



January 20, 2022

HOUSE BILL No. 1401

DIGEST OF HB 1401 (Updated January 19, 2022 4:03 pm - DI 140)

Citations Affected: Numerous provisions throughout the Indiana Code.

Synopsis: Description of political subdivisions. Amends various statutes to name the political subdivisions described by population parameters or other identifying terms. Updates multipliers that are based on a county's population and used in determining distributions made by the department of correction to county misdemeanant funds. Removes language providing that changes to boundaries of certain political subdivisions may not take effect during the year immediately before the year a federal decennial census is conducted. Makes conforming amendments.

Effective: April 1, 2022.

Engleman, Young J

January 13, 2022, read first time and referred to Committee on Judiciary.
January 20, 2022, reported — Do Pass.

HB 1401—LS 7204/DI 75



January 20, 2022

Second Regular Session of the 122nd General Assembly (2022)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1401

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

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

1 SECTION 1. IC 1-1-3.5-9 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 APRIL 1, 2022]: **Sec. 9. (a) A reference in this section to**
4 **amendments made to a statute is a reference to amendments made**
5 **during the 2022 regular session of the general assembly.**
6 **(b) Notwithstanding any other bill enacted during the 2022**
7 **regular session of the Indiana general assembly, this subsection**
8 **applies to each SECTION of each bill enacted during the 2022**
9 **regular session of the Indiana general assembly that satisfies all the**
10 **following:**
11 **(1) The SECTION amends a noncode statute or a provision of**
12 **the Indiana Code.**
13 **(2) The SECTION takes effect before April 1, 2022.**
14 **(3) The SECTION contains an amendment to a population**
15 **parameter.**
16 **The amendment to a population parameter in a SECTION**
17 **described in this subsection takes effect April 1, 2022, and the**

HB 1401—LS 7204/DI 75



1 amendment to other provisions in a SECTION described in this
 2 subsection take effect as otherwise provided in the bill described in
 3 this subsection.

4 (c) Notwithstanding any other bill enacted during the 2022
 5 regular session of the Indiana general assembly, this subsection
 6 applies to each SECTION of each bill enacted during the 2022
 7 regular session of the Indiana general assembly that satisfies all the
 8 following:

9 (1) The SECTION enacts a noncode statute or a new provision
 10 of the Indiana Code.

11 (2) The SECTION takes effect before April 1, 2022.

12 (3) The SECTION contains a population parameter.

13 Notwithstanding section 3 of this chapter, a population parameter
 14 in a SECTION described in this subsection refers to the population
 15 of the described political subdivisions as tabulated following the
 16 2020 Decennial Census and delivered to the state by the United
 17 States Secretary of Commerce under 13 U.S.C. 141 and received by
 18 the governor during 2021.

19 SECTION 2. IC 3-5-2-12 IS REPEALED [EFFECTIVE APRIL 1,
 20 2022]. Sec. 12. "Consolidated city" refers to a first class city that has
 21 become a consolidated city under IC 36-3-1.

22 SECTION 3. IC 3-5-2-22, AS AMENDED BY P.L.278-2019,
 23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 APRIL 1, 2022]: Sec. 22. "Executive" means the following:

25 (1) The board of county commissioners, for a county that does not
 26 have a consolidated city: **other than Marion County.**

27 (2) The mayor of the consolidated city, for a county having a
 28 consolidated city: **Marion County.**

29 (3) The mayor, for a city.

30 (4) The president of the town council, for a town.

31 (5) The trustee, for a township.

32 SECTION 4. IC 3-5-2-25 IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE APRIL 1, 2022]: Sec. 25. "Fiscal body" means **the**
 34 **following:**

35 (1) **The** county council, for a county **not having a consolidated**
 36 **city; other than Marion County.**

37 (2) **The** city-county council, for **a the** consolidated city **or county**
 38 **having a consolidated city; and Marion County.**

39 (3) **The** common council, for a second or third class city.

40 (4) **The** town council, for a town.

41 (5) **The** township board, for a township. **or**

42 (6) **The** governing body or budget approval body, for any other



1 political subdivision.

2 SECTION 5. IC 3-6-5-1, AS AMENDED BY P.L.119-2012,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 APRIL 1, 2022]: Sec. 1. (a) Except as provided in subsection (b), a
5 board is established in each county of the state known as the (name of
6 county) county election board.

7 (b) A county election board is not established in the following
8 counties:

9 (1) ~~A county having a population of more than four hundred~~
10 ~~thousand (400,000) but less than seven hundred thousand~~
11 ~~(700,000): Lake County.~~

12 (2) ~~A county having a population of more than one hundred~~
13 ~~seventy thousand (170,000) but less than one hundred~~
14 ~~seventy-five thousand (175,000): Tippecanoe County.~~

15 SECTION 6. IC 3-6-5.2-1 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
17 to a county having a population of more than four hundred thousand
18 ~~(400,000) but less than seven hundred thousand (700,000): Lake~~
19 ~~County.~~

20 SECTION 7. IC 3-6-5.4-1, AS AMENDED BY P.L.119-2012,
21 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a
23 population of more than one hundred seventy thousand (170,000) but
24 less than one hundred seventy-five thousand (175,000): **Tippecanoe**
25 **County.**

26 SECTION 8. IC 3-6-5.6-1, AS ADDED BY P.L.170-2019,
27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a
29 population of more than one hundred fifty thousand (150,000) but less
30 than one hundred seventy thousand (170,000): **Porter County.**

31 SECTION 9. IC 3-7-12-1, AS AMENDED BY P.L.170-2019,
32 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 APRIL 1, 2022]: Sec. 1. (a) This section does not apply to the
34 following counties:

35 (1) A county in which a board of elections and registration is
36 established.

