

2012 IRSDA Bills of Interest

Below is a listing and summary of legislation that has been introduced for the 2012 legislative session that may pertain to RSDs. We will try to track all of the bills but will be paying particular attention to SB 123, HB 1117 and HB 1225. We encourage you to review these bills and provide us with any thoughts or comments you may have. It is also very important to make your concerns or support known to your legislators. The complete text and current status of all legislation can be found using the following link:

<http://www.in.gov/apps/lisa/session/billwatch/billinfo>

SB 0092 -- Public access issues – Author: Leising, Gard

Public access issues. Requires a public agency to: (1) allow inspection or copying; or (2) make copies; of a public record within a reasonable time after the request is received by the agency. Provides that a court may impose a civil penalty against: (1) an officer of a public agency or an individual employed in a management level position with a public agency; or (2) the public agency; for violating the public records law or the open door law. Provides that a court may impose a civil penalty of: (1) not more than \$100 for the first violation; and (2) not more than \$500 for any additional violations. Provides that a court may: (1) impose only one civil penalty against an individual in an action even if the court finds that the individual committed multiple violations; and (2) impose another civil penalty against the individual in a separate action. Provides that if an officer of a state or local government agency orders a management level employee to: (1) not give proper notice of a public meeting or executive session; or (2) deny or interfere with a person's request to inspect or copy a public document; the employee is not subject to a civil penalty for violating the statute. Provides that if a local government agency has the capacity to send electronic mail, the agency shall provide notice to anyone (other than news media) that makes an annual request for notice by: (1) transmitting the notice by electronic mail; or (2) posting the notice on the agency's Internet web site (if the agency has an Internet web site). Provides that a court may not declare a governmental action void for failure to give notice by electronic mail or posting on the local government agency's web site, if the agency made a good faith effort to comply with the statute. Provides that a public agency may withhold personal information from public disclosure regarding an individual less than 18 years of age who participates in an activity conducted or supervised by a state educational institution, including personal information regarding the individual's parent or guardian. Requires (rather than allows) a court to review public records in camera to determine whether redaction of the records violates the public records act. If a formal complaint is filed, requires the public access counselor to review public records in camera without redaction (excluding redacted information that is the work product of an attorney and records that the agency is prohibited by law from disclosing) to determine whether the redaction of the records violated the public records act. Provides that unredacted documents that are in the possession of the public access counselor for in camera inspection are confidential while in the possession of the public access counselor. Creates an education fund for a program administered by the public access counselor to train public officials and educate the public on the rights of the public and the responsibilities of public agencies under the public access laws. Provides that a public agency has discretion as to whether to disclose a public record requested by an offender containing personal information relating to a judge, law enforcement officer, or family member of a judge or law enforcement officer.

Status: January 4, 2012, read first time and referred to Committee on Local Government

SB 0103 -- Public access issues – Author: Mrvan

Public access issues. Requires a public agency to: (1) allow inspection or copying; or (2) make copies; of a public record within a reasonable time after the request is received by the agency. Provides that a court may impose a civil penalty against: (1) an officer of a public agency or an individual employed in a management level position with a public agency; or (2) the public agency; for violating the public records law or the open door law. Provides that a court may impose a civil penalty of: (1) not more than \$100 for the first violation; and (2) not more than \$500 for any additional violations. Provides that a court may: (1) impose only one civil penalty against an individual in an action even if the court finds that the individual committed multiple violations; and (2) impose another civil penalty against

the individual in a separate action. Provides that if an officer of a state or local government agency orders a management level employee to: (1) not give proper notice of a public meeting or executive session; or (2) deny or interfere with a person's request to inspect or copy a public document; the employee is not subject to a civil penalty for violating the statute. Provides that if a local government agency has the capacity to send electronic mail, the agency shall provide notice to anyone (other than news media) that makes an annual request for notice by: (1) transmitting the notice by electronic mail; or (2) posting the notice on the agency's Internet web site (if the agency has an Internet web site). Provides that a court may not declare a governmental action void for failure to give notice by electronic mail or posting on the local government agency's Internet web site if the agency made a good faith

