modified or**  
 25          **vacated by the small claims division of the court.**  
 26          **(d) All small claims judgments rendered in civil actions may be**  
 27          **recorded in the judgment docket book of the proper township**  
 28          **small claims division of the court.**  
 29          **(e) A judgment entered by a small claims judge is a lien on real**  
 30          **estate when entered in the circuit court judgment docket in the**  
 31          **same manner as a judgment in a court of general jurisdiction**  
 32          **becomes a lien on real estate under IC 34-55-9.**  
 33          **(f) The judgments of the small claims division of the court shall**  
 34          **be entered and properly indexed in the name of the judgment**  
 35          **defendant as judgments of the general jurisdiction of the court are**  
 36          **entered and indexed.**  
 37          SECTION 102. IC 33-33-49-22 IS AMENDED TO READ AS  
 38          FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 22. (a) A party**  
 39          **may appeal an order or a judgment of the court in any case where an**  
 40          **appeal may be had from a similar order or judgment of the circuit court.**  
 41          **(b) All appeals from judgments of the small claims division of**  
 42          **the court shall be taken to the general jurisdiction of the court and**  
 43          **tried de novo. The rules of procedure for appeals must be in**  
 44          **accordance with the rules established by the court. The appellant**  
 45          **shall pay all costs necessary for the filing of the case in the general**  
 46          **jurisdiction of the court as if the appeal were a case that had been**



1 **filed initially in the general jurisdiction of the court.**

2 SECTION 103. IC 33-33-49-24 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 24. (a) The judge  
4 of the Marion circuit court may, with the consent of the court acting  
5 through the superior court presiding judge under rules adopted by the  
6 court, transfer any action, cause, or proceeding filed and docketed in  
7 the circuit court to the court by transferring all original papers and  
8 instruments filed in that action, cause, or proceeding without further  
9 transcript to be redocketed and disposed of as if originally filed with  
10 the court.

11 **(b) The superior court presiding judge may not consent to a**  
12 **transfer to the small claims division of the court unless:**

13 **(1) the small claims division of the court has jurisdiction of the**  
14 **cause concurrent with the circuit court; and**

15 **(2) the small claims judge consents to the transfer.**

16 SECTION 104. IC 33-33-49-25.1 IS ADDED TO THE INDIANA  
17 CODE AS A NEW SECTION TO READ AS FOLLOWS  
18 [EFFECTIVE JANUARY 1, 2007]: Sec. 25.1. (a) **A judge of the court**  
19 **may order a cause filed in the general jurisdiction of the court to**  
20 **be transferred to the small claims division of the court if:**

21 **(1) the small claims division of the court has jurisdiction of the**  
22 **cause concurrent with the general jurisdiction of the court;**  
23 **and**

24 **(2) the small claims judge consents to the transfer.**

25 **(b) The presiding judge may transfer cases from one (1)**  
26 **township small claims division of the court to another as necessary.**

27 SECTION 105. IC 33-33-49-26 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 26. The judge of  
29 the Marion circuit court may sit as a judge **or small claims judge** of  
30 the court, with the court's permission, in all matters pending before the  
31 court, without limitation and without any further order, in the same  
32 manner as a judge of the court with all the rights and powers of an  
33 elected judge **or small claims judge** of the court.

34 SECTION 106. IC 33-33-49-26.1 IS ADDED TO THE INDIANA  
35 CODE AS A NEW SECTION TO READ AS FOLLOWS  
36 [EFFECTIVE JANUARY 1, 2007]: Sec. 26.1. (a) **A judge of the court**  
37 **may sit as a special small claims judge in the small claims division**  
38 **of the court.**

39 **(b) Except for mileage and travel expenses, a judge serving as a**  
40 **special small claims judge under this section may not receive**  
41 **compensation in addition to the salary provided under this article.**

42 **(c) A small claims judge may sit in place of another small claims**  
43 **judge and perform the other small claims judge's duties:**

44 **(1) at the direction of or with the approval of the presiding**  
45 **judge; and**

46 **(2) with the consent of the respective judges.**



1 SECTION 107. IC 33-33-49-27 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 27. Each judge  
 3 **and small claims judge**, before entering upon the duties of office, shall  
 4 take and subscribe the following oath or affirmation:

5 "I solemnly swear (or affirm) that I will support the Constitution  
 6 of the United States and the Constitution of the State of Indiana  
 7 and that I will faithfully discharge the duties of (judge **or small**  
 8 **claims judge**) of the superior court of Marion County to the best  
 9 of my ability."

10 The oath shall be filed with the clerk of the county.

11 SECTION 108. IC 33-33-49-30 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 30. (a) A judge  
 13 remains qualified to hold office as long as the judge:

- 14 (1) remains fair and impartial in judicial functions;
- 15 (2) maintains a high standard of morality in dealings, public and  
 16 private;
- 17 (3) remains physically and mentally capable of performing all the  
 18 functions and duties of the office of judge; and
- 19 (4) continues to reside in Marion County.

20 **(b) A small claims judge remains qualified to hold office as long**  
 21 **as the small claims judge meets the requirements of subsection (a)**  
 22 **and:**

- 23 **(1) continues to reside in the township from which the small**  
 24 **claims judge was elected; or**
- 25 **(2) was elected as a small claims judge in the township before**  
 26 **January 1, 1999.**

27 ~~(b)~~ **(c)** Complaints against a judge **or small claims judge** must be  
 28 forwarded to the commission on judicial qualifications as provided in  
 29 IC 33-38-13 by any judge **or small claims judge** of the superior court.

30 ~~(c)~~ **(d)** A judge of the court must retire upon becoming seventy-five  
 31 (75) years of age. If the judge wishes to retire before the judge's term  
 32 has ended or upon reaching the mandatory retirement age, the judge  
 33 shall provide written notice to the presiding judge of the court. The  
 34 judge shall continue to hold office until a successor has been appointed  
 35 and qualified.

36 ~~(d)~~ **(e)** When a vacancy occurs in ~~the court~~ **among the:**

- 37 **(1) judges of the court** by death, removal, retirement, or for any  
 38 other reason, the governor shall appoint a successor judge who:  
 39 **(A) serves the balance of the term of the vacating judge; ~~The~~**  
 40 **successor judge must be and**  
 41 **(B) is a member of the same political party as the judge who**  
 42 **is to be succeeded; and**
- 43 **(2) small claims judges of the court by death, removal,**  
 44 **retirement, or any other reason, the vacancy shall be filled**  
 45 **under IC 3-13-10.**

46 SECTION 109. IC 33-33-49-34 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 34. (a) The clerk  
2 of the superior court shall furnish the following:

3 (1) All blanks, forms, and papers required for use in all criminal  
4 cases and in all civil actions involving actions by a city or town  
5 for violations of municipal penal ordinances.

6 (2) All books, papers, stationery, furniture, and other equipment  
7 and supplies necessary for keeping the records of the proceedings  
8 in all rooms **and divisions** of the superior court and for the  
9 transaction of all business of the court.

10 (3) Necessary computerization of court records.

11 (b) The materials required under this section shall be furnished at  
12 the expense of the county.

13 (c) The presiding judge of the court, by an order entered on the court  
14 records signed by the presiding judge, shall determine and prescribe  
15 the forms of the following:

16 (1) All summonses, notices, subpoenas, warrants, affidavits,  
17 complaints, writs, and all other papers and anything else required  
18 to be used in the cases relating to violations of criminal statutes  
19 or municipal ordinances.

20 (2) All other books, records, papers, and documents to be used by  
21 the court and by the officers of the court and the prosecutors.

22 In the absence of an order under this subsection, those charged with the  
23 duty of prosecuting cases involving either criminal offenses or the  
24 violation of municipal ordinances may adopt, change, order, and use all  
25 necessary forms and instruments as conform substantially to the  
26 practice and procedure applicable.

27 SECTION 110. IC 33-37-3-6 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. **(a) Except as**  
29 **provided in subsection (b)**, court costs fees under this chapter include  
30 service of process by certified mail, unless service by the sheriff is  
31 requested by the person who institutes the action.

32 **(b) Court costs fees under this chapter do not include service of**  
33 **process fees collected under IC 33-37-4-6.5.**

34 SECTION 111. IC 33-37-4-4, AS AMENDED BY P.L.176-2005,  
35 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JANUARY 1, 2007]: Sec. 4. (a) The clerk shall collect a civil costs fee  
37 of one hundred dollars (\$100) from a party filing a civil action. This  
38 subsection does not apply to the following civil actions:

39 (1) Proceedings to enforce a statute defining an infraction under  
40 IC 34-28-5 (or IC 34-4-32 before its repeal).

41 (2) Proceedings to enforce an ordinance under IC 34-28-5 (or  
42 IC 34-4-32 before its repeal).

43 (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.

44 (4) Proceedings in paternity under IC 31-14.

45 ~~(5) Proceedings in small claims court under IC 33-34.~~

46 ~~(6)~~ **(5)** Proceedings in actions described in section 7 of this



1 chapter.

2 (b) In addition to the civil costs fee collected under this section, the  
3 clerk shall collect the following fees, if they are required under  
4 IC 33-37-5:

- 5 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or  
6 IC 33-37-5-4).
- 7 (2) A support and maintenance fee (IC 33-37-5-6).
- 8 (3) A document storage fee (IC 33-37-5-20).
- 9 (4) An automated record keeping fee (IC 33-37-5-21).
- 10 (5) A public defense administration fee (IC 33-37-5-21.2).
- 11 (6) A judicial insurance adjustment fee (IC 33-37-5-25).
- 12 (7) A judicial salaries fee (IC 33-37-5-26).
- 13 (8) A court administration fee (IC 33-37-5-27).
- 14 (9) A service fee (IC 33-37-5-28).

15 SECTION 112. IC 33-37-4-6, AS AMENDED BY P.L.176-2005,  
16 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JANUARY 1, 2007]: Sec. 6. (a) **Except as provided in section 6.5 of**  
18 **this chapter**, for each small claims action, the clerk shall collect the  
19 following fees:

- 20 (1) From the party filing the action:  
21 (A) a small claims costs fee of thirty-five dollars (\$35); and  
22 (B) a small claims service fee of ten dollars (\$10) for each  
23 named defendant.
- 24 (2) From any party adding a defendant, a small claims service fee  
25 of ten dollars (\$10) for each defendant added in the action.

26 However, a clerk may not collect a small claims costs fee or small  
27 claims service fee for a small claims action filed by or on behalf of the  
28 attorney general.

29 (b) In addition to a small claims costs fee and small claims service  
30 fee collected under this section, the clerk shall collect the following  
31 fees, if they are required under IC 33-37-5:

- 32 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or  
33 IC 33-37-5-4).
- 34 (2) A document storage fee (IC 33-37-5-20).
- 35 (3) An automated record keeping fee (IC 33-37-5-21).
- 36 (4) A public defense administration fee (IC 33-37-5-21.2).
- 37 (5) A judicial insurance adjustment fee (IC 33-37-5-25).
- 38 (6) A judicial salaries fee (IC 33-37-5-26).
- 39 (7) A court administration fee (IC 33-37-5-27).

40 SECTION 113. IC 33-37-4-6.5 IS ADDED TO THE INDIANA  
41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
42 [EFFECTIVE JANUARY 1, 2007]: **Sec. 6.5. (a) For each small**  
43 **claims action filed under the jurisdiction of IC 33-33-49-9(b), the**  
44 **clerk shall collect from the party filing the action the following**  
45 **fees:**

- 46 (1) A township docket fee of five dollars (\$5) plus forty-five



1           **percent (45%) of the infraction or ordinance violation costs**  
 2           **fee under IC 33-37-4-2.**

3           **(2) The bailiff's service of process by registered or certified**  
 4           **mail fee of thirteen dollars (\$13) for each service.**

5           **(3) The cost for the personal service of process by the bailiff**  
 6           **or other process server of thirteen dollars (\$13) for each**  
 7           **service.**

8           **(4) Witness fees, if any, in the amount provided by**  
 9           **IC 33-37-10-3 to be taxed and charged in the circuit court.**

10          **(5) A redocketing fee, if any, of five dollars (\$5).**

11          **(6) A document storage fee under IC 33-37-5-20.**

12          **(7) An automated record keeping fee under IC 33-37-5-21.**

13          **(8) A late fee, if any, under IC 33-37-5-22.**

14          **(9) A public defense administration fee under IC 33-37-5-21.2.**

15          **The docket fee and the cost for the initial service of process shall be**  
 16          **paid at the institution of a case. The cost of service after the initial**  
 17          **service shall be assessed and paid after service has been made. The**  
 18          **cost of witness fees shall be paid before the witnesses are called.**

19          **(b) If the amount of the township docket fee computed under**  
 20          **subsection (a)(1) is not equal to a whole number, the amount shall**  
 21          **be rounded to the next highest whole number.**

22          SECTION 114. IC 33-37-5-22 IS AMENDED TO READ AS  
 23          FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 22. (a) Except as  
 24          provided in subsection (e), this section applies to an action if all the  
 25          following apply:

26               (1) The defendant is found, in a court that has a local court rule  
 27               imposing a late payment fee under this section, to have:

28                       (A) committed a crime;

29                       (B) violated a statute defining an infraction;

30                       (C) violated an ordinance of a municipal corporation; or

31                       (D) committed a delinquent act.

32               (2) The defendant is required to pay:

33                       (A) court costs, including fees;

34                       (B) a fine; or

35                       (C) a civil penalty.

36               (3) The defendant is not determined by the court imposing the  
 37               court costs, fine, or civil penalty to be indigent.

38               (4) The defendant fails to pay to the clerk the costs, fine, or civil  
 39               penalty in full before the later of the following:

40                       (A) The end of the business day on which the court enters the  
 41                       conviction or judgment.

42                       (B) The end of the period specified in a payment schedule set  
 43                       for the payment of court costs, fines, and civil penalties under  
 44                       rules adopted for the operation of the court.

45               (b) A court may adopt a local rule to impose a late payment fee  
 46               under this section on defendants described in subsection (a).



1 (c) Subject to subsection (d), the clerk of a court that adopts a local  
2 rule imposing a late payment fee under this section shall collect a late  
3 payment fee of twenty-five dollars (\$25) from a defendant described in  
4 subsection (a).

5 (d) Notwithstanding IC 33-37-2-2, a court may suspend a late  
6 payment fee if the court finds that the defendant has demonstrated good  
7 cause for failure to make a timely payment of court costs, a fine, or a  
8 civil penalty.

9 (e) A plaintiff or defendant in ~~an~~ a **small claims** action under  
10 ~~IC 33-34~~ **IC 33-33-49** shall pay a late fee of twenty-five dollars (\$25)  
11 if the plaintiff or defendant:

12 (1) is required to pay court fees or costs under ~~IC 33-34-8-1;~~  
13 **IC 33-37-4-6.5;**

14 (2) is not determined by the court imposing the court costs to be  
15 indigent; and

16 (3) fails to pay the costs in full before the later of the following:

17 (A) The end of the business day on which the court enters the  
18 judgment.