Status: *January 4, 2012, read first time and referred to Committee on Local Governmen.*

SB 0109 -- Deposit of public funds by local units – Author: Holdman

Deposit of public funds by local units. Expands the existing authority of counties and political subdivisions to invest, through a selected local depository institution, in certificates of deposit issued by federally insured banks or savings and loan associations, wherever located, to include the authority to invest in interest bearing transaction accounts of federally insured banks or savings and loan associations, wherever located, through the same procedure and under the same conditions.

Status: *January 4, 2012, read first time and referred to Committee on Tax and Fiscal Policy*

SB 0123 -- Sewer district boards – Author: Leising

Sewer district boards. Requires that the board of trustees of a regional sewer district must be elected. Provides for the transition from an appointed to an elected board.

Status: *January 4, 2012, read first time and referred to Committee on Local Government*

SB 0132 -- Water utility resource data – Author: Gard

Water utility resource data. Requires each water utility that provides water service in Indiana to annually submit to the Indiana utility regulatory commission (IURC) a report on the utility's: (1) operations; and (2) use of water resources; in providing water service to the utility's Indiana customers. Allows the IURC to prescribe the process, deadlines, and other requirements for submitting the annual reports, but requires the IURC to collect certain information concerning each water utility's utility plant in service and use of water resources in Indiana. Requires the IURC to include a summary of the data and information contained in the reports in: (1) an annual report to the legislative council; and (2) the commission's annual report on the water and wastewater industries provided to the regulatory flexibility committee. Authorizes the IURC to adopt rules to implement the reporting requirements.

Status: *January 4, 2012, read first time and referred to Committee on Energy and Environmental Affairs*

SB 0139 -- Public contract for services – Author: Kenley

Public contract for services. Requires that a public contract for services between a state agency or political subdivision and a contractor must contain certain requirements concerning the use of the federal electronic employment eligibility verification system (E-Verify) and knowing employment of unauthorized aliens only if one of the following applies: (1) The estimated amount to be paid in a calendar year to the contractor under the contract is more than \$50,000. (2) The estimated amount to be paid in a calendar year to the contractor under the contract is \$50,000 or less, but the contract in combination with other public contracts for services entered into by the contractor with the same state agency or political subdivision results in an estimated total payment in a calendar year by the state agency or political subdivision to the contractor of more than \$50,000. (Current law requires that all public contracts for services between a state agency or political subdivision and a contractor contain certain requirements concerning the use of E-Verify and knowing employment of unauthorized aliens.)

Status: *January 4, 2012, read first time and referred to Committee on Pensions and Labor*

SB 0147 -- Local government financial matters – Author: Holdman

Local government financial matters. Removes the requirement that a political subdivision deposit public funds in a depository that is located within the territorial limits of the political subdivision. Specifies that a county may provide

notices of property tax information by electronic mail that provides an Internet link for the recipient to obtain the information. Requires the county treasurer to record whether electronic mail to a person was undeliverable. Specifies that a monthly payment plan may include an automatic monthly deduction from a taxpayer's financial institution account or monthly payments made by written instrument or electronically. Specifies that the payment cycle for a property tax payment plan may be up to 12 months and may begin in December of the year preceding the year the taxes would be due under the May and November installment method and end in the following November. Clarifies that penalties do not apply if the amount due under a monthly payment plan are paid by the due date in May or November that is designated by the taxpayer. Provides that a real property parcel is not to be listed on a tax sale notice if the delinquent property taxes are \$25 or less. Provides that the interest rate owed on property tax refunds is a rate set annually by the board for depositories based on the interest rate being earned by local governments for deposits in interest bearing transaction accounts. Requires county treasurers to attend training sessions approved by the state board of accounts. Provides that money in the county elected officials training fund may be used to provide this training. (Under current law, the fund is used to provide training to county recorders and surveyors.)

Status: January 4, 2012, read first time and referred to Committee on Tax and Fiscal Policy

SB 0191 -- Local government investments – Author: Charbonneau

Local government investments. Permits a political subdivision to authorize its investing officer to invest public funds for a maximum term of five years. (Under current law, the maximum term is generally two years.) Requires the fiscal body of the political subdivision to approve a written investment policy and adopt an ordinance to provide this authority. Provides that the authority expires on the date that the term of any member ends, excluding a vacancy, for the fiscal body that adopted the policy and ordinance. Limits the amount that may be invested for more than two years to 25% of the political subdivision's total portfolio of public fund investments, including transaction accounts.

Status: January 4, 2012, read first time and referred to Committee on Local Government

SB 0212 -- Utility facility relocation – Author: Gard

Utility facility relocation. Authorizes a unit of local government to enter into an agreement with a utility concerning the relocation of the utility's facilities for a major project undertaken by the local unit. Requires that the agreement must include a date for relocation, a damages provision, and a force majeure clause. Requires a utility to provide a unit contact information for the utility's authorized representative. Specifies that a unit that is responsible for relocation costs may pay the costs in arrears in accordance with the procedures of the state board of accounts.

Status: January 4, 2012, read first time and referred to Committee on Utilities & Technology

SB 0227 -- Utility report of sewer rate increases – Author: Breaux

Utility report of sewer rate increases. Requires a sewer utility to report to the standing legislative committees with jurisdiction over utility matters if the utility seeks: (1) a single rate increase of more than 10%; or (2) rate increases of at least 2% in each of five consecutive years.

Status: January 4, 2012, read first time and referred to Committee on Utilities & Technology

SB 0241 -- Public works projects – Author: Walker

Public works projects. Provides that the plans, specifications, and contract documents for a public works project may not require bidders, contractors, or subcontractors to enter into or comply with certain agreements with labor organizations. Provides a cause of action to challenge the award of a contract that violates these provisions.

Status: January 4, 2012, read first time and referred to Committee on Pensions and Labor

SB 0294 -- Public records and public meetings – Author: Holdman

Public records and public meetings. Provides that an officer or management level employee of a public agency who knowingly or intentionally violates the open door law by: (1) taking final action outside a regular meeting or special meeting; (2) participating in a secret ballot during a meeting; (3) discussing in an executive session subjects that are not eligible for an executive session; or (4) participating in at least one meeting of a series of meetings prohibited by law; commits a Class C infraction and is personally liable for the judgment and costs. Provides that an officer or

management level employee of a public agency who intentionally denies a request for a public record that the officer or management level employee knows or reasonably should know is subject to disclosure under the open records act commits a Class C infraction and is personally liable for the judgment and costs. Provides that an officer or management level employee of a public agency who intentionally charges an excessive copying fee commits a Class C infraction and is personally liable for the judgment and costs. Prohibits a public agency from charging a fee for a public record transmitted by electronic mail except for a: (1) fee charged for reprogramming a computer system if the reprogramming is required to separate disclosable information from nondisclosable information; (2) certification or search fee set by statute or ordered by a court; or (3) fee charged for providing an electronic map.

Status: January 5, 2012, read first time and referred to Committee on Local Government

SB 0295 -- Local unit employee health insurance – Author: Holdman

Local unit employee health insurance. Requires a contracted, elected, or appointed public employee of a local unit to weekly submit an accounting of the number of hours the employee spent performing public employer business as a condition of the employee's eligibility for group health insurance.