19 (B) The end of the period specified in a payment schedule set  
20 for the payment of court costs under rules adopted for the  
21 operation of the court.

22 A court may suspend a late payment fee if the court finds that the  
23 plaintiff or defendant has demonstrated good cause for failure to make  
24 timely payment of the fee.

25 SECTION 115. IC 33-37-7-4.5 IS ADDED TO THE INDIANA  
26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
27 [EFFECTIVE JANUARY 1, 2007]: **Sec. 4.5. The clerk of a circuit  
28 court in a county having a consolidated city shall forward to the  
29 controller of the consolidated city one hundred percent (100%) of  
30 the fees collected under the following:**

31 **(1) IC 33-37-4-6.5(a)(1) (township docket fees).**

32 **(2) IC 33-37-4-6.5(a)(2) (bailiff's service of process fees).**

33 **(3) IC 33-37-4-6.5(a)(3) (service of process costs).**

34 **(4) IC 33-37-4-6.5(a)(4) (witness fees).**

35 **(5) IC 33-37-4-6.5(a)(5) (redocketing fees).**

36 **The clerk shall forward the fees in accordance with section 12 of  
37 this chapter.**

38 SECTION 116. IC 33-38-5-6, AS AMENDED BY P.L.159-2005,  
39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JANUARY 1, 2007]: Sec. 6. (a) The annual salary of each full-time  
41 judge of a circuit, superior, municipal, county, or probate court is one  
42 hundred ten thousand five hundred dollars (\$110,500), as adjusted after  
43 June 30, 2006, under section 8.1 of this chapter, paid by the state. In  
44 addition, a judge under this section may receive any additional salary  
45 provided by the county under IC 36-2-5-14 or IC 36-3-6-3(c). The state  
46 shall deposit quarterly the money received from the counties under



1 subsection (c) for additional salary in the state general fund.

2 (b) Before November 2 of each year, the county auditor of each  
3 county shall certify to the division of state court administration the  
4 amounts, if any, to be provided by the county during the ensuing  
5 calendar year for judges' salaries under IC 36-2-5-14 or IC 36-3-6-3(c).

6 (c) When making each payment under subsection (a), the county  
7 shall determine for each judge whether the total of:

8 (1) the payment made on behalf of that judge;  
9 (2) previous payments made on behalf of that judge in the same  
10 calendar year; and

11 (3) the state share of the judge's salary under subsection (a);  
12 exceeds the Social Security wage base established by the federal  
13 government for that year. If the total does not exceed the Social  
14 Security wage base, the payment on behalf of that judge must also be  
15 accompanied by an amount equal to the employer's share of Social  
16 Security taxes and Medicare taxes. If the total exceeds the Social  
17 Security wage base, the part of the payment on behalf of the judge that  
18 is below the Social Security wage base must be accompanied by an  
19 amount equal to the employer's share of Social Security taxes and  
20 Medicare taxes, and the part of the payment on behalf of the judge that  
21 exceeds the Social Security wage base must be accompanied by an  
22 amount equal to the employer's share of Medicare taxes. Payments  
23 made under this subsection shall be deposited in the state general fund  
24 under subsection (a).

25 (d) For purposes of determining the amount of life insurance  
26 premiums to be paid by a judge who participates in a life insurance  
27 program that:

28 (1) is established by the state;  
29 (2) applies to a judge who is covered by this section; and  
30 (3) bases the amount of premiums to be paid by the judge on the  
31 amount of the judge's salary;

32 the judge's salary does not include any amounts paid to the state by a  
33 county under subsection (a).

34 **(e) This section does not apply to a small claims judge (as  
35 defined in IC 33-33-49-5.2).**

36 SECTION 117. IC 33-38-5-6.1 IS ADDED TO THE INDIANA  
37 CODE AS A NEW SECTION TO READ AS FOLLOWS  
38 [EFFECTIVE JANUARY 1, 2007]: **Sec. 6.1. (a) This section applies  
39 to a small claims judge (as defined in IC 33-33-49-5.2).**

40 **(b) The salary of a small claims judge who serves full time must  
41 be in an amount determined by the auditor of the county and  
42 approved by the city-county council.**

43 **(c) The salary of each small claims judge who serves part time  
44 must be in an amount determined by the auditor of the county and  
45 approved by the city-county council.**

46 **(d) The salary of a small claims judge may not be reduced**



1 during the small claims judge's term of office. At any other time,  
 2 the salary of any full-time or part-time small claims judge may be  
 3 increased or decreased by the auditor with the approval of the  
 4 city-county council.

5 (e) The annual salary of a small claims judge shall be paid in  
 6 twelve (12) equal monthly installments by the county.

7 (f) A small claims judge may not receive remuneration other  
 8 than a salary set under this section for the performance of the  
 9 small claims judge's official duties except payments for performing  
 10 marriage ceremonies.

11 SECTION 118. IC 33-38-6-7 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) As used in  
 13 this chapter, "judge" means a person who serves or has served as a  
 14 regular judge or justice of one (1) or more of the following courts:

- 15 (1) Supreme court.
- 16 (2) Court of appeals.
- 17 (3) Indiana tax court.
- 18 (4) Circuit court of a judicial circuit.
- 19 (5) Superior court of a county.
- 20 (6) Criminal court of a county having a separate criminal court.
- 21 (7) Probate court of a county having a separate probate court.
- 22 (8) Juvenile court of a county having a separate juvenile court.
- 23 (9) Municipal court of a county.
- 24 (10) County court of a county.

25 (b) The term does not include a small claims judge (as defined  
 26 in IC 33-33-49-5.2).

27 SECTION 119. IC 33-38-12-3 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. As used in this  
 29 chapter, "judge" means an individual who holds or formerly held one  
 30 (1) of the following offices or appointments:

- 31 (1) Justice of the supreme court.
- 32 (2) Judge of the court of appeals.
- 33 (3) Judge of the tax court.
- 34 (4) Judge of a circuit court.
- 35 (5) Judge of a superior court.
- 36 (6) Judge of a probate court.
- 37 (7) Judge of a municipal court.
- 38 (8) Judge of a county court.
- 39 (9) Judge of a city court.
- 40 (10) Judge of a town court.
- 41 (11) ~~Small claims judge. of a small claims court.~~
- 42 (12) A judge pro tempore, senior judge, temporary judge, or any  
 43 other individual serving as judge in an action or a proceeding in  
 44 an Indiana court.
- 45 (13) Bail commissioner.
- 46 (14) Magistrate.



- 1 (15) Master commissioner.  
 2 (16) Probate commissioner.  
 3 (17) Referee.

4 SECTION 120. IC 33-38-14-4 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. As used in this  
 6 chapter, "judge" means a:

- 7 (1) judge of a superior or probate court; **and**  
 8 (2) **small claims judge (as defined in IC 33-33-49-5.2).**

9 SECTION 121. IC 33-41-1-7 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) This section  
 11 applies to the small claims ~~court division~~ established under ~~IC 33-34-~~  
 12 **IC 33-33-49-14(c)(5).**

13 (b) The person who is designated by a **small claims** judge of the  
 14 court to prepare transcripts may collect a fee of not more than five  
 15 dollars (\$5) for each transcript from a person who requests the  
 16 preparation of a transcript.

17 SECTION 122. IC 34-30-2-58 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 58. IC 15-3-4-2  
 19 (Concerning township trustees, **a consolidated city**, or persons hired  
 20 by them for the removal of detrimental plants upon another person's  
 21 real property).

22 SECTION 123. IC 36-1-2-22 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 22. (a)  
 24 "Township", ~~refers to except as provided in subsection (b), means:~~

- 25 (1) a civil township, unless the reference is to a congressional  
 26 township or school township; **or**  
 27 (2) **except as provided in IC 36-6-1.1, IC 36-6-4.1, and**  
 28 **IC 36-6-6.1, a township district for a county having a**  
 29 **consolidated city, unless the reference is to a congressional**  
 30 **township or school township or the context requires**  
 31 **otherwise.**

32 (b) **"Township" means only a civil township for purposes of the**  
 33 **following:**

- 34 (1) **IC 36-7-4.**  
 35 (2) **IC 36-9-27.**

36 SECTION 124. IC 36-2-15-5 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) The county  
 38 assessor shall perform the functions assigned by statute to the county  
 39 assessor, including the following:

- 40 (1) Countywide equalization.  
 41 (2) Selection and maintenance of a countywide computer system.  
 42 (3) Certification of gross assessments to the county auditor.  
 43 (4) Discovery of omitted property.

44 (b) The county assessor shall perform the functions of an assessing  
 45 official under IC 36-6-5-2 in a township with a township  
 46 assessor-trustee if the township assessor-trustee:



- 1 (1) fails to make a report that is required by law;  
 2 (2) fails to deliver a property tax record to the appropriate officer  
 3 or board;  
 4 (3) fails to deliver an assessment to the county assessor; or  
 5 (4) fails to perform any other assessing duty as required by statute  
 6 or rule of the department of local government finance;  
 7 within the time period prescribed by statute or rule of the department  
 8 or within a later time that is necessitated by reason of another official  
 9 failing to perform the official's functions in a timely manner.

10 (c) A township with a township trustee-assessor may, with the  
 11 consent of the township board, enter into an agreement with:

- 12 (1) the county assessor; or  
 13 (2) another township assessor in the county;  
 14 to perform any of the functions of an assessing official. A township  
 15 trustee-assessor may not contract for the performance of any function  
 16 for a period of time that extends beyond the completion of the township  
 17 trustee-assessor's term of office.

18 **(d) In a county having a consolidated city:**

- 19 **(1) the county assessor shall perform the functions of an**  
 20 **assessing official and other duties of an assessing official**  
 21 **prescribed by statute in each township in the county,**  
 22 **including assessment duties prescribed by IC 6-1.1; and**  
 23 **(2) the controller of the consolidated city or the controller's**  
 24 **designee shall administer the dog tax and township dog fund**  
 25 **as prescribed by IC 15-5-9.**

26 SECTION 125. IC 36-3-1-6.1, AS ADDED BY P.L.227-2005,  
 27 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JANUARY 1, 2007]: Sec. 6.1. (a) ~~This section applies only in a county~~  
 29 ~~containing a consolidated city. If the requirements of subsection (g) are~~  
 30 ~~satisfied; Except as provided in section 6.3 of this chapter, after~~  
 31 **December 31, 2006**, the fire departments of the following are  
 32 consolidated into the fire department of a consolidated city (referred to  
 33 as "the consolidated fire department"):

- 34 (1) A township for which the consolidation is approved by the  
 35 township legislative body and trustee and the legislative body and  
 36 mayor of the **located in a county having a consolidated city.**  
 37 (2) Any fire protection territory established under IC 36-8-19 that  
 38 is located in a township described in subdivision (1): **county**  
 39 **having a consolidated city.**  
 40 **(3) The territory in which an airport authority established for**  
 41 **a consolidated city under IC 8-22-3 may provide fire**  
 42 **protection services.**

43 (b) ~~If the requirements of subsection (g) are satisfied; Except as~~  
 44 **provided in section 6.3 of this chapter, after December 31, 2006**, the  
 45 consolidated fire department shall provide fire protection services  
 46 within an entity described in subsection (a)(1) or (a)(2) in which the



1 requirements of subsection (g) are satisfied on the date agreed to in the  
 2 resolution of the township legislative body and the ordinance of the  
 3 legislative body of the consolidated city. **for the entire county.**

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

10 (1) transferred to; or

11 (2) assumed by;

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

17 (d) If the requirements of subsection (g) are satisfied and the fire  
 18 department of an entity listed in subsection (a) is consolidated into the  
 19 fire department of the consolidated city; The employees of the fire  
 20 department consolidated into the fire department of the consolidated  
 21 city **departments and territories listed in subsection (a)** cease  
 22 employment with the department of the entity **departments and**  
 23 **territories** listed in subsection (a) and become employees of the  
 24 consolidated fire department ~~on the effective date of the consolidation.~~  
 25 **after December 31, 2006.** The consolidated city shall assume all  
 26 agreements with labor organizations that:

27 (1) are in effect ~~on the effective date of the consolidation;~~ **on**  
 28 **December 31, 2006, and that expire on or after January 1,**  
 29 **2007;** and

30 (2) apply to employees of the department consolidated into the  
 31 fire department of the consolidated city **departments and**  
 32 **territories listed in subsection (a)** who become employees of the  
 33 consolidated fire department.

34 (e) ~~If the requirements of~~ **Except as provided in** subsection (g) are  
 35 satisfied and the fire department of an entity listed in subsection (a) is  
 36 consolidated into the fire department of a consolidated city; **(h), the**  
 37 **consolidated city shall assume, defuse, pay, or refund all the**  
 38 **indebtedness related to fire protection services incurred before the**  
 39 **effective date of the consolidation January 1, 2007,** by:

40 (1) the entity **departments and territories listed in subsection**  
 41 **(a);** or

42 (2) a building, holding, or leasing corporation on behalf of the  
 43 entity whose fire department is consolidated into the consolidated  
 44 fire department under subsection (a) shall remain the debt of the  
 45 entity and does not become and may not be assumed by the  
 46 consolidated city. Indebtedness related to fire protection services



1 that is incurred by the consolidated city before the effective date  
 2 of the consolidation shall remain the debt of the consolidated city  
 3 and property taxes levied to pay the debt may only be levied by  
 4 the fire special service district: **a department or territory listed**  
 5 **in subsection (a).**

6 (f) If the requirements of subsection (g) are satisfied and the fire  
 7 department of an entity listed in subsection (a) is consolidated into the  
 8 fire department of a consolidated **After December 31, 2006**, the merit  
 9 board and the merit system of the **each** fire department that is  
 10 **consolidated are listed in subsection (a) are dissolved, on the effective**  
 11 **date of the consolidation;** and the duties of the merit boards are  
 12 transferred to and assumed by the merit board for the consolidated fire  
 13 department. **on the effective date of the consolidation:**

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

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

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

42 (2) Notwithstanding any other provision, a firefighter:

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

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



1 remains a member of the 1977 fund without being required to  
 2 meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The  
 3 firefighter shall receive credit for any service as a member of the  
 4 1977 fund before the consolidation to determine the firefighter's  
 5 eligibility for benefits under IC 36-8-8.