Status: January 5, 2012, read first time and referred to Committee on Local Government

SB 0298 -- Mortgages and liens on real property – Author: Zakas

Mortgages and liens on real property. Provides that a mortgage or vendor's lien on real estate in Indiana expires five years after the due date of the last installment of the secured debt. (Current law provides that a mortgage or lien expires ten years (or 20 years for a mortgage or lien created before September 1, 1982) after the due date of the last installment of the secured debt.) Provides that if the record of the mortgage or lien does not show the due date of the last installment, the mortgage or lien expires six years (instead of 20 years under current law) after the date of execution of the mortgage or lien. Provides that if: (1) the record of the mortgage or lien does not show the due date of the last installment; and (2) the execution date is omitted from the mortgage or lien; the mortgage or lien expires 6 years (instead of 20 years under current law) after the mortgage or lien is recorded. Makes corresponding changes in the provision that allows the mortgagee or lienholder to file an affidavit stating when the debt becomes due. For purposes of an action to foreclose a mortgage on an interest in real property in Indiana, defines an "interested person" as: (1) the holder of the evidence of debt secured by the mortgage being foreclosed; or (2) a person to whom a sheriff's deed is conveyed as a purchaser of the property at a judicial sale ordered in the action. Defines an "omitted party" as a person who: (1) before the foreclosure action acquired in the property a record interest that is junior or subordinate to the mortgage being foreclosed; and (2) either is not named as a defendant in the action or not served with process, or is not served with a notice of sale after a judicial sale is ordered in the action. Provides that at any time after a judgment and decree of sale is entered in an action to foreclose a mortgage on an interest in real property in Indiana, an interested person or an omitted party may bring a civil action to: (1) determine the extent of; and (2) terminate; an omitted party's interest in the property. Provides that upon the filing of such an action, the court shall determine the extent of the omitted party's interest and issue a decree terminating that interest, subject to the right of the omitted party to redeem the property if the omitted party would have had redemption rights under existing law. Sets forth factors that the court must consider in determining the terms of redemption. Provides that: (1) the amount to be paid for redemption may not be less than the sale price resulting from the foreclosure of the senior lien, plus interest; and (2) the time allowed for payment of the redemption amount may not exceed 90 days from the date of the court's decree. Provides that: (1) the senior lien on which the foreclosure action was based is not extinguished by merger with the title to the property conveyed to a purchaser at the judicial sale until the interest of any omitted party has been terminated through an action authorized under the new provisions or by operation of law; and (2) until an omitted party's interest is terminated, the purchaser at the judicial sale is the equitable owner of the senior lien and has all rights against an omitted party as existed before the sale. Provides that an interested person's rights under the new provisions may not be denied because of certain acts or omissions by the interested person. Makes technical changes.

Status: January 5, 2012, read first time and referred to Committee on Insurance and Financial Institutions

SB 0304 -- Disclosure of utility easements – Author: Breaux

Disclosure of utility easements. Requires a utility to submit data concerning easements in gross of a commercial character to the Indiana utility regulatory commission (IURC) for inclusion in the statewide GIS map. Requires a utility that seeks to perform vegetation management to produce, upon request of a property owner, documentation that authorizes the utility to perform vegetation management on the property. Provides that a utility's failure to file a notice of claim for an easement does not extinguish the easement if the easement is included in the statewide GIS map. Requires the residential sales disclosure form to provide notice to prospective buyers that the easements are included in the map.

Status: January 5, 2012, read first time and referred to Committee on Utilities & Technology

SB 0386 -- Removal of property from tax sale – Author: Young R, Randolph

Removal of property from tax sale. Removes, for tax sales after June 30, 2012, and before July 1, 2013, real property (other than real property classified as industrial property under the rules of the department of local government finance) from a tax sale and cancels penalties and costs if delinquent taxes and special assessments are paid before the sale.