6 **(g) Notwithstanding any other law, to assume, defease, pay, or**  
 7 **refund all or a part of the indebtedness described in subsection (e)**  
 8 **the consolidated city is not required to comply with any other**  
 9 **statutory procedures or approvals that apply when a unit incurs**  
 10 **indebtedness.**

11 **(h) Notwithstanding subsections (e) and (g), the consolidated**  
 12 **city may not assume all or a part of the indebtedness described in**  
 13 **subsection (e) that will exceed the limitations on the amount of**  
 14 **indebtedness that the consolidated city may incur.**

15 **(i) The rights of the trustee and the bondholders with respect to**  
 16 **any:**

- 17 **(1) bonds or other indebtedness described in subsection (e); or**  
 18 **(2) bond resolution, trust agreement or indenture, security**  
 19 **agreement, purchase agreement, or other undertaking with**  
 20 **respect to indebtedness described in subsection (e);**

21 **remain the same, although the powers, duties, agreements, and**  
 22 **liabilities of the departments listed in subsection (a) have been**  
 23 **transferred to the consolidated city, and the consolidated city shall**  
 24 **be considered to have assumed all those powers, duties,**  
 25 **agreements, and liabilities.**

26 **(j) To provide for the payment of the expenses for the operation**  
 27 **of the consolidated fire department, the consolidated city may levy**  
 28 **property taxes on taxable property located within the area served**  
 29 **by the consolidated fire department.**

30 **(k) The fire special service district established under IC 36-3-1-6**  
 31 **may levy property taxes to provide for the payment of expenses for**  
 32 **the operation of the consolidated fire department:**

- 33 **(1) within; or**  
 34 **(2) that directly benefit;**

35 **the territory of the fire special service district. These amounts are**  
 36 **in addition to the amounts levied by the fire special service district**  
 37 **to fund pension obligations under IC 36-8-7-14.**

38 ~~(3)~~ **(l) Notwithstanding any other provision, a firefighter:**

- 39 ~~(A)~~ **(1) who is a member of the 1937 fund before the effective**  
 40 **date of a consolidation under this section; January 1, 2007; and**  
 41 ~~(B)~~ **(2) who, after the consolidation of fire departments under**  
 42 **subsection (a), becomes an employee of the consolidated fire**  
 43 **department of a consolidated city under this section;**

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



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

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

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

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

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

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



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

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

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

27 (B) any tax shifts among taxpayers;

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

32 **(n) For any township that consolidated its fire department with**  
 33 **the fire department of the consolidated city before January 1,**  
 34 **2007:**

35 **(1) IC 6-3.5-6-18.5 applies to that consolidation; and**

36 **(2) this section applies to that consolidation to the extent that**  
 37 **it does not conflict with any consolidation agreement between**  
 38 **the township and the consolidated city.**

39 SECTION 126. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005,  
 40 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2006]: Sec. 6.2. (a) If a consolidated fire department is  
 42 established under section 6.1 of this chapter, **After December 31,**  
 43 **2006**, the consolidated city, through the consolidated fire department,  
 44 shall ~~after the consolidation~~ establish, operate, and maintain emergency  
 45 ambulance services (as defined in IC 16-18-2-107) in ~~the fire special~~  
 46 ~~service district and in those townships in the county. that are~~



1 consolidated under section 6.1 of this chapter.

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

4 SECTION 127. IC 36-3-1-6.3 IS ADDED TO THE INDIANA  
5 CODE AS A NEW SECTION TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2006]: **Sec. 6.3. (a) The consolidated fire  
7 department may not provide fire protection services for:**

8 (1) an excluded city; or

9 (2) a fire protection territory for which an excluded city is a  
10 provider unit (as defined in IC 36-8-19-3);

11 unless the fire protection services are provided under an interlocal  
12 agreement under IC 36-1-7 or the conditions in subsection (b) are  
13 met.

14 (b) For the consolidated fire department to provide fire  
15 protection services to an excluded city other than under an  
16 interlocal agreement under IC 36-1-7, all the following must occur:

17 (1) The legislative body of the excluded city and the  
18 city-county legislative body must adopt substantially similar  
19 ordinances authorizing the consolidation of the fire  
20 department of the excluded city into the consolidated fire  
21 department.

22 (2) The ordinances described in subdivision (1) must:

23 (A) specify the effective date of the consolidation; and

24 (B) set forth the conditions of the consolidation.

25 (c) After the effective date of the consolidation described in  
26 subsection (b), the consolidated fire department shall provide fire  
27 protection services within the territory of the excluded city.

28 (d) After the effective date of the consolidation described in  
29 subsection (b), all the property, equipment, records, rights, and  
30 contracts of the fire department of the excluded city are  
31 transferred to and assumed by the consolidated city.

32 (e) After the effective date of the consolidation described in  
33 subsection (b), the employees of the fire department of the excluded  
34 city cease employment with the excluded city and become  
35 employees of the consolidated fire department. These employees  
36 are not hired or rehired for purposes of IC 36-8-3.2 or IC 36-8-10.5  
37 upon becoming employees of the consolidated fire department. The  
38 consolidated city shall assume all agreements with labor  
39 organizations that:

40 (1) are in effect after the effective date of the consolidation  
41 described in subsection (b); and

42 (2) apply to employees of the fire department of the excluded  
43 city who become employees of the consolidated fire  
44 department.

45 (f) Except as provided in subsection (h), the consolidated city  
46 shall assume, defease, pay, or refund all indebtedness related to fire



1 protection services incurred before the effective date of the  
2 consolidation described in subsection (b) by:

3 (1) an excluded city; or

4 (2) a building, holding, or leasing corporation on behalf of an  
5 excluded city;

6 whose fire department is consolidated into the consolidated fire  
7 department under subsection (b).

8 (g) Notwithstanding any other law, to assume, defease, pay, or  
9 refund all or a part of the indebtedness described in subsection (f)  
10 the consolidated city is not required to comply with any other  
11 statutory procedures or approvals that apply when a unit incurs  
12 indebtedness.

13 (h) Notwithstanding subsections (f) and (g), the consolidated city  
14 may not assume all or a part of the indebtedness described in  
15 subsection (f) that will exceed the limitations on the amount of  
16 indebtedness that the consolidated city may incur.

17 (i) The rights of the trustee and the bondholders with respect to  
18 any:

19 (1) indebtedness or bonds; or

20 (2) bond resolution, trust agreement or indenture, security  
21 agreement, purchase agreement, or other undertaking  
22 described in subsection (f);

23 remain the same, although the powers, duties, agreements, and  
24 liabilities of the departments listed in subsection (a) have been  
25 transferred to the consolidated city, and the consolidated city shall  
26 be considered to have assumed all those powers, duties,  
27 agreements, and liabilities.

28 (j) Whenever an excluded city consolidates its fire department  
29 into the consolidated fire department under subsection (b), the  
30 local boards for the 1937 firefighters' pension fund and the 1977  
31 police officers' and firefighters' pension and disability fund of the  
32 excluded city are dissolved, and their services are terminated not  
33 later than the effective date of the consolidation. The duties  
34 performed by the local boards under IC 36-8-7 and IC 36-8-8,  
35 respectively, are assumed by the consolidated city's local board for  
36 the 1937 firefighters' pension fund and local board for the 1977  
37 police officers' and firefighters' pension and disability fund,  
38 respectively.

39 (k) Whenever an excluded city consolidates its fire department  
40 into the consolidated fire department under subsection (b), the  
41 merit board and merit system of the excluded city's fire  
42 department are dissolved, and the duties of the excluded city's  
43 merit board are transferred to and assumed by the merit board for  
44 the consolidated fire department.

45 (l) Whenever an excluded city consolidates its fire department  
46 into the consolidated fire department under subsection (b), for



1 **property taxes first due and payable in the calendar year following**  
 2 **the effective date of the consolidation, the maximum permissible ad**  
 3 **valorem property tax levy under IC 6-1.1-18.5:**

4 **(1) is increased for a consolidated city by the amount levied in**  
 5 **the prior calendar year for fire protection and related services**  
 6 **by the excluded city; and**

7 **(2) is reduced for the excluded city by the amount levied in the**  
 8 **prior calendar year for fire protection and related services by**  
 9 **the excluded city.**

10 **(m) Whenever an excluded city consolidates its fire department**  
 11 **into the consolidated fire department under subsection (b), for**  
 12 **property taxes first due and payable in the calendar year following**  
 13 **the effective date of the consolidation, the amount levied under**  
 14 **IC 6-1.1-41 and IC 36-8-14 in the prior calendar year by the**  
 15 **excluded city for its cumulative building and equipment fund for**  
 16 **firefighting and related services is transferred to the consolidated**  
 17 **city's cumulative building and equipment fund for firefighting and**  
 18 **related services, and the consolidated city is exempted from the**  
 19 **requirements of IC 6-1.1-41 and IC 36-8-14 regarding an increase**  
 20 **to the levy for its cumulative building and equipment fund for**  
 21 **firefighting and related services.**

22 **(n) Whenever an excluded city consolidates its fire department**  
 23 **into the consolidated fire department under subsection (b),**  
 24 **commencing with the calendar year following consolidation and for**  
 25 **each year thereafter, the excluded city's monthly distributive share**  
 26 **of county option income tax revenues distributed under**  
 27 **IC 6-3.5-6-18.5 shall be reduced by a percentage set forth in the**  
 28 **ordinances adopted under subsection (b), and those revenues shall**  
 29 **instead be distributed as additional distributive shares to**  
 30 **Indianapolis/Marion County.**

31 **SECTION 128. IC 36-3-2-10 IS AMENDED TO READ AS**  
 32 **FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The**  
 33 **general assembly finds the following:**

34 **(1) That the tax base of the consolidated city and the county have**  
 35 **been significantly eroded through the ownership of tangible**  
 36 **property by separate municipal corporations and other public**  
 37 **entities that operate as private enterprises yet are exempt or whose**  
 38 **property is exempt from property taxation.**

39 **(2) That to restore this tax base and provide a proper allocation of**  
 40 **the cost of providing governmental services the legislative body**  
 41 **of the consolidated city and county should be authorized to collect**  
 42 **payments in lieu of taxes from these public entities.**

43 **(3) That the appropriate maximum payments in lieu of taxes**  
 44 **would be the amount of the property taxes that would be paid if**  
 45 **the tangible property were not subject to an exemption.**

46 **(b) As used in this section, the following terms have the meanings**



- 1 set forth in IC 6-1.1-1:
- 2 (1) Assessed value.
- 3 (2) Exemption.
- 4 (3) Owner.
- 5 (4) Person.
- 6 (5) Personal property.
- 7 (6) Property taxation.
- 8 (7) Tangible property.
- 9 ~~(8) Township assessor.~~
- 10 (c) As used in this section, "PILOTS" means payments in lieu of
- 11 taxes.
- 12 (d) As used in this section, "public entity" means any of the
- 13 following government entities in the county:
- 14 (1) An airport authority operating under IC 8-22-3.
- 15 (2) A capital improvement board of managers under IC 36-10-9.
- 16 (3) A building authority operating under IC 36-9-13.
- 17 (4) A wastewater treatment facility.
- 18 (e) The legislative body of the consolidated city may adopt an
- 19 ordinance to require a public entity to pay PILOTS at times set forth in
- 20 the ordinance with respect to:
- 21 (1) tangible property of which the public entity is the owner or the
- 22 lessee and that is subject to an exemption;
- 23 (2) tangible property of which the owner is a person other than a
- 24 public entity and that is subject to an exemption under IC 8-22-3;
- 25 or
- 26 (3) both.
- 27 The ordinance remains in full force and effect until repealed or
- 28 modified by the legislative body.
- 29 (f) The PILOTS must be calculated so that the PILOTS may be in
- 30 any amount that does not exceed the amount of property taxes that
- 31 would have been levied by the legislative body for the consolidated city
- 32 and county upon the tangible property described in subsection (e) if the
- 33 property were not subject to an exemption from property taxation.
- 34 (g) PILOTS shall be imposed as are property taxes and shall be
- 35 based on the assessed value of the tangible property described in
- 36 subsection (e). The ~~township assessors~~ **county assessor** shall assess the
- 37 tangible property described in subsection (e) as though the property
- 38 were not subject to an exemption. The public entity shall report the
- 39 value of personal property in a manner consistent with IC 6-1.1-3.
- 40 (h) Notwithstanding any law to the contrary, a public entity is
- 41 authorized to pay PILOTS imposed under this section from any legally
- 42 available source of revenues. The public entity may consider these
- 43 payments to be operating expenses for all purposes.
- 44 (i) PILOTS shall be deposited in the consolidated county fund and
- 45 used for any purpose for which the consolidated county fund may be
- 46 used.



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

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

- 8 (1) operating and maintenance expenses;
- 9 (2) payment of principal and interest on any bonded indebtedness;
- 10 (3) depreciation or replacement fund expenses;
- 11 (4) bond and interest sinking fund expenses; and
- 12 (5) any other priority fund requirements required by law or by any  
 13 bond ordinance, resolution, indenture, contract, or similar  
 14 instrument binding on the facility.

15 SECTION 129. IC 36-3-2-11 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) As used  
 17 in this section, the following terms have the meanings set forth in  
 18 IC 6-1.1-1:

- 19 (1) Assessed value.
- 20 (2) Exemption.
- 21 (3) Owner.
- 22 (4) Person.
- 23 (5) Property taxation.
- 24 (6) Real property.
- 25 ~~(7) Township assessor.~~

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

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

31 (d) Subject to the approval of a property owner, the legislative body  
 32 of the consolidated city may adopt an ordinance to require the property  
 33 owner to pay PILOTS at times set forth in the ordinance with respect  
 34 to real property that is subject to an exemption under IC 6-1.1-10-16.7.  
 35 The ordinance remains in full force and effect until repealed or  
 36 modified by the legislative body, subject to the approval of the property  
 37 owner.

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

- 40 (1) agreed upon by the property owner and the legislative body of  
 41 the consolidated city;
- 42 (2) a percentage of the property taxes that would have been levied  
 43 by the legislative body for the consolidated city and the county  
 44 upon the real property described in subsection (d) if the property  
 45 were not subject to an exemption from property taxation; and  
 46 (3) not more than the amount of property taxes that would have



1           been levied by the legislative body for the consolidated city and  
2           county upon the real property described in subsection (d) if the  
3           property were not subject to an exemption from property taxation.

4           (f) PILOTS shall be imposed as are property taxes and shall be  
5           based on the assessed value of the real property described in subsection  
6           (d). The ~~township assessors~~ **county assessor** shall assess the real  
7           property described in subsection (d) as though the property were not  
8           subject to an exemption.

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

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

16          SECTION 130. IC 36-3-4-14 IS AMENDED TO READ AS  
17          FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. (a) An  
18          ordinance or resolution passed by a legislative body is considered  
19          adopted when it is:

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

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

26               ~~(1) An ordinance or resolution, or part of either, providing for the~~  
27               ~~budget or appropriating money for an office or officer of the~~  
28               ~~county provided for by the Constitution of Indiana or for a judicial~~  
29               ~~office or officer.~~

30               ~~(2)~~ **(1)** An ordinance or resolution approving or modifying the  
31               budget of a political subdivision that the legislative body is  
32               permitted by statute to review.

33               ~~(3)~~ **(2)** A resolution making an appointment that the legislative  
34               body is authorized to make.

35               ~~(4)~~ **(3)** A resolution selecting officers or employees of the  
36               legislative body.

37               ~~(5)~~ **(4)** A resolution prescribing rules for the internal management  
38               of the legislative body.

39               ~~(6)~~ **(5)** A zoning ordinance or amendment to a zoning ordinance,  
40               or a resolution approving a comprehensive plan, that is adopted  
41               under IC 36-7.

42          (c) An ordinance prescribing a penalty or forfeiture for a violation  
43          must, before it takes effect, be published in the manner prescribed by  
44          IC 5-3-1, unless:

- 45               (1) it is published under subsection (d); or  
46               (2) there is an urgent necessity requiring its immediate



1 effectiveness, the executive proclaims the urgent necessity, and  
 2 copies of the ordinance are posted in three (3) public places in the  
 3 county.

4 (d) If a legislative body publishes any of its ordinances in book or  
 5 pamphlet form, no other publication is required. If an ordinance  
 6 prescribing a penalty or forfeiture for a violation is published under this  
 7 subsection, it takes effect two (2) weeks after the publication of the  
 8 book or pamphlet. Publication under this subsection, if authorized by  
 9 the legislative body, constitutes presumptive evidence:

- 10 (1) of the ordinances in the book or pamphlet;  
 11 (2) of the date of adoption of the ordinances; and  
 12 (3) that the ordinances have been properly signed, attested,  
 13 recorded, and approved.

14 (e) Unless a legislative body provides in an ordinance or resolution  
 15 for a later effective date, the ordinance or resolution takes effect when  
 16 it is adopted, subject to subsections (c) and (d).

17 (f) Subsections (a), (c), (d), and (e) do not apply to zoning  
 18 ordinances or amendments to zoning ordinances, or resolutions  
 19 approving comprehensive plans, that are adopted under IC 36-7.

20 SECTION 131. IC 36-3-6-4, AS AMENDED BY P.L.227-2005,  
 21 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JANUARY 1, 2007]: Sec. 4. (a) Before the Wednesday after the first  
 23 Monday in July each year, the consolidated city and county shall  
 24 prepare budget estimates for the ensuing budget year under this section.

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

- 29 (1) The director of each department of the consolidated city.  
 30 (2) Each ~~township assessor~~, elected county officer or head of a  
 31 county agency.  
 32 (3) The county clerk, for each court ~~of which he is the clerk~~  
 33 **serves.**

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

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

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

45 (f) All of the estimates prepared by city officers and county officers  
 46 shall be submitted to the controller.



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

4 SECTION 132. IC 36-3-6-4.1 IS ADDED TO INDIANA CODE AS  
 5 A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 6 JANUARY 1, 2007]: **Sec. 4.1. Notwithstanding IC 36-8-7, the**  
 7 **city-county legislative body shall adopt an ordinance under section**  
 8 **7 of this chapter to levy a tax only within the fire special service**  
 9 **district in the amount and at the rate necessary to produce**  
 10 **sufficient revenue to pay the amounts required to satisfy the**  
 11 **consolidated city's 1937 firefighters' pension fund obligations**  
 12 **under IC 36-8-7-14.**

13 SECTION 133. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE  
 14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 15 JANUARY 1, 2007]: **Sec. 6. (a) Notwithstanding any other law, the**  
 16 **consolidated city may issue obligations to refund obligations issued**  
 17 **before January 1, 2007, in the name of:**

18 (1) a township;

19 (2) an airport authority;

20 (3) a fire protection territory; or

21 (4) a building, holding, or leasing corporation on behalf of a  
 22 township, an airport authority, or a fire protection territory;  
 23 to satisfy the requirements of IC 36-3-1-6.1(e), IC 36-3-1-6.1(f), and  
 24 IC 36-3-1-6.1(g).

25 (b) Notwithstanding any other law, the consolidated city may  
 26 issue obligations to refund obligations issued before the effective  
 27 date of a consolidation described in IC 36-3-1-6.3(b) by:

28 (1) an excluded city; or

29 (2) a building, holding, or leasing corporation on behalf of an  
 30 excluded city;

31 to satisfy the requirements of IC 36-3-1-6.3(f), IC 36-3-1-6.3(g), and  
 32 IC 36-3-1-6.3(h).

33 SECTION 134. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE  
 34 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 35 UPON PASSAGE]:

36 **Chapter 1.1. Marion County Township Transitional Provisions**

37 **Sec. 1. This chapter applies only to townships in a county having**  
 38 **a consolidated city.**

39 **Sec. 2. (a) Before January 1, 2007:**

40 (1) township trustees continue to be governed by IC 36-6-4;  
 41 and

42 (2) township boards continue to be governed by IC 36-6-6.

43 **(b) After December 31, 2006:**

44 (1) township trustees are governed by IC 36-6-4.1; and

45 (2) township boards are governed by IC 36-6-6.1.

46 **(c) Beginning with the general election held in 2006:**



1 (1) new township trustees for the township districts shall be  
2 elected under IC 36-6-4.1; and

3 (2) new township boards for the township districts shall be  
4 elected under IC 36-6-6.1.

5 (e) On January 1, 2007:

6 (1) the township boards existing at the time the new township  
7 boards are elected under IC 36-6-6.1 are dissolved; and

8 (2) the township boards elected under IC 36-6-6.1 replace the  
9 township boards that are dissolved under subdivision (1).

10 Sec. 3. (a) A transitional advisory board shall be formed not  
11 later than July 1, 2006, to prepare a report and recommendations  
12 to the township trustees and township boards regarding the  
13 reorganization of townships, including the following:

14 (1) The transfer of residual township functions to appropriate  
15 departments or officers of the consolidated city or county.

16 (2) The provision of township assistance under IC 12-20 and  
17 IC 12-30-4.

18 (3) The transfer of township assessment functions from the  
19 township assessors to the county assessor.

20 (4) The location of township divisions of the small claims  
21 division of the superior court of the county.

22 (b) The transitional advisory board consists of the following  
23 twenty-one (21) members:

24 (1) The nine (9) township trustees in the county holding office  
25 on the date the transitional advisory board is formed.

26 (2) Four (4) individuals appointed by the city executive. One  
27 (1) individual appointed under this subdivision must be an  
28 assessing professional.

29 (3) Four (4) individuals appointed by the city-county  
30 legislative body.

31 (4) Four (4) individuals appointed by the board of  
32 commissioners of the county.

33 (c) Members of the transitional advisory board appointed under  
34 subsection (b)(2), (b)(3), and (b)(4) are not entitled to receive any  
35 salary for their service. Members of the board designated under  
36 subsection (b)(1) are not entitled to any additional salary for their  
37 service on the board but are entitled to their regular salaries as  
38 township trustees under IC 36-6-8 until the end of their current  
39 terms. The board may use the staff and budget of the existing  
40 trustees to carry out the board's work. Two (2) cochairpersons,  
41 each of a different political party, shall be elected by the members  
42 of the board.

43 (d) The transitional advisory board expires not later than  
44 February 28, 2007.

45 Sec. 4. All assets, property rights, equipment, records,  
46 personnel, and contracts and all else connected with the provision



1 of township assistance under IC 12-20 and IC 12-30-4 by a  
 2 township shall be transferred to the applicable township district on  
 3 January 1, 2007. All other assets, property rights, equipment,  
 4 records, personnel (except as otherwise provided by statute), and  
 5 contracts and all else connected with the township shall be  
 6 transferred to the consolidated city on January 1, 2007. Any  
 7 indebtedness not connected with the provision of township  
 8 assistance that was incurred by a township before the effective date  
 9 of consolidation under this section shall be assumed or defeased by  
 10 the consolidated city, notwithstanding any other provision of law  
 11 requiring completion of certain procedures and approvals for the  
 12 incurrence of indebtedness. However, the indebtedness (or any part  
 13 of the indebtedness) may not be assumed by the consolidated city  
 14 if the assumption would cause the consolidated city to exceed any  
 15 limitation on the amount of indebtedness that may be incurred by  
 16 the consolidated city.

17 **Sec. 5. Beginning January 1, 2007, notwithstanding any other**  
 18 **law to the contrary, for a township located in a county having a**  
 19 **consolidated city, the township's distributive share of any state or**  
 20 **local taxes or revenues (other than county option income taxes**  
 21 **distributed under IC 6-3.5-6-18.5 and property taxes) shall be**  
 22 **reduced to zero (0) and shall be transferred to the consolidated**  
 23 **city.**

24 SECTION 135. IC 36-6-4-1 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. This chapter  
 26 applies to all townships **except a township in a county having a**  
 27 **consolidated city.**

28 SECTION 136. IC 36-6-4-3, AS AMENDED BY P.L.73-2005,  
 29 SECTION 173, AND AS AMENDED BY P.L.227-2005, SECTION  
 30 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 31 [EFFECTIVE JANUARY 1, 2007]: 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 *poor relief township assistance* under IC 12-20  
 41 and IC 12-30-4.
- 42 (8) Perform the duties of fence viewer under IC 32-26.
- 43 (9) Act as township assessor when required by IC 36-6-5.
- 44 (10) Provide and maintain cemeteries under IC 23-14.
- 45 (11) Provide fire protection under IC 36-8. *except in a township*  
 46 *that:*



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

11                    SECTION 137. IC 36-6-4.1 IS ADDED TO THE INDIANA CODE  
 12                    AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 13                    JULY 1, 2006]:

14                    **Chapter 4.1. Township Executives in Marion County**

15                    **Sec. 1. Subject to IC 36-6-1.1, this chapter applies only to a**  
 16                    **county having a consolidated city.**

17                    **Sec. 2. As used in this chapter, "central township district"**  
 18                    **means the geographic area that is coterminous with the territory**  
 19                    **of the board of school commissioners under IC 20-25-3-1 and**  
 20                    **IC 20-25-3-2.**

21                    **Sec. 3. As used in this chapter, "consolidated township district"**  
 22                    **means the territory of a county having a consolidated city,**  
 23                    **excluding the central township district.**

24                    **Sec. 4. As used in this chapter, "executive" refers to the**  
 25                    **township trustee of a township district elected under section 7 of**  
 26                    **this chapter.**

27                    **Sec. 5. As used in this chapter, "township district" means the:**  
 28                    **(1) central township district; and**  
 29                    **(2) consolidated township district.**

30                    **Sec. 6. As used in this chapter, "township district legislative**  
 31                    **body" refers to a township board created under IC 36-6-6.1.**

32                    **Sec. 7. (a) Beginning with the general election held in 2006, a**  
 33                    **township trustee shall be elected under IC 3-10-2-13 by the voters**  
 34                    **of each township district. The township trustee elected for each**  
 35                    **township district is the executive for each township in the township**  
 36                    **district.**

37                    **(b) The executive must reside within the township district as**  
 38                    **provided in Article 6, Section 6 of the Constitution of the State of**  
 39                    **Indiana. The executive forfeits office if the executive ceases to be**  
 40                    **a resident of the township district.**

41                    **(c) The term of office of the executive is four (4) years,**  
 42                    **beginning January 1 after the executive's election and continuing**  
 43                    **until a successor is elected and qualified.**

44                    **Sec. 8. The executive shall do the following:**

- 45                    **(1) Keep a written record of official proceedings.**  
 46                    **(2) Manage all property interests in the township district.**



- 1           (3) Keep records of the township district open for public  
2 inspection.
- 3           (4) Attend all meetings of the township district legislative  
4 body.
- 5           (5) Receive and pay out funds of the township district.
- 6           (6) Examine and settle all accounts and demands chargeable  
7 against the township district.
- 8           (7) Provide the assistance required under IC 12-20 and  
9 IC 12-30-4.
- 10          (8) File an annual personnel report under IC 5-11-13.
- 11          **Sec. 9. The executive may do the following:**
- 12           (1) Administer oaths when necessary in the discharge of  
13 official duties.
- 14           (2) Appoint an attorney to represent the township district in  
15 any proceeding in which the township district is interested.
- 16           (3) Enter into certain oil and gas leases of township district  
17 property under IC 36-9.
- 18           (4) Personally use a township district vehicle for the  
19 performance of official duties, but only if the use is authorized  
20 by the township district legislative body.
- 21           (5) Exercise other powers granted by statute.
- 22          **Sec. 10. The executive shall maintain:**
- 23           (1) a general account showing the total of all township district  
24 receipts and expenditures; and
- 25           (2) the financial and appropriation record of the township  
26 district, which must include an itemized and accurate account  
27 of the township district's financial affairs.
- 28          **Sec. 11. (a) For each sum of money received by the executive, the**  
29 **financial and appropriation record must show:**
- 30           (1) the date the sum of money was received;
- 31           (2) from whom the sum of money was received; and
- 32           (3) to what account the sum of money was credited.
- 33          **(b) For each sum of money paid by the executive, the financial**  
34 **and appropriation record must show:**
- 35           (1) the date the sum of money was paid;
- 36           (2) to whom the sum of money was paid;
- 37           (3) from what account the sum of money was paid; and
- 38           (4) why the sum of money was paid.
- 39          **(c) The state board of accounts shall prescribe the form of the**  
40 **financial and appropriation record.**
- 41          **Sec. 12. (a) Each purchase for a township district by the**  
42 **executive must be made on written order of the executive,**  
43 **certifying that sufficient funds have been appropriated to pay the**  
44 **full price of the purchase. The executive shall issue a warrant and**  
45 **pay for the purchase not later than time of receipt of the county**  
46 **treasurer's first semiannual distribution following the purchase.**



1           **(b) An executive who violates this section commits a Class C**  
 2 **infraction and is liable on the executive's official bond for the value**  
 3 **of the purchase.**

4           **Sec. 13. (a) The executive may use the township district's share**  
 5 **of state, county, and township district tax revenues and federal**  
 6 **revenue sharing funds for all categories of community service, if**  
 7 **these funds are appropriated for these services by the township**  
 8 **district legislative body. The executive may use these funds for both**  
 9 **operating and capital expenditures.**

10           **(b) With the consent of the township district legislative body, the**  
 11 **executive may contract with corporations for health and**  
 12 **community services not specifically provided by another**  
 13 **governmental entity.**

14           **Sec. 14. On the first Monday of each August the executive shall**  
 15 **post, in a conspicuous place near the executive's office, a verified**  
 16 **statement showing the indebtedness of the township district in**  
 17 **detail and giving the number and total amount of outstanding**  
 18 **orders, warrants, and accounts.**

19           **Sec. 15. (a) At the township district legislative body's annual**  
 20 **meeting under IC 36-6-6.1-12, the executive shall:**

21           **(1) present an itemized written statement of the estimated**  
 22 **expenditures for which appropriations are requested,**  
 23 **specifying the:**

24           **(A) number of teachers employed;**

25           **(B) salary of each teacher employed;**

26           **(C) property of the township district (and supplies on**  
 27 **hand);**

28           **(D) estimated value of the property of the township district**  
 29 **(and supplies on hand);**

30           **(E) supplies necessary for each school; and**

31           **(F) need for township assistance in the township district;**  
 32 **and**

33           **(2) submit to questions from the township district legislative**  
 34 **body or taxpayers concerning expenditures of the township**  
 35 **district.**

36           **(b) The written statement required under subsection (a)(1) must**  
 37 **comply with forms prescribed by the state board of accounts and**  
 38 **show the amount of each item to be charged against funds of the**  
 39 **township district.**

40           **Sec. 16. (a) At the annual meeting of the township district**  
 41 **legislative body under IC 36-6-6.1-10, the executive shall present**  
 42 **a complete report of all receipts and expenditures of the preceding**  
 43 **calendar year, including the balance to the credit of each fund**  
 44 **controlled by the executive. If the executive controls any money**  
 45 **that is not included in a particular fund, the executive shall state all**  
 46 **the facts concerning that money in the report.**



1           (b) Each item of expenditure in the report presented under  
2 subsection (a) must be accompanied by the verified voucher of the  
3 person to whom the sum was paid, stating:

- 4           (1) why the payment was made;  
5           (2) that the receipt is for the exact sum received;  
6           (3) that no part of the sum has been retained by the executive;  
7           and  
8           (4) that no part of the sum has been or is to be returned to the  
9           executive or any other person.