Status: January 9, 2012, read first time and referred to Committee on Appropriations

SB 0400 -- Mandatory sewer connection – Author: Waterman

Mandatory sewer connection. Provides that a not-for-profit sewer utility may not require a property owner to connect to its sewer system and discontinue use of a septic disposal system that is functioning satisfactorily as determined by a local health department

Status: January 9, 2012, read first time and referred to Committee on Utilities & Technology

SB 0401 -- Buy American in public works and purchasing – Author: Lanane

Buy American in public works and purchasing. Provides that every public works contract must require that products used or supplied under the contract must be manufactured in the United States. Provides that this requirement does not apply to a particular product if the head of the public agency letting the public works contract makes a written determination that: (1) the application of the requirement to the product is inconsistent with the public interest; (2) the product is not produced in the United States in sufficient quantities or of a satisfactory quality to meet the requirements of the contract; or (3) requiring the product to be made in the United States will increase the cost of the overall public works project by more than twenty-five percent (25%). Provides an opportunity for public comment before an agency head's determination waiving the requirement becomes effective. Provides that a person that makes certain false representations relating to the country of manufacture of a product may not be considered responsible for purposes of awarding a public works contract. Enacts a parallel statute relating to public purchasing by the state and political subdivisions. Repeals a superseded public purchasing statute relating to the purchase of supplies manufactured in the United States.

Status: January 9, 2012, read first time and referred to Committee on Tax and Fiscal Policy

HB 1093 -- Public access issues – Authors: Mahan, Richardson

Public access issues. Requires a public agency to: (1) allow inspection or copying; or (2) make copies; of a public record within a reasonable time after the request is received by the agency. Provides that a court may impose a civil penalty against: (1) an officer of a public agency or an individual employed in a management level position with a public agency; or (2) the public agency; for violating the public records law or the open door law. Provides that a court may impose a civil penalty of: (1) not more than \$100 for the first violation; and (2) not more than \$500 for any additional violations. Provides that a court may: (1) impose only one civil penalty against an individual in an action even if the court finds that the individual committed multiple violations; and (2) impose another civil penalty against the individual in a separate action. Provides that if an officer of a state or local government agency orders a management level employee to: (1) not give proper notice of a public meeting or executive session; or (2) deny or interfere with a person's request to inspect or copy a public document; the employee is not subject to a civil penalty for violating the statute. Provides that if a local government agency has the capacity to send electronic mail, the agency shall provide notice to anyone (other than news media) that makes an annual request for notice by: (1)

transmitting the notice by electronic mail; or (2) posting the notice on the agency's Internet web site (if the agency has an Internet web site). Provides that a court may not declare a governmental action void for failure to give notice by electronic mail or posting on the local government agency's web site if the agency made a good faith effort to comply with the statute. Provides that a public agency may withhold personal information from public disclosure regarding an individual less than 18 years of age who participates in an activity conducted or supervised by a state educational institution, including personal information regarding the individual's parent or guardian. Requires (rather than allows) a court to review public records in camera to determine whether redaction of the records violates the public records act. If a formal complaint is filed, requires the public access counselor to review public records in camera without redaction (excluding redacted information that is the work product of an attorney) to determine whether the redaction of the records violated the public records act. Provides that unredacted documents that are in the possession of the public access counselor for in camera inspection are confidential while in the possession of the public access counselor. Creates an education fund for a program administered by the public access counselor to train public officials and educate the public on the rights of the public and the responsibilities of public agencies under the public access laws. Provides that a public agency has discretion as to whether to disclose a public record requested by an offender containing personal information relating to a judge, law enforcement officer, or family member of a judge or law enforcement officer.

Status: January 4, 2012, read first time and referred to Committee on Government and Regulatory Reform

HB 1098 -- Recall of elected and appointed officials – Author: Stevenson

Recall of elected and appointed officials. Establishes a procedure for the recall of a person who holds a state, legislative, local, or school board office (other than a justice, judge, or prosecuting attorney) or who is appointed to an office of the state or a political subdivision. Requires that a recall petition must be signed by at least 10% of the registered voters in the jurisdiction served by the official (or a number of voters equal to at least 10% of the total number of votes cast in the last election for secretary of state if the official holds an elected state office). Removes an officeholder if: (1) at least 60% of the votes cast; or (2) a majority of the registered voters in the election district; vote for the recall. Specifies that a commissioner of a police and fire merit commission may be removed by the recall procedure under current law.