10          The executive may administer oaths to persons giving these  
11          receipts.

12          (c) The executive shall swear or affirm that:

- 13           (1) the report presented under subsection (a) shows all sums  
14           received by the executive;  
15           (2) the expenditures credited have been fully paid in the sums  
16           stated, without express or implied agreement that any part of  
17           the sums is to be retained by or returned to the executive or  
18           any other person; and  
19           (3) the executive has received no money or other property in  
20           consideration of any contract entered into or expenditure  
21           made on behalf of the township district.

22          (d) Within ten (10) days after the township district legislative  
23          body's action under IC 36-6-6.1-10, the executive shall file a copy  
24          of the report presented under subsection (a) and the report's  
25          accompanying vouchers, as adopted by the township district  
26          legislative body, in the office of the controller of the consolidated  
27          city. The township district legislative body may, for the benefit of  
28          the township, bring a civil action against the executive if the  
29          executive fails to file the report within ten (10) days after the  
30          township district legislative body's action. The township district  
31          legislative body may recover five dollars (\$5) for each day after the  
32          time limit for filing the report, until the report is filed.

33          Sec. 17. (a) When the executive prepares the annual report  
34          required by section 16 of this chapter, the executive shall also  
35          prepare, on forms prescribed by the state board of accounts, an  
36          abstract of receipts and expenditures:

- 37           (1) showing the sum of money in each fund of the township  
38           district at the beginning of the year;  
39           (2) showing the sum of money received in each fund of the  
40           township district during the year;  
41           (3) showing the sum of money paid from each fund of the  
42           township district during the year;  
43           (4) showing the sum of money remaining in each fund of the  
44           township district at the end of the year;  
45           (5) containing a statement of receipts, showing their source;  
46           and



1           (6) containing a statement of expenditures showing the  
2           combined gross payment, according to classification of  
3           expense, to each person.

4           (b) Not later than four (4) weeks after the annual meeting of the  
5           township district legislative body under IC 36-6-6.1-10, the  
6           executive shall publish the abstract required by subsection (a) in  
7           accordance with IC 5-3-1. The abstract must state that a complete  
8           and detailed annual report and the accompanying vouchers  
9           showing the names of persons paid money by the township district  
10          have been filed with the controller of the consolidated city, and that  
11          the chairperson of the township district legislative body has a copy  
12          of the report that is available for inspection by any taxpayer of the  
13          township district.

14          (c) An executive who fails to comply with this section commits  
15          a Class C infraction.

16          Sec. 18. When an executive's term of office expires, the executive  
17          shall:

18           (1) immediately deliver to the new executive custody of all  
19           funds and property of the township district, except records  
20           necessary in the preparation of the former executive's annual  
21           report under section 16 of this chapter;

22           (2) deliver to the new executive, not later than the second  
23           Monday in the next January, the former executive's annual  
24           report and any records the former executive has retained; and

25           (3) attend the annual meeting of the township district  
26           legislative body held under IC 36-6-6.1-10 and submit to  
27           inquiries from the township district legislative body  
28           concerning the operation of the executive's office during the  
29           preceding calendar year.

30          Sec. 19. (a) If an executive resigns or dies, the executive's  
31          personal representative shall immediately deliver to the new  
32          executive custody of all funds and property of the township district.  
33          The new executive shall then issue a call for a special meeting of the  
34          township district legislative body, to be held not more than fifteen  
35          (15) days later. At the special meeting the township district  
36          legislative body shall:

37           (1) examine the records of the township district;

38           (2) inquire into the conduct of the executive's office; and

39           (3) approve in whole or in part the records, receipts, and  
40           expenditures of the township district to the date of the death  
41           or resignation of the former executive.

42          (b) In the new executive's annual report to the township district  
43          legislative body required under section 16 of this chapter, the new  
44          executive shall distinguish between the new executive's  
45          transactions and those of the former executive. The township  
46          district legislative body may, at its annual meeting under



1 **IC 36-6-6.1-10, review items in the report that were considered at**  
 2 **the special meeting.**

3 **Sec. 20. An executive is entitled to receive the following:**

4 **(1) The executive's salary.**

5 **(2) Reimbursement for expenses that are reasonably incurred**  
 6 **by the executive for the following:**

7 **(A) The operation of the executive's office.**

8 **(B) Travel and meals while attending seminars or**  
 9 **conferences on township district matters.**

10 **(C) A sum for mileage as permitted under IC 36-6-8-3(b).**

11 **The executive may not make any other personal use of funds of the**  
 12 **township district without prior approval by the township district**  
 13 **legislative body.**

14 **Sec. 21. (a) Not later than thirty (30) days after taking office, the**  
 15 **executive shall designate a person who shall perform the**  
 16 **executive's duties whenever the executive is incapable of**  
 17 **performing the executive's functions because the executive:**

18 **(1) is absent from the township district; or**

19 **(2) becomes incapacitated.**

20 **The executive shall give notice of the designation to the chairperson**  
 21 **of the township district legislative body, the county sheriff, the city**  
 22 **controller, and any other persons that the executive chooses. The**  
 23 **designee shall have all the powers of the executive. The executive**  
 24 **is responsible for all acts of the designee. The executive may change**  
 25 **the designee under this section at any time.**

26 **(b) The designee shall perform the executive's duties until the**  
 27 **executive is no longer absent from the township district or**  
 28 **incapacitated.**

29 **Sec. 22. The executive may pay township district funds for the**  
 30 **purpose of supporting a drug awareness program that is**  
 31 **implemented in schools.**

32 **SECTION 138. IC 36-6-5-1, AS AMENDED BY P.L.240-2005,**  
 33 **SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**  
 34 **JANUARY 1, 2007]: Sec. 1. (a) Except as provided in section 3 of**  
 35 **this chapter, a township assessor shall be elected under IC 3-10-2-13**  
 36 **by the voters of each township having:**

37 **(1) a population of more than eight thousand (8,000); or**

38 **(2) an elected township assessor or the authority to elect a**  
 39 **township assessor before January 1, 1979.**

40 **(b) A township assessor shall be elected under IC 3-10-2-14 in each**  
 41 **township having a population of more than five thousand (5,000) but**  
 42 **not more than eight thousand (8,000), if the legislative body of the**  
 43 **township:**

44 **(1) by resolution, declares that the office of township assessor is**  
 45 **necessary; and**

46 **(2) the resolution is filed with the county election board not later**



1 than the first date that a declaration of candidacy may be filed  
2 under IC 3-8-2.

3 (c) A township government that is created by merger under  
4 IC 36-6-1.5 shall elect only one (1) township assessor under this  
5 section.

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

10 (e) The term of office of a township assessor is four (4) years,  
11 beginning January 1 after election and continuing until a successor is  
12 elected and qualified. However, the term of office of a township  
13 assessor elected at a general election in which no other township  
14 officer is elected ends on December 31 after the next election in which  
15 any other township officer is elected.

16 SECTION 139. IC 36-6-5-2 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) This section  
18 applies to ~~townships~~ **a township, other than a township located in a**  
19 **county having a consolidated city**, that ~~to~~ **does** not have an elected  
20 or appointed and qualified township assessor.

21 (b) The township executive shall perform all the duties and has all  
22 the rights and powers of assessor. If a township qualifies under  
23 IC 36-6-5-1 to elect a township assessor, the executive shall continue  
24 to serve as assessor until an assessor is appointed or elected and  
25 qualified.

26 (c) The bond filed by the executive in ~~his~~ **the executive's** capacity  
27 as executive also covers ~~his~~ **the executive's** duties as assessor.

28 SECTION 140. IC 36-6-5-3 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. **(a) Except as**  
30 **provided in subsection (b)**, the assessor shall perform the duties  
31 prescribed by statute, including:

- 32 (1) assessment duties prescribed by IC 6-1.1; and  
33 (2) administration of the dog tax and dog fund, as prescribed by  
34 IC 15-5-9.

35 **(b) In a township located in a county having a consolidated city:**

- 36 **(1) there is no township assessor;**  
37 **(2) the duties of the township assessor prescribed by IC 6-1.1**  
38 **are performed by the county assessor under IC 36-2-15-5; and**  
39 **(3) the duties of the township assessor prescribed by IC 15-5-9**  
40 **are performed by the controller of the consolidated city or the**  
41 **controller's designee.**

42 SECTION 141. IC 36-6-6-1 IS AMENDED TO READ AS  
43 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. This chapter  
44 applies to all townships **except a township in a county having a**  
45 **consolidated city.**

46 SECTION 142. IC 36-6-6-2.2 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.2. ~~(a)~~ This  
 2 subsection applies to townships in a county containing a consolidated  
 3 city. The voters of each legislative body district established under  
 4 section 2.5 of this chapter shall elect one ~~(1)~~ member of the township  
 5 board.

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

9 SECTION 143. IC 36-6-6-3, AS AMENDED BY P.L.240-2005,  
 10 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JANUARY 1, 2007]: Sec. 3. ~~(a)~~ This subsection applies to townships  
 12 in a county containing a consolidated city. One ~~(1)~~ member of the  
 13 legislative body must reside within each legislative body district. If a  
 14 member of the legislative body ceases to be a resident of the district  
 15 from which the member was elected, the office becomes vacant.

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

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

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

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

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

29 SECTION 144. IC 36-6-6-4, AS AMENDED BY P.L.240-2005,  
 30 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JANUARY 1, 2007]: Sec. 4. (a) Except as provided in ~~subsections~~  
 32 ~~subsection~~ ~~(b)~~, ~~and~~ ~~(c)~~, two (2) members of the legislative body  
 33 constitute a quorum.

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

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

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

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

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

44 SECTION 145. IC 36-6-6.1 IS ADDED TO THE INDIANA CODE  
 45 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 46 UPON PASSAGE]:



1           **Chapter 6.1. Township Legislative Bodies in Marion County**

2           **Sec. 1. Subject to IC 36-6-1.1, this chapter applies only in a**  
3 **county having a consolidated city.**

4           **Sec. 2. The definitions in IC 36-6-4.1 apply to this chapter.**

5           **Sec. 3. (a) The township board shall serve as the township**  
6 **district legislative body.**

7           **(b) The township board for the:**

8                 **(1) central township district consists of seven (7) at-large**  
9 **members; and**

10                **(2) consolidated township district consists of nine (9) at-large**  
11 **members.**

12           **(c) Beginning with the general election held in 2006, all**  
13 **members of the township boards shall be elected under**  
14 **IC 3-10-2-13 by the voters of each township district.**

15           **(d) The term of office of a township board member is four (4)**  
16 **years, beginning January 1 after election and continuing until a**  
17 **successor is elected and qualified.**

18           **Sec. 4. A member of the legislative body must reside within the**  
19 **township district. If a member of the legislative body ceases to be**  
20 **a resident of the township district from which the member was**  
21 **elected, the office becomes vacant.**

22           **Sec. 5. (a) Four (4) members of the legislative body for the**  
23 **central township district constitute a quorum.**

24           **(b) Five (5) members of the legislative body for the consolidated**  
25 **township district constitute a quorum.**

26           **Sec. 6. The legislative body may adjourn a meeting from day to**  
27 **day until the business of the legislative body is completed.**

28           **Sec. 7. A taxpayer of the township district may appear at any**  
29 **meeting of the legislative body and be heard as to:**

30                 **(1) an estimate of expenditures;**

31                 **(2) a proposed levy of taxes;**

32                 **(3) the approval of the executive's annual report; or**

33                 **(4) any other matter being considered by the legislative body.**

34           **Sec. 8. (a) The legislative body shall meet at the office of the**  
35 **executive on the first Tuesday after the first Monday in January of**  
36 **each year. At this meeting the legislative body shall elect one (1)**  
37 **member as chairperson and one (1) member as secretary for that**  
38 **year.**

39           **(b) If a newly elected legislative body holds a special meeting**  
40 **before the first Tuesday after the first Monday in the January**  
41 **following its election, the legislative body shall elect a chairperson**  
42 **and a secretary before conducting any other business. The**  
43 **chairperson and secretary elected at the special meeting retain**  
44 **those positions until the first Tuesday after the first Monday in**  
45 **January of the year following the special meeting.**

46           **Sec. 9. The legislative body shall keep a permanent record of its**



1 proceedings in a book furnished by the executive. The secretary of  
2 the legislative body shall, under the direction of the legislative  
3 body, record the minutes of the proceedings of each meeting in full  
4 and shall provide copies of the minutes to each member of the  
5 legislative body before the next meeting is convened. After the  
6 minutes are approved by the legislative body, the secretary of the  
7 legislative body shall place the minutes in the permanent record  
8 book. The chairperson of the legislative body shall retain the  
9 record in the chairperson's custody.

10 Sec. 10. (a) The legislative body shall meet on or before the third  
11 Tuesday after the first Monday in January of each year. At this  
12 meeting the legislative body shall consider and approve, in whole  
13 or in part, the annual report of the executive presented under  
14 IC 36-6-4.1-15.

15 (b) The legislative body may send for persons, books, and papers  
16 necessary in the examination of the annual report. A member may  
17 administer oaths necessary in the examination of the annual  
18 report.

19 (c) Any sum in the control of the executive that remains  
20 unexpended and is subject to no liability shall be credited in favor  
21 of the fund for which it was appropriated.

22 (d) Any fund expended, in whole or in part, for a purpose for  
23 which it was not appropriated shall be considered unexpended and  
24 in the control of the executive, who is liable on the executive's bond  
25 for such an expenditure.

26 (e) When the legislative body completes its examination of the  
27 annual report, the legislative body shall take action on the annual  
28 report, specifying the parts of the annual report that are altered or  
29 disallowed. The annual report remains under the control of the  
30 legislative body and in custody of the chairperson of the legislative  
31 body, who shall keep it open to inspection by taxpayers of the  
32 township district.

33 Sec. 11. (a) The legislative body shall fix the:

34 (1) salaries;

35 (2) wages;

36 (3) rates of hourly pay; and

37 (4) remuneration other than statutory allowances;

38 of all officers and employees of the township district.

39 (b) Subject to subsection (c), the legislative body may reduce the  
40 salary of an elected or appointed official. However, the official is  
41 entitled to a salary that is not less than the salary fixed for the first  
42 year of the term of office that immediately preceded the current  
43 term of office.

44 (c) The legislative body may not alter the salaries of elected or  
45 appointed officers during the fiscal year for which they are fixed,  
46 but the legislative body may add or eliminate any other position



1 and change the salary of any other employee, if the necessary funds  
2 and appropriations are available.

3 (d) If a change in the mileage allowance paid to state officers  
4 and employees is established by July 1 of any year, that change  
5 shall be included in the compensation fixed for the executive under  
6 this section and take effect January 1 of the next year. However,  
7 the legislative body may by ordinance provide for the change in the  
8 sum per mile to take effect before January 1 of the next year.

9 (e) The legislative body may not reduce the salary of the  
10 executive without the consent of the executive during the term of  
11 office of the executive as set forth in IC 36-6-4.1-7.

12 (f) This subsection applies when an executive dies or resigns  
13 from office. The person filling the vacancy of the executive shall  
14 receive at least the same salary the previous executive received for  
15 the remainder of the unexpired term of office of the executive (as  
16 set forth in IC 36-6-4.1-7), unless the person consents to a reduction  
17 in salary.

18 Sec. 12. (a) The legislative body shall meet annually in  
19 accordance with IC 6-1.1-17 to adopt the annual budget of the  
20 district.

21 (b) The legislative body shall consider the estimates of  
22 expenditures made by the executive under IC 36-6-4.1-15 and may  
23 approve or reject all or part of any estimate or any item within an  
24 estimate. The legislative body may require the executive to further  
25 itemize an estimate not sufficiently itemized.

26 (c) The legislative body may not appropriate for any purpose an  
27 amount more than the executive's estimate of the amount required  
28 for that purpose.

29 (d) The legislative body shall include in the budget:

30 (1) provisions for the payment of existing debt of the township  
31 district as it becomes due; and

32 (2) the salaries fixed under section 11 of this chapter.

33 (e) In making levies for the general fund of the township district,  
34 the legislative body may include an amount not more than the  
35 amount necessary to compensate its members for their services  
36 during the year for which the levies are made.

37 (f) After the legislative body has taken action on the executive's  
38 estimates, it shall levy taxes for the township district funds on  
39 property in the township district and fix rates of taxation sufficient  
40 to provide that revenue during the next year.

41 (g) On the assessment date (as defined by IC 6-1.1-1-2), the rates  
42 of taxation adopted under this section become a levy and a lien on  
43 all taxable property in the township district, including property in  
44 municipalities in the township district. The levy constitutes an  
45 appropriation for the specific items in the executive's estimates.

46 Sec. 13. (a) The legislative body may appropriate money for



1 membership of the township district in county, state, or national  
2 associations that:

3 (1) are of a civic, an educational, or a governmental nature;  
4 and

5 (2) have as a purpose the improvement of township or  
6 township district governmental operations.

7 The township district representatives may participate in the  
8 activities of these associations, and the legislative body may  
9 appropriate money to defray the expenses of township district  
10 representatives in connection with these activities.

11 (b) Each representative of the township district attending any  
12 meeting, conference, seminar, or convention approved by the  
13 executive shall be reimbursed for all necessary and legitimate  
14 expenses incurred while representing the township district.  
15 Expenses shall be paid to each representative in accordance with  
16 the reimbursement policy of the township district, which may  
17 include an established per diem rate, as recommended by the  
18 executive and adopted by the legislative body.

19 Sec. 14. (a) A special meeting may be held by the legislative body  
20 if the executive, the chairperson of the legislative body, or a  
21 majority of the members of the legislative body issue a written  
22 notice of the meeting to each member of the legislative body. The  
23 notice must state the date, time, place, and purpose of the meeting.

24 (b) At the special meeting, if a majority of the members give  
25 their consent, the legislative body may determine whether there is  
26 an emergency requiring the expenditure of money not included in  
27 the budget estimates and levy of the township district. Subject to  
28 section 15 of this chapter, if the legislative body finds that such an  
29 emergency exists, it may issue a special order, entered and signed  
30 on the record, authorizing the executive to borrow a specified  
31 amount of money sufficient to meet the emergency. At the  
32 legislative body's next annual session, the legislative body shall  
33 cover the debt created by making a levy to the credit of the fund  
34 for which the amount was borrowed under this subsection.

35 Sec. 15. (a) If the legislative body issues a special order under  
36 section 14 of this chapter authorizing the executive to borrow  
37 money, not less than ten (10) taxpayers in the township district who  
38 disagree with the special order may file a petition in the office of  
39 the controller of the consolidated city not more than thirty (30)  
40 days after notice of the special order is given. The petition must  
41 state the taxpayers' objections and the reasons why the taxpayers  
42 believe the special order is unnecessary or unwise.

43 (b) The controller of the consolidated city shall immediately  
44 certify a copy of the petition, together with other data necessary to  
45 present the questions involved, to the department of local  
46 government finance. Upon receipt of the certified petition and



1 other data, the department of local government finance shall fix a  
 2 date, time, and place for the hearing of the matter. The hearing  
 3 must be held not less than five (5) and not more than thirty (30)  
 4 days after the receipt of the certified documents.

5 (c) The hearing must be held in the township district where the  
 6 petition arose.

7 (d) Notice of the hearing shall be given by the department of  
 8 local government finance to the township district and to the first  
 9 ten (10) taxpayer petitioners listed on the petition by letter. The  
 10 letter shall be sent to the first ten (10) taxpayer petitioners at each  
 11 taxpayer's usual place of residence at least five (5) days before the  
 12 date of the hearing.

13 (e) A:

14 (1) taxpayer who signed a petition filed under subsection (a);

15 or

16 (2) township district against which a petition under subsection  
 17 (a) is filed;

18 may petition for judicial review of the final determination of the  
 19 department of local government finance under subsection (a). The  
 20 petition must be filed in the tax court not more than forty-five (45)  
 21 days after the date of the department's final determination.

22 Sec. 16. (a) If the legislative body finds that an emergency  
 23 requires the borrowing of money to meet the current expenses of  
 24 the township district, the legislative body may take out temporary  
 25 loans in an amount not more than fifty percent (50%) of the total  
 26 anticipated revenue for the remainder of the year in which the  
 27 loans are taken out.

28 (b) The legislative body must authorize the temporary loans by  
 29 a resolution:

30 (1) stating the nature of the consideration for the loans;

31 (2) stating the date the loans are payable;

32 (3) stating the place the loans are payable;

33 (4) stating a rate of interest;

34 (5) stating the anticipated revenues on which the loans are  
 35 based and out of which they are payable; and

36 (6) appropriating a sufficient amount of the anticipated  
 37 revenues on which the loans are based and out of which they  
 38 are payable for the payment of the loans.

39 (c) The loans must be evidenced by time warrants of the  
 40 township district stating:

41 (1) the nature of the consideration;

42 (2) the date payable;

43 (3) the place payable; and

44 (4) the anticipated revenues on which they are based and out  
 45 of which they are payable.

46 SECTION 146. IC 36-6-8-1 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. **(a) Except as**  
 2 **provided in subsection (b)**, this chapter applies to all townships.

3 **(b) Sections 5, 6, 9, 10, and 11 of this chapter do not apply to a**  
 4 **township located in a county having a consolidated city.**

5 SECTION 147. IC 36-6-8-10 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The county  
 7 fiscal body shall, in the manner prescribed by IC 36-2-5 or IC 36-2-6,  
 8 fix and appropriate money to pay the per diem established under  
 9 section 5 of this chapter and the salaries and per diems of the county's  
 10 township assessors and any deputies or other employees that assist the  
 11 elected township assessor.

12 (b) Each township assessor shall file the budget estimate required  
 13 by IC 36-2-5-5. ~~or IC 36-3-6-4.~~ The budget estimate filed under this  
 14 subsection must include all estimated expenses of the office, including  
 15 costs incurred through litigation for the office.

16 (c) If the township executive is performing the duties of assessor,  
 17 the county fiscal body shall appropriate money for the purposes of  
 18 subsection (a) and other expenses of acting as assessor, including all  
 19 costs incurred through litigation for the office. However, it may not  
 20 provide a salary that is below the amount fixed for that salary for the  
 21 year 1984.

22 SECTION 148. IC 36-7-11.2-11 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. As used in  
 24 this chapter, "notice" means written notice:

25 (1) served personally upon the person, official, or office entitled  
 26 to the notice; or

27 (2) served upon the person, official, or office by placing the notice  
 28 in the United States mail, first class postage prepaid, properly  
 29 addressed to the person, official, or office. Notice is considered  
 30 served if mailed in the manner prescribed by this subdivision  
 31 properly addressed to the following:

32 (A) The governor, both to the address of the governor's official  
 33 residence and to the governor's executive office in  
 34 Indianapolis.

35 (B) The Indiana department of transportation, to the  
 36 commissioner.

37 (C) The department of natural resources, both to the director  
 38 of the department and to the director of the department's  
 39 division of historic preservation and archeology.

40 (D) The department of metropolitan development.

41 (E) An occupant, to:

42 (i) the person by name; or

43 (ii) if the name is unknown, to the "Occupant" at the address  
 44 of the Meridian Street or bordering property occupied by the  
 45 person.

46 (F) An owner, to the person by the name shown to be the name



1 of the owner, and at the person's address, as the address  
 2 appears in the records in the bound volumes of the most recent  
 3 real estate tax assessment records as the records appear in the  
 4 offices of the ~~township assessors~~ **county assessor** in Marion  
 5 County.

6 (G) A neighborhood association or the society, to the  
 7 organization at the latest address as shown in the records of the  
 8 commission.

9 SECTION 149. IC 36-7-11.2-58 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 58. (a) A person  
 11 who has filed a petition under section 56 or 57 of this chapter shall, not  
 12 later than ten (10) days after the filing, serve notice upon all interested  
 13 parties. The notice must state the following:

14 (1) The full name and address of the following:

15 (A) The petitioner.

16 (B) Each attorney acting for and on behalf of the petitioner.

17 (2) The street address of the Meridian Street and bordering  
 18 property for which the petition was filed.

19 (3) The name of the owner of the property.

20 (4) The full name and address of, and the type of business, if any,  
 21 conducted by:

22 (A) each person who at the time of the filing is a party to; and

23 (B) each person who is a disclosed or an undisclosed principal  
 24 for whom the party was acting as agent in entering into;

25 a contract of sale, lease, option to purchase or lease, agreement to  
 26 build or develop, or other written agreement of any kind or nature  
 27 concerning the subject property or the present or future  
 28 ownership, use, occupancy, possession, or development of the  
 29 subject property.

30 (5) A description of the contract of sale, lease, option to purchase  
 31 or lease, agreement to build or develop, or other written  
 32 agreement sufficient to disclose the full nature of the interest of  
 33 the party or of the party's principal in the subject property or in  
 34 the present or future ownership, use, occupancy, possession, or  
 35 development of the subject property.

36 (6) A description of the proposed use for which the rezoning or  
 37 zoning variance is sought, sufficiently detailed to appraise the  
 38 notice recipient of the true character, nature, extent, and physical  
 39 properties of the proposed use.

40 (7) The date of the filing of the petition.

41 (8) The date, time, and place of the next regular meeting of the  
 42 commission if a petition is for approval of a zoning variance. If a  
 43 petition is filed with the development commission, the notice does  
 44 not have to specify the date of a hearing before the commission or  
 45 the development commission. However, the person filing the  
 46 petition shall give ten (10) days notice of the date, time, and place



1 of a hearing before the commission on the petition after the  
 2 referral of the petition to the commission by the development  
 3 commission.

4 (b) For purposes of giving notice to the interested parties who are  
 5 owners, the records in the bound volumes of the recent real estate tax  
 6 assessment records as the records appear in the offices of the ~~township~~  
 7 ~~assessors~~ **county assessor** as of the date of filing are considered  
 8 determinative of the persons who are owners.

9 SECTION 150. IC 36-7-15.1-32 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 32. (a) The  
 11 commission must establish a program for housing. The program, which  
 12 may include such elements as the commission considers appropriate,  
 13 must be adopted as part of a redevelopment plan or amendment to a  
 14 redevelopment plan, and must establish an allocation area for purposes  
 15 of sections 26 and 35 of this chapter for the accomplishment of the  
 16 program.

17 (b) The notice and hearing provisions of sections 10 and 10.5 of this  
 18 chapter apply to the resolution adopted under subsection (a). Judicial  
 19 review of the resolution may be made under section 11 of this chapter.

20 (c) Before formal submission of any housing program to the  
 21 commission, the department shall consult with persons interested in or  
 22 affected by the proposed program and provide the affected  
 23 neighborhood associations, residents, and ~~township assessors~~ **the**  
 24 **county assessor** with an adequate opportunity to participate in an  
 25 advisory role in planning, implementing, and evaluating the proposed  
 26 program. The department may hold public meetings in the affected  
 27 neighborhood to obtain the views of neighborhood associations and  
 28 residents.

29 SECTION 151. IC 36-8-7-1, AS AMENDED BY P.L.227-2005,  
 30 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JANUARY 1, 2007]: Sec. 1. (a) This chapter applies to pension  
 32 benefits for members of fire departments hired before May 1, 1977, in  
 33 units for which a 1937 fund was established before May 1, 1977.

34 (b) A firefighter with twenty (20) years of service is covered by this  
 35 chapter and not by IC 36-8-8 if the firefighter:

- 36 (1) was hired before May 1, 1977;  
 37 (2) did not convert under IC 19-1-36.5-7 (repealed September 1,  
 38 1981); and  
 39 (3) is rehired after April 30, 1977, by the same employer.

40 (c) A firefighter is covered by this chapter and not by IC 36-8-8 if  
 41 the firefighter:

- 42 (1) was hired before May 1, 1977;  
 43 (2) did not convert under IC 19-1-36.5-7 (repealed September 1,  
 44 1981);  
 45 (3) was rehired after April 30, 1977, but before February 1, 1979;  
 46 and



1 (4) was made, before February 1, 1979, a member of a 1937 fund.  
 2 (d) A firefighter who:  
 3 (1) is covered by this chapter before a consolidation under  
 4 ~~IC 36-3-1-6.1; January 1, 2007~~; and  
 5 (2) after December 31, 2006, becomes a member of a fire  
 6 department of a consolidated city under IC 36-3-1-6.1;  
 7 is covered by this chapter after ~~the effective date of the consolidation~~;  
 8 **December 31, 2006**, and the firefighter's service as a member of a fire  
 9 department of a consolidated city is considered active service under  
 10 this chapter.

11 SECTION 152. IC 36-8-7-4, AS AMENDED BY P.L.227-2005,  
 12 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JANUARY 1, 2007]: Sec. 4. (a) If a unit has less than five (5) members  
 14 in its fire department, the unit may provide for the organization of a  
 15 local board consisting of the fire chief, the executive of the unit, and  
 16 one (1) member of the fire department.

17 (b) The trustee from the fire department shall be elected under this  
 18 section.

19 (c) The local board may amend the bylaws of the fund to elect the  
 20 trustee from the fire department in an election held on any three (3)  
 21 consecutive days in February specified in the bylaws. The election shall  
 22 be called by the fire chief and held at the house or quarters of the fire  
 23 department. Subject to this section, the election shall be conducted in  
 24 the manner specified in the bylaws.