Status: January 4, 2012, read first time and referred to Committee on Elections and Apportionment

HB 1117 -- Regional water, sewage, or waste districts – Author: Wolkins, Lehe

Regional water, sewage, or waste districts. Requires notice and a hearing before a petition may be filed to establish a regional water, sewage, or solid waste district (district). Establishes requirements for appointment to the board of trustees of a district. Authorizes a property owner to apply for two 5-year extensions to an exemption from connecting to a district's sewer system. Provides that a district may not require a property owner to connect to the district's sewer under certain conditions. Establishes a procedure by which a ratepayer may object to initial rates and charges established by a district. Requires a local health department to notify an applicant for a residential septic system permit of the existence of a district. Provides that a homeowner may include in a residential sales disclosure form information relating to a district.

Status: January 6, 2012, read first time and referred to Committee on Environmental Affairs

HB 1126 -- Extraterritorial water and sewer rates – Author: Frizzell

Extraterritorial water and sewer rates. Provides that: (1) a municipality that operates a water, wastewater, or combined water and wastewater utility; or (2) users of the utility's works whose property is located outside the corporate boundaries of the municipality; may petition the utility regulatory commission (IURC) under certain circumstances for review and revision of the rates and charges imposed on the users. Requires the IURC to prescribe the form and content of the petition. Provides that a petition is considered approved if the IURC does not approve or disapprove the petition within 120 days. Authorizes the IURC to adopt rules.

Status: January 6, 2012, read first time and referred to Committee on Environmental Affairs

HB 1130 -- County options for delinquent property taxes – Author: Soliday, Brown C, Speedy, DeLaney

County options for delinquent property taxes. Provides that the fiscal body of a county may adopt an ordinance authorizing the county treasurer to accept a minimum bid on real property subject to sale for delinquent taxes equal to the lesser of: (1) the delinquent taxes, penalties, and other related costs; or (2) 75% of the gross assessed value of the real property. Provides that the fiscal body of a county may adopt an ordinance to require waiver of penalties on delinquent taxes on real property in the county if: (1) part of the delinquent taxes on the real property were first due and payable before January 1, 2010; and (2) all of the delinquent taxes on the real property are paid after June 30, 2012, and before July 1, 2013. Applies statewide the authority that currently applies only in Lake County allowing the county auditor to remove real property from a tax sale if the county treasurer and the taxpayer agree to a mutually satisfactory arrangement for the payment of the delinquent taxes. Establishes a period during which a taxpayer who fails to make a payment under the delinquent property tax payment arrangement may not enter into another arrangement.

Status: January 6, 2012, read first time and referred to Committee on Ways and Means

HB 1154 -- Local purchasing and public works preferences – Author: Messmer

Local purchasing and public works preferences. Provides that the local Indiana business preference applies to a contract for a purchase made by a political subdivision only if the political subdivision provides in the solicitation that the preference is applicable to the purchase. Provides that the term "affected county" refers only to an Indiana county. Repeals the local Indiana business preference for public works projects.

Status: January 6, 2012, read first time and referred to Committee on Government and Regulatory Reform

HB 1163 -- Bonding and retainage in public works projects – Author: Torr

Bonding and retainage in public works projects. Provides that a person who has a claim against the retainage or the payment bond of a contractor on a public works project must make the claim and deliver a copy of the claim to the contractor not later than stated times after that person performed the service or labor or supplied the materials for the public works project. Decreases the amount that may be withheld on state public works projects upon substantial completion to cover remaining uncompleted minor items. Makes stylistic and technical changes.

Status: January 6, 2012, read first time and referred to Committee on Government and Regulatory Reform

HB 1225 -- Septic tanks and sewer systems – Author: Lehman, Cheatham, Wolkins

Septic tanks and sewer systems. Provides that a not-for-profit sewer utility (sewer utility) may require a property owner to discontinue use of a sewage disposal system and connect to the sewer utility's sewer system only if the sewage disposal system is failing. (Under current law, a property owner is exempt from connecting to a sewer system if the source of the sewage is more than 500 feet from the connection point.) Requires the sewer utility to give the property owner 180 days to repair or replace the sewage disposal system. Provides that the governing board of a sewer utility or a regional sewage district (district) must be elected. Provides for the transition from an appointed to an elected governing board. Provides that a district may require a property owner to discontinue use of a sewage disposal system and connect to the district's sewer system only if the sewage disposal system is failing. (Under current law, a property owner is exempt from connecting to a sewer system if the property owner's septic tank soil absorption system is less than ten years old and satisfies other conditions.) Requires the district to give the property owner 180 days to repair or replace the sewage disposal system. Permits a property owner who connects to a sewer system to provide labor and materials to accomplish the connection. Provides that a district board may consider the need for a minimum service charge, rather than a flat connection charge, when determining rates and charges. Authorizes a board to exercise reasonable discretion in temporarily adjusting fees to reflect a user's nonuse of water, sewer, or solid waste services. Provides that a board may bill and collect rates and charges only for services actually provided. Requires a health officer to verify the existence of unlawful conditions that transmit, generate, or promote disease before ordering their abatement. Provides that a person who provides false information to a health officer commits a Class B misdemeanor. Specifies certain systems appurtenant to private residences to which a county ordinance imposing building standards does not apply. Makes technical corrections.

Status: January 9, 2012, read first time and referred to Committee on Environmental Affairs

HB 1254 -- Township reorganization – Author: Foley

Township reorganization. Provides that an employee of a political subdivision is considered to have resigned from employment with the political subdivision if the employee assumes the elected executive office of the political subdivision or becomes a member of the political subdivision's legislative or fiscal body. Makes this resignation provision apply to an employee of a political subdivision who assumes an elected office after June 30, 2013. Specifies that this provision does not prohibit an employee of a political subdivision from holding an elected office of a political subdivision other than the political subdivision that employs the government employee. Establishes an interim study committee to provide recommendations on making the statutes concerning township assistance standards clear, concise, and easy to interpret and apply. Eliminates township boards in all counties effective January 1, 2015. Specifies that after December 31, 2014, in all counties: (1) the county fiscal body is the fiscal body and legislative body of the township; and (2) the county fiscal body shall exercise the legislative and fiscal powers assigned in the Indiana Code to township boards, including the authority to adopt the township's annual budget and to levy township property taxes for township funds. Requires all counties to establish uniform standards for the provision of township assistance throughout the county. Provides that after December 31, 2014, in all counties, a uniform township assistance tax rate is applied throughout the county. Provides that provisions concerning a distressed township expire on January 1, 2015. Requires a public question to be placed on the ballot at the general election in November 2012 in all counties regarding the elimination of township government. Provides that in all counties other than Marion County, if a majority of the voters in a county vote "yes" on the public question all township powers and responsibilities are transferred to the county (including township assistance, fire protection, cemetery maintenance, weed control, parks, fence viewing, and any township libraries). Provides that in all counties other than Marion County, if a majority of the voters in the county vote "no" on the public question, township powers and responsibilities are transferred as follows: (1) A county board of trustees is created consisting of all trustees in the county. (2) Beginning January 1, 2015, the responsibility for funding and providing township assistance is transferred to the county, with administration of township assistance by the township trustee in each township subject to the supervision of the county board of trustees. (3) Requires the county board of trustees to prepare a county plan, approved by the county legislative body, for providing township assistance in the county. (4) Transfers the responsibility for cemetery maintenance and weed control to the county executive or county executive's designee. (5) Provides that the township and township trustee maintain responsibility for parks and recreation, fence viewing, and libraries (if any). Provides that in Marion County, if a majority of the voters in the county vote "yes" on the public question: (1) all township powers and responsibilities are transferred to the county and consolidated city (including township assistance, cemetery maintenance, weed control, parks, and fence viewing); (2) any remaining township fire departments or fire protection territories in the county are consolidated into the fire department of the consolidated city; (3) the responsibilities of the township trustee concerning township small claims court are transferred to the mayor and city-county council of the consolidated city; and (4) the operations of the township constables and township small claims courts are accounted for in the county budget beginning January 1, 2015. Specifies that: (1) the small claims courts operate independently from the circuit and superior courts; and (2) except for adopting the budget and approving salaries, the city-county council does not have authority over a small claims court judge and the operations of a small claims court. Provides that in Marion County, if a majority of the voters of the county vote "no" on the public question, township powers and duties are not transferred to the county and consolidated city. Authorizes the consolidation of an excluded city's fire department into the fire department of the consolidated city if: (1) the legislative body of the excluded city, after approval by the executive of the excluded city, adopts an ordinance approving the consolidation; and (2) the legislative body of the consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation. Provides the following in counties other than Marion County: (1) The county legislative body must adopt the county fire protection and emergency services plan. (In counties with a county board of trustees, the county board of trustees adopts the initial plan and submits it to the county legislative body for review and approval.) (2) After December 31, 2014, the county executive is responsible for providing fire protection and emergency services in the unincorporated areas of the county as provided in the county fire plan, and the powers and duties of township government and the township trustee related to providing fire protection and emergency services in the unincorporated areas of the county are transferred to the county. Specifies the required elements of a county fire plan. (3) On January 1, 2015, all assets, debts, and contracts of a township