25 (d) This subsection applies only if the local board does not elect to  
 26 be governed by subsection (c). The trustee from the fire department  
 27 shall be elected at a meeting held on the second Monday in February  
 28 each year. The meeting shall be called by the fire chief and held at the  
 29 house or quarters of the fire department.

30 (e) The term of the elected trustee is one (1) year beginning  
 31 immediately after the trustee's election.

32 (f) Each member of the department is entitled to one (1) ballot and  
 33 the person receiving the highest number of votes is elected. The  
 34 executive of the unit, the fire chief, and the city or county clerk shall  
 35 canvass and count the ballots, and the clerk shall issue a certificate of  
 36 election to the person having received the highest number of votes. If  
 37 two (2) persons have received the same number of votes, the executive  
 38 and the chief shall immediately determine by lot who will be the trustee  
 39 from the persons receiving an equal number of votes.

40 ~~(g) This section does not apply to a township if the fire department  
 41 of the township is consolidated under IC 36-3-1-6.1.~~

42 SECTION 153. IC 36-8-7-5, AS AMENDED BY P.L.227-2005,  
 43 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 44 JANUARY 1, 2007]: Sec. 5. (a) An election shall be held each year  
 45 under this section to elect one (1) trustee from the active members of  
 46 the fire department for a term of four (4) years, commencing on the day



1 of his election. The fire chief shall fix a time for holding a convention  
2 to nominate candidates for trustees to be elected at each election. Each  
3 convention must be held at least five (5) days before the day on which  
4 the annual election is held. A convention consists of one (1) delegate  
5 from each fire company and one (1) delegate to be selected by the chief  
6 and the chief's assistants. The delegate from each fire company shall be  
7 elected by ballot by the members of the company at a time to be fixed  
8 by the chief in the call for a convention. The election of delegates shall  
9 be certified by the captain or other officer of the company, or, if there  
10 is not an officer present, then by the oldest member of the company  
11 present. The convention, when assembled, shall nominate six (6)  
12 members of the fire department to be voted upon as trustees, and the  
13 delegates shall report the names of the persons nominated as candidates  
14 to their respective companies in writing.

15 (b) The local board may amend the bylaws of the fund to elect the  
16 trustee from the active members of the fire department in an election  
17 held on any three (3) consecutive days in February specified in the  
18 bylaws. The election shall be called by the fire chief and held at the  
19 house or quarters of the respective companies of the fire department.  
20 Subject to this section, the election shall be conducted in the manner  
21 specified in the bylaws.

22 (c) This subsection applies only if the local board does not elect to  
23 be governed by subsection (b). The election shall be held at the houses  
24 or quarters of the respective companies on the second Monday in  
25 February between 9 a.m. and 6 p.m.

26 (d) Each member of a fire company is entitled to one (1) ballot, and  
27 the ballot may not contain the names of more than one (1) person,  
28 chosen from the six (6) persons nominated by the convention. The  
29 candidate receiving the highest number of votes is elected.

30 (e) The captain or other officer in command of each of the fire  
31 companies, immediately after the casting of all ballots, shall canvass  
32 and count the ballots. The captain or other officer shall certify in  
33 writing the total number of ballots cast and the number of votes  
34 received by each candidate for the office of trustee. After signing the  
35 certificate, the officer shall enclose it, together with all the ballots cast  
36 by the fire company, in an envelope, securely sealed and addressed,  
37 and deliver them to the fire chief. The fire chief shall deliver them to  
38 the executive of the unit as soon as the chief receives all the certificates  
39 and ballots. Upon receipt the executive shall, in the presence of the  
40 chief and the clerk of the unit, open the envelopes, examine the  
41 certificates, and determine the total number of votes cast for each of the  
42 candidates. The executive shall then issue a certificate of election to the  
43 candidate having received the highest number of votes. If two (2) or  
44 more candidates have received the same number of votes, the executive  
45 and the chief shall immediately determine by lot who will be trustee  
46 from the persons receiving an equal number of votes. An election may



1 not be set aside for lack of formality in balloting by the members or in  
 2 certifying or transmitting the returns of an election by the officers in  
 3 charge.

4 ~~(f) This section does not apply to a township if the fire department~~  
 5 ~~of the township is consolidated under IC 36-3-1-6.1.~~

6 SECTION 154. IC 36-8-7-6, AS AMENDED BY P.L.227-2005,  
 7 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JANUARY 1, 2007]: Sec. 6. (a) An election shall be held under this  
 9 section every two (2) years to elect one (1) trustee from the retired  
 10 members of the fire department for a term of two (2) years,  
 11 commencing on the day of the trustee's election, if the retired list  
 12 contains at least three (3) retired members at the time of election. The  
 13 fire chief shall fix a time for holding a convention to nominate  
 14 candidates for trustee to be elected at each election. Each convention  
 15 must be held at least fifteen (15) days before the day on which the  
 16 biennial election is held. All retired members of the fire department  
 17 may participate in the convention. The convention, when assembled,  
 18 shall nominate not more than four (4) members of the retired list to be  
 19 voted upon as trustee. The secretary of the board shall mail the names  
 20 of the persons nominated along with an official ballot to the retired  
 21 members within forty-eight (48) hours of the end of the convention.

22 (b) The election shall be conducted by mail. Each retired member  
 23 is entitled to cast one (1) ballot by mail and the ballot may not contain  
 24 more than one (1) name, chosen from the list of retired persons  
 25 nominated by the convention. The candidate receiving the highest  
 26 number of votes by 6 p.m. on the second Monday in February or an  
 27 alternative date in February specified in the bylaws of the fund is  
 28 elected.

29 (c) The ballots must remain closed and inviolate until the close of  
 30 the election, at which time, in the presence of the executive of the unit,  
 31 the fire chief, and the clerk of the unit, the ballots shall be opened and  
 32 counted. A certificate of election shall be issued to the candidate  
 33 receiving the highest number of votes. If two (2) or more candidates  
 34 receive the same number of votes, the executive and the chief shall  
 35 immediately determine by lot who will be trustee from the persons  
 36 receiving an equal number of votes.

37 ~~(d) This section does not apply to a township if the fire department~~  
 38 ~~of the township is consolidated under IC 36-3-1-6.1.~~

39 SECTION 155. IC 36-8-7-6.5, AS AMENDED BY P.L.227-2005,  
 40 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JANUARY 1, 2007]: Sec. 6.5. (a) All ballots voted under this chapter  
 42 shall be secured until the balloting is closed.

43 (b) Tampering with a ballot for an election under this chapter is a  
 44 Class A infraction.

45 ~~(c) This section does not apply to a township if the fire department~~  
 46 ~~of the township is consolidated under IC 36-3-1-6.1.~~



1 SECTION 156. IC 36-8-7-7, AS AMENDED BY P.L.227-2005,  
 2 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JANUARY 1, 2007]: Sec. 7. (a) The fire chief is the president of the  
 4 local board.

5 (b) At the first meeting after each election, the local board shall  
 6 elect a secretary, who may be chosen from among the trustees.  
 7 However, the local board may consider it proper to have a secretary  
 8 who is a member of the fire department, to be elected by the companies  
 9 for a term of four (4) years in the same manner as the election for  
 10 trustees. The secretary shall keep a full record of all the proceedings of  
 11 the local board in a book provided for that purpose.

12 (c) The local board shall make all rules necessary for the discharge  
 13 of its duties and shall hear and determine all applications for relief or  
 14 pensions under this chapter.

15 ~~(d) This section does not apply to a township if the fire department~~  
 16 ~~of the township is consolidated under IC 36-3-1-6.1.~~

17 SECTION 157. IC 36-8-8-1, AS AMENDED BY P.L.227-2005,  
 18 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JANUARY 1, 2007]: Sec. 1. This chapter applies to:

20 (1) full-time police officers hired or rehired after April 30, 1977,  
 21 in all municipalities, or who converted their benefits under  
 22 IC 19-1-17.8-7 (repealed September 1, 1981);

23 (2) full-time fully paid firefighters hired or rehired after April 30,  
 24 1977, or who converted their benefits under IC 19-1-36.5-7  
 25 (repealed September 1, 1981);

26 (3) a police matron hired or rehired after April 30, 1977, and  
 27 before July 1, 1996, who is a member of a police department in a  
 28 second or third class city on March 31, 1996;

29 (4) a park ranger who:

30 (A) completed at least the number of weeks of training at the  
 31 Indiana law enforcement academy or a comparable law  
 32 enforcement academy in another state that were required at the  
 33 time the park ranger attended the Indiana law enforcement  
 34 academy or the law enforcement academy in another state;

35 (B) graduated from the Indiana law enforcement academy or  
 36 a comparable law enforcement academy in another state; and

37 (C) is employed by the parks department of a city having a  
 38 population of more than one hundred twenty thousand  
 39 (120,000) but less than one hundred fifty thousand (150,000);

40 (5) a full-time fully paid firefighter who is covered by this chapter  
 41 before ~~the effective date of consolidation~~ **January 1, 2007**, and,  
 42 **after December 31, 2006**, becomes a member of the fire  
 43 department of a consolidated city under IC 36-3-1-6.1 **or**  
 44 **IC 36-3-1-6.3**; ~~provided that however~~, the firefighter's service as  
 45 a member of the fire department of a consolidated city is  
 46 considered active service under this chapter;



1 (6) except as otherwise provided, a full-time fully paid firefighter  
 2 who is hired or rehired after ~~the effective date of the consolidation~~  
 3 **December 31, 2006**, by a consolidated fire department  
 4 established under IC 36-3-1-6.1;

5 (7) a full-time police officer who is covered by this chapter before  
 6 the effective date of consolidation and becomes a member of the  
 7 consolidated law enforcement department as part of the  
 8 consolidation under IC 36-3-1-5.1, provided that the officer's  
 9 service as a member of the consolidated law enforcement  
 10 department is considered active service under this chapter; and

11 (8) except as otherwise provided, a full-time police officer who is  
 12 hired or rehired after the effective date of the consolidation by a  
 13 consolidated law enforcement department established under  
 14 IC 36-3-1-5.1;

15 except as provided by section 7 of this chapter.

16 SECTION 158. IC 36-8-8-2.1 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2.1. (a) As used  
 18 in this chapter, "local board" means the following:

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

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

24 (3) **For a unit that established a 1937 fund for its firefighters**  
 25 **and consolidates its fire department into the fire department**  
 26 **of a consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3:**

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

29 (B) **on and after the date the consolidation is effective, the**  
 30 **local board of the consolidated city established under**  
 31 **IC 36-8-7-3.**

32 ~~(4)~~ (4) For a consolidated city that established a 1953 fund for its  
 33 police officers, the local board described in IC 36-8-7.5-2.

34 ~~(5)~~ (5) For a unit, other than a consolidated city, that did not  
 35 establish a 1925 fund for its police officers or a 1937 fund for its  
 36 firefighters, the local board described in subsection (b) or (c).

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

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



1           **(d) If a unit located in a county containing a consolidated city**  
 2 **did not establish a 1937 fund for its firefighters and consolidates its**  
 3 **fire department into the fire department of the consolidated city**  
 4 **under IC 36-3-1-6.1 or IC 36-3-1-6.3, the local board is:**

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

7           **(2) on and after the effective date of the consolidation, the**  
 8 **local board of the consolidated city established under**  
 9 **IC 36-8-7-3.**

10           SECTION 159. IC 36-8-8-7, AS AMENDED BY P.L.227-2005,  
 11 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JANUARY 1, 2007]: Sec. 7. (a) Except as provided in subsections (d),  
 13 (e), (f), (g), (h), (k), (l), **and (m): ~~and (n):~~**

14           (1) a police officer; or

15           (2) a firefighter;

16           who is less than thirty-six (36) years of age and who passes the baseline  
 17 statewide physical and mental examinations required under section 19  
 18 of this chapter shall be a member of the 1977 fund and is not a member  
 19 of the 1925 fund, the 1937 fund, or the 1953 fund.

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

35           (c) Except as provided in section 18 of this chapter, a police officer  
 36 or firefighter is entitled to credit for all years of service after April 30,  
 37 1977, with the police or fire department of an employer covered by this  
 38 chapter.

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

42           (1) was hired before May 1, 1977;

43           (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both  
 44 of which were repealed September 1, 1981); and

45           (3) is rehired after April 30, 1977, by the same employer.

46           (e) A police officer or firefighter does not become a member of the



1 1977 fund and is not covered by this chapter if the police officer or  
2 firefighter:

- 3 (1) was hired before May 1, 1977;
- 4 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both  
5 of which were repealed September 1, 1981);
- 6 (3) was rehired after April 30, 1977, but before February 1, 1979;  
7 and
- 8 (4) was made, before February 1, 1979, a member of a 1925,  
9 1937, or 1953 fund.

10 (f) A police officer or firefighter does not become a member of the  
11 1977 fund and is not covered by this chapter if the police officer or  
12 firefighter:

- 13 (1) was hired by the police or fire department of a unit before May  
14 1, 1977;
- 15 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both  
16 of which were repealed September 1, 1981);
- 17 (3) is rehired by the police or fire department of another unit after  
18 December 31, 1981; and
- 19 (4) is made, by the fiscal body of the other unit after December  
20 31, 1981, a member of a 1925, 1937, or 1953 fund of the other  
21 unit.

22 If the police officer or firefighter is made a member of a 1925, 1937, or  
23 1953 fund, the police officer or firefighter is entitled to receive credit  
24 for all the police officer's or firefighter's years of service, including  
25 years before January 1, 1982.

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

- 29 (1) is employed by a unit that is participating in the 1977 fund;
- 30 (2) was employed as an emergency medical technician by a  
31 political subdivision wholly or partially within the department's  
32 jurisdiction;
- 33 (3) was a member of the public employees' retirement fund during  
34 the employment described in subdivision (2); and
- 35 (4) ceased employment with the political subdivision and was  
36 hired by the unit's fire department due to the reorganization of  
37 emergency medical services within the department's jurisdiction;

38 shall participate in the 1977 fund. A firefighter who participates in the  
39 1977 fund under this subsection is subject to sections 18 and 21 of this  
40 chapter.

41 (h) A police officer or firefighter does not become a member of the  
42 1977 fund and is not covered by this chapter if the individual was  
43 appointed as:

- 44 (1) a fire chief under a waiver under IC 36-8-4-6(c); or
- 45 (2) a police chief under a waiver under IC 36-8-4-6.5(c);

46 unless the executive of the unit requests that the 1977 fund accept the



1 individual in the 1977 fund and the individual previously was a  
2 member of the 1977 fund.

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

6 (j) A park ranger who:

7 (1) completed at least the number of weeks of training at the  
8 Indiana law enforcement academy or a comparable law  
9 enforcement academy in another state that were required at the  
10 time the park ranger attended the Indiana law enforcement  
11 academy or the law enforcement academy in another state;

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

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

17 is a member of the fund.

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

20 (1) who is a member of the 1977 fund before a consolidation  
21 under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;**

22 (2) whose employer is consolidated into the **consolidated law**  
23 **enforcement department or the** fire department of a  
24 consolidated city under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or**  
25 **IC 36-3-1-6.3;** and

26 (3) who, after the consolidation, becomes an employee of the  
27 consolidated law enforcement department or the consolidated fire  
28 department under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or**  
29 **IC 36-3-1-6.3;**

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

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

34 (1) before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1,  
35 provides law enforcement services or fire protection services for  
36 an entity in a consolidated city;

37 (2) has the provision of those services consolidated into the  
38 **consolidated law enforcement department or the** fire  
39 department of a consolidated city **under IC 36-3-1-5.1 or**  
40 **IC 36-3-1-6.1;** and

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

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

46 (m) A police officer or firefighter who is a member of the 1977 fund



1 under subsection (k) or (l):

2 (1) may not be:

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

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

5 solely because of a change in employer under the consolidation;

6 **and**

7 **(2) shall receive credit for all years of service as a member of**

8 **the 1977 fund before the consolidation described in subsection**

9 **(k) or (l).**

10 SECTION 160. IC 36-8-13-1, AS AMENDED BY P.L.227-2005,  
11 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JANUARY 1, 2007]: Sec. 1. This chapter applies to all townships,  
13 ~~However, this chapter does not apply to a township in which the fire~~  
14 ~~department of the township has been consolidated under IC 36-3-1-6.1.~~  
15 **except townships located in a consolidated city.**

16 SECTION 161. IC 36-8-19-1.5, AS ADDED BY P.L.227-2005,  
17 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JANUARY 1, 2007]: Sec. 1.5. ~~If the fire departments of a township is~~  
19 ~~consolidated under IC 36-3-1-6.1, after the effective date of the~~  
20 ~~consolidation the township may not establish fire protection territory~~  
21 ~~under this chapter. (a) In a county having a consolidated city, only:~~

22 **(1) a consolidated city; or**

23 **(2) an excluded city;**

24 **may establish a fire protection territory under this chapter.**

25 (b) ~~A fire protection territory that is established before the effective~~  
26 ~~date of the consolidation in a township in which the township's fire~~  
27 ~~department **January 1, 2007, by a unit that** is consolidated under~~  
28 ~~IC 36-3-1-6.1 becomes part of the geographic area in which the fire~~  
29 ~~department of a consolidated city provides fire protection services.~~

30 SECTION 162. IC 36-9-11.1-11 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) All  
32 property of every kind, including air rights, acquired for off-street  
33 parking purposes, and all its funds and receipts, are exempt from  
34 taxation for all purposes. When any real property is acquired by the  
35 consolidated city, the county auditor shall, upon certification of that  
36 fact by the board, cancel all taxes then a lien. The certificate of the  
37 board must specifically describe the real property, including air rights,  
38 and the purpose for which acquired.

39 (b) A lessee of the city may not be assessed any tax upon any land,  
40 air rights, or improvements leased from the city, but the separate  
41 leasehold interest has the same status as leases on taxable real property,  
42 notwithstanding any other law. Whenever the city sells any such  
43 property to anyone for private use, the property becomes liable for all  
44 taxes after that, as other property is so liable and is assessed, and the  
45 board shall report all such sales to the ~~township~~ **county** assessor, who  
46 shall cause the property to be upon the proper tax records.



1 SECTION 163. IC 36-9-17.5-1 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. **(a) Except as**  
 3 **provided in subsection (b)**, this chapter applies to ~~all townships: a~~  
 4 **township.**

5 **(b) This chapter does not apply to a township or township**  
 6 **district in a county having a consolidated city.**

7 SECTION 164. IC 36-10-7-1 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. **(a) Except as**  
 9 **provided in subsection (b)**, this chapter applies to the townships  
 10 indicated in each section.

11 **(b) After December 31, 2006:**

12 **(1) this chapter does not apply to a township in a county**  
 13 **having a consolidated city; and**

14 **(2) all powers and duties related to parks and recreation of**  
 15 **the townships in a county having a consolidated city are**  
 16 **transferred to the consolidated city.**

17 SECTION 165. IC 36-10-7.5-1 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. **(a) Except as**  
 19 **provided in subsection (b)**, this chapter applies to ~~all townships: a~~  
 20 **township.**

21 **(b) This chapter does not apply to a township in a county having**  
 22 **a consolidated city, and all powers and duties related to parks and**  
 23 **recreation of the townships in a county having a consolidated city**  
 24 **are transferred to the consolidated city.**

25 SECTION 166. THE FOLLOWING ARE REPEALED  
 26 [EFFECTIVE JULY 1, 2006]: IC 3-11-1.5-32.5; IC 33-34;  
 27 IC 36-6-6-2.5.

28 SECTION 167. [EFFECTIVE JULY 1, 2006] **The general**  
 29 **assembly finds the following:**

30 **(1) A consolidated city faces unique budget challenges due to**  
 31 **a high demand for services combined with the large number**  
 32 **of tax exempt properties located in a consolidated city as the**  
 33 **seat of state government, home to several institutions of**  
 34 **higher education, and home to numerous national, state, and**  
 35 **regional nonprofit corporations.**

36 **(2) By virtue of its size and population density, a consolidated**  
 37 **city has unique overlapping territories of county, city, and**  
 38 **township government and an absence of unincorporated areas**  
 39 **within its county.**

40 **(3) By virtue of its size, population, and absence of**  
 41 **unincorporated areas, development extends to and across the**  
 42 **boundaries of the contiguous governmental territories located**  
 43 **within a county having a consolidated city, thus giving less**  
 44 **meaning to boundaries of the governmental territories located**  
 45 **within the county.**

46 **(4) By virtue of its size, population, absence of unincorporated**



1 areas, overlapping territories, and development to and across  
 2 the boundaries of contiguous governmental territories, there  
 3 is less need for differentiation of local governmental services  
 4 within the separate governmental territories located within a  
 5 county having a consolidated city, but rather the local  
 6 governmental service needs are similar and more uniform  
 7 within and across a county having a consolidated city.

8 (5) The provision of local governmental services by multiple  
 9 governmental entities with overlapping territories, and by  
 10 governmental entities with contiguous territories with less  
 11 meaningful boundaries, results in disparate levels of local  
 12 government services within a county having a consolidated  
 13 city and results in the inefficient and poor use of taxpayer  
 14 dollars.

15 (6) As the state capital and a center for professional sporting  
 16 events, tourism, and culture in central Indiana, the  
 17 consolidated city faces unique demands for protecting  
 18 governmental property and securing the safety of large  
 19 numbers of residents and visitors, which require innovative  
 20 approaches to public safety resources.

21 (7) If public safety resources are consolidated, residual  
 22 services provided by townships are limited and can more  
 23 effectively and uniformly be performed through consolidation  
 24 at the city or county level.

25 (8) By virtue of its size and population patterns, township  
 26 assistance needs in a consolidated city are greatest in its urban  
 27 center and differ from the township assistance needs outside  
 28 the urban center, and the lesser township assistance services  
 29 outside the urban center can be more effectively and  
 30 uniformly delivered through a consolidated district.

31 (9) Substantial operational efficiencies, reduction of  
 32 administrative costs, and economies of scale may be obtained  
 33 in a consolidated city through further consolidation of county,  
 34 city, and township services and operations.

35 (10) Consolidation of county, city, and township services and  
 36 operations in the consolidated city will serve the public  
 37 purpose by allowing the consolidated city to:

38 (A) eliminate duplicative services;

39 (B) provide better coordinated and more uniform delivery  
 40 of local governmental services;

41 (C) provide uniform oversight and accountability for the  
 42 budgets for local governmental services;

43 (D) simplify the system of property taxation;

44 (E) provide more unified tax rates; and

45 (F) allow local government services to be provided more  
 46 efficiently and at a lower cost than without consolidation.



1           **(11) Efficient and fiscally responsible operation of local**  
 2           **government benefits the health and welfare of the citizens of**  
 3           **a consolidated city and is of public utility and benefit.**

4           **(12) The public purpose of this act is to provide a consolidated**  
 5           **city with the means to perform essential governmental**  
 6           **services for its citizens in an effective, efficient, and fiscally**  
 7           **responsible manner.**

8           **SECTION 168. [EFFECTIVE JULY 1, 2006] For property taxes**  
 9           **first due and payable in 2007, the maximum permissible ad**  
 10           **valorem property tax levy under IC 6-1.1-18.5 of a county having**  
 11           **a consolidated city is increased by the amount levied in 2006 for**  
 12           **assessor and related services by each township in the county.**

13           **SECTION 169. [EFFECTIVE JULY 1, 2006] Each township**  
 14           **district shall refer the township district's proposed budget, ad**  
 15           **valorem property tax levy, and property tax rate for 2007 to the**  
 16           **local government tax control board, which shall review and set the**  
 17           **budget, levy, and rate as though the township district is covered by**  
 18           **IC 6-1.1-18.5-7. For property taxes first due and payable in 2007,**  
 19           **the maximum permissible ad valorem property tax limits and any**  
 20           **other limits on ad valorem property taxes set forth in IC 6-1.1-18.5**  
 21           **of:**

22           **(1) a central township district shall be based upon:**

23                   **(A) the amount levied in 2006 for the general fund;**

24                   **(B) the amount levied in 2006 for township assistance,**  
 25                   **including reasonable administrative costs, in the central**  
 26                   **township district in a county having a consolidated city;**  
 27                   **plus**

28                   **(C) thirty-five percent (35%) of the amount levied in 2006**  
 29                   **for township assistance, including reasonable**  
 30                   **administrative costs, by each other township located in the**  
 31                   **county containing a consolidated city; and**

32           **(2) a consolidated township district shall be based upon**  
 33           **sixty-five percent (65%) of the amount levied in 2006 for**  
 34           **township assistance, including reasonable administrative**  
 35           **costs, by each township located in a county having a**  
 36           **consolidated city, other than the central township district in**  
 37           **a county having a consolidated city.**

38           **SECTION 170. [EFFECTIVE JULY 1, 2006] (a) Any case pending**  
 39           **in a township small claims court established by IC 33-34, as**  
 40           **repealed by this act, after the close of business on December 31,**  
 41           **2006, is transferred on January 1, 2007, to the corresponding**  
 42           **township division of the small claims division of the Marion**  
 43           **superior court established by IC 33-33-49-14(c)(5) and**  
 44           **IC 33-33-49-14.1, both as added by this act. A case transferred**  
 45           **under this SECTION shall be treated as if the case were filed in the**  
 46           **corresponding township division of the small claims division of the**



1 Marion superior court.

2 (b) On January 1, 2007, all property and obligations of a  
3 township small claims court established by IC 33-34, as repealed  
4 by this act, become the property and obligations of the  
5 corresponding township division of the small claims division of the  
6 Marion superior court established by IC 33-33-49-14(c)(5) and  
7 IC 33-33-49-14.1, both as added by this act.

8 (c) This SECTION expires January 2, 2008.

9 SECTION 171. [EFFECTIVE JULY 1, 2006] (a) Notwithstanding  
10 the amendment and repeal by this act of provisions in IC 33-33-49  
11 and IC 33-34, the term of a judge in office in a township small  
12 claims court established by IC 33-34, as repealed by this act, does  
13 not terminate until the date that the term would have terminated  
14 under the law in effect on December 31, 2006. The election for the  
15 initial small claims judges to be elected to the township divisions of  
16 the small claims division of the Marion superior court under  
17 IC 33-33-49-13.1, as added by this act, is the election to be held in  
18 the November immediately preceding the date that the  
19 corresponding term of the judge in office in a township small  
20 claims court established by IC 33-34, as repealed by this act, on  
21 December 31, 2006, would have terminated under the law in effect  
22 on December 31, 2006.

23 (b) Notwithstanding the amendment and repeal by this act of  
24 provisions in IC 33-33-49 and IC 33-34, the term of a constable for  
25 a township small claims court established by IC 33-34, as repealed  
26 by this act, does not terminate until the date that the term would  
27 have terminated under the law in effect on December 31, 2006. The  
28 election for the initial small claims constables to be elected under  
29 IC 33-33-49-14.2, as added by this act, is the election to be held in  
30 the November immediately preceding the date that the  
31 corresponding term of the constable for a township small claims  
32 court established by IC 33-34, as repealed by this act, on December  
33 31, 2006, would have terminated under the law in effect on  
34 December 31, 2006.

35 (c) This SECTION expires January 2, 2011.

36 SECTION 172. [EFFECTIVE JULY 1, 2006] (a) For property  
37 taxes first due and payable in 2007, the maximum permissible ad  
38 valorem property tax levy under IC 6-1.1-18.5:

39 (1) is increased for a consolidated city by the amount levied in  
40 2006 for fire protection and related services by each:

- 41 (A) township;
- 42 (B) airport authority;
- 43 (C) fire protection territory; or
- 44 (D) excluded city;

45 whose fire department is consolidated into the fire  
46 department of a consolidated city under IC 36-3-1-6.1 or



- 1           **IC 36-3-1-6.3; and**  
 2           **(2) is reduced for:**  
 3               **(A) a township;**  
 4               **(B) an airport authority;**  
 5               **(C) a fire protection territory; or**  
 6               **(D) an excluded city;**  
 7           **whose fire department is consolidated into the fire**  
 8           **department of a consolidated city under IC 36-3-1-6.1, as**  
 9           **amended by this act, or IC 36-3-1-6.3, as added by this act, by**  
 10           **the amount levied in 2006 for fire protection and related**  
 11           **services by each township, airport authority, fire protection**  
 12           **territory, or excluded city whose fire department is**  
 13           **consolidated into the fire department of a consolidated city**  
 14           **under IC 36-3-1-6.1 or IC 36-3-1-6.3.**  
 15           **(b) This SECTION expires January 1, 2008.**  
 16           **SECTION 173. [EFFECTIVE JULY 1, 2006] For property taxes**  
 17           **first due and payable in 2007, the amount levied in 2006 by each:**  
 18               **(1) township;**  
 19               **(2) airport authority;**  
 20               **(3) fire protection territory; or**  
 21               **(4) excluded city;**  
 22           **whose fire department is consolidated into the fire department of**  
 23           **a consolidated city under IC 36-3-1-6.1, as amended by this act, or**  
 24           **IC 36-3-1-6.3, as added by this act, for its cumulative building and**  
 25           **equipment fund for fire protection and related services is**  
 26           **transferred to the consolidated city's cumulative building and**  
 27           **equipment fund for fire protection and related services, which is**  
 28           **hereby established. The consolidated city is exempted from the**  
 29           **requirements of IC 36-8-14 and IC 6-1.1-41 regarding**  
 30           **establishment of the cumulative building and equipment fund for**  
 31           **fire protection and related services.**  
 32           **SECTION 174. [EFFECTIVE JULY 1, 2006] The legislative**  
 33           **services agency shall prepare legislation for introduction in the**  
 34           **2007 regular session of the general assembly to organize and**  
 35           **correct statutes affected by this act, if necessary.**  
 36           **SECTION 175. An emergency is declared for this act.**