connected with firefighting operations are transferred to the county. Requires the county to assume all township indebtedness related to fire protection and emergency services. Provides that the county may levy property taxes to pay township indebtedness or lease rental obligations incurred by a township only in the geographic area of the township that originally issued the debt or entered into the lease rental agreement. (4) If a township is a participating unit in a fire protection territory as of January 1, 2015, the county shall on January 1, 2015, assume the powers, duties, rights, responsibilities, and obligations of the township for purposes of the fire protection territory law. (5) Establishes a county firefighting fund and levy and establishes county firefighting powers and duties that are similar to the current township firefighting powers and duties. (6) Specifies the maximum property tax levy for a county's firefighting fund. Specifies that after township government functions are transferred, the territory of the township comprises a taxing district for the payment of township indebtedness existing at the time of the transfer. Provides that a transfer of duties between the townships and the county results in the transfer of property, equipment, personnel, records, rights, contracts, and indebtedness. Requires the department of local government finance to adjust maximum permissible property tax levies and property tax rates as necessary to account for transfers of duties, powers, and obligations. Specifies that a township in a county other than Marion County may not enter into a contract related to township assistance or fire protection or emergency services with a term that extends beyond December 31, 2014, unless the contract has been approved by the county legislative body. Provides that in the case of a county to which firefighting duties and responsibilities are transferred from townships to the county after December 31, 2014, the county may establish a merit system for the county fire department. Provides that if a school township exists in a county in which a public question to eliminate township government is approved, the school township shall reorganize under the school reorganization statutes before July 1, 2015. Provides that in a county other than Marion County, the county may not contain more than one public safety answering point (PSAP) after December 31, 2014. Specifies that in a county other than Marion County, PSAP operators must adopt an interlocal agreement: (1) specifying the funding and staffing of the PSAP that after December 31, 2014, will serve the county; (2) providing that to the extent property taxes are used to fund the PSAP, those property taxes shall (beginning with property taxes first due and payable after December 31, 2014) be imposed at a uniform rate throughout the county; and (3) specifying the protocols to be followed by the PSAP. Makes technical corrections.

Status: January 9, 2012, read first time and referred to Committee on Government and Regulatory Reform