37 (2) ~~A county containing a consolidated city: Marion County.~~

38 (3) A county in which a board of registration was established by
39 IC 3-7-12-3 (before its repeal).

40 (4) A county in which a board of registration exists under an order
41 adopted by a county acting under this chapter.

42 (b) The circuit court clerk:



- 1 (1) is the voter registration officer of each county; and
 2 (2) shall supervise the registration of voters of the county.
- 3 SECTION 10. IC 3-7-12-2.5, AS ADDED BY P.L.225-2011,
 4 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 APRIL 1, 2022]: Sec. 2.5. A board of registration is established in a
 6 ~~county containing a consolidated city: Marion County.~~
- 7 SECTION 11. IC 3-7-12-4, AS AMENDED BY P.L.170-2019,
 8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 APRIL 1, 2022]: Sec. 4. (a) This section does not apply to:
 10 (1) a county in which a board of elections and registration is
 11 established; or
 12 (2) ~~a county containing a consolidated city: Marion County.~~
- 13 (b) After June 30, 2011, the county executive may adopt an order by
 14 the unanimous vote of the entire membership of the county executive
 15 to:
 16 (1) establish a board of registration; or
 17 (2) rescind a previously adopted order establishing a board of
 18 registration.
- 19 SECTION 12. IC 3-7-12-5.5, AS AMENDED BY P.L.170-2019,
 20 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 APRIL 1, 2022]: Sec. 5.5. (a) Except as provided in subsection (b), this
 22 section applies to a county in which a board of registration was
 23 established by IC 3-7-12-3 (before its repeal).
 24 (b) This section does not apply to any of the following:
 25 (1) A county in which a board of elections and registration is
 26 established.
 27 (2) ~~A county containing a consolidated city: Marion County.~~
- 28 (c) A county executive may adopt an order by the unanimous vote
 29 of the entire membership of the county executive to:
 30 (1) abolish the board of registration; and
 31 (2) designate the circuit court clerk as the voter registration
 32 officer of the county to supervise the registration of voters of the
 33 county.
- 34 (d) An order adopted under subsection (c) during the final sixty (60)
 35 days before an election becomes effective on the day following the
 36 election.
- 37 SECTION 13. IC 3-8-1-1.5, AS AMENDED BY P.L.173-2015,
 38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 APRIL 1, 2022]: Sec. 1.5. (a) This section applies to a candidate for
 40 any of the following offices:
 41 (1) Judge of a city court in a city located in a ~~county having a~~
 42 ~~population of more than two hundred fifty thousand (250,000) but~~



- 1 less than two hundred seventy thousand (270,000): **St. Joseph**
 2 **County.**
 3 (2) Judge of a town court.
- 4 (b) A person is not qualified to run for an office subject to this
 5 section unless not later than the deadline for filing the declaration or
 6 petition of candidacy or certificate of nomination the person is
 7 registered to vote in a county in which the municipality is located.
- 8 (c) Except as provided in IC 33-35-5-7.5, before a candidate for the
 9 office of judge of a city court described in subsection (a)(1) or a town
 10 court may file a:
- 11 (1) declaration of candidacy or petition of nomination;
 12 (2) certificate of candidate selection under IC 3-13-1-15 or
 13 IC 3-13-2-8; or
 14 (3) declaration of intent to be a write-in candidate or certificate of
 15 nomination under IC 3-8-2-2.5 or IC 3-10-6-12;
- 16 the candidate must be an attorney in good standing admitted to the
 17 practice of law in Indiana.
- 18 SECTION 14. IC 3-8-1-24, AS AMENDED BY P.L.266-2013,
 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 APRIL 1, 2022]: Sec. 24. A candidate for the office of mayor of a ~~first~~
 21 ~~class~~ **the consolidated** city must have resided in ~~the city~~ **Marion**
 22 **County** for at least one (1) year before the date of taking office.
- 23 SECTION 15. IC 3-8-1-25, AS AMENDED BY P.L.266-2013,
 24 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 APRIL 1, 2022]: Sec. 25. A candidate for membership on city-county
 26 council of a ~~first class~~ **the consolidated** city must have resided in the
 27 district in which seeking election, if applicable, for at least one (1) year
 28 before the date of taking office.
- 29 SECTION 16. IC 3-8-1-28.5, AS AMENDED BY P.L.173-2015,
 30 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 APRIL 1, 2022]: Sec. 28.5. (a) This section does not apply to a
 32 candidate for the office of judge of a city court in a city located in a
 33 county having a population of more than two hundred fifty thousand
 34 (250,000) but less than two hundred seventy thousand (270,000): **St.**
 35 **Joseph County.**
- 36 (b) A candidate for the office of judge of a city court must reside in
 37 the city upon filing any of the following:
- 38 (1) A declaration of candidacy or declaration of intent to be a
 39 write-in candidate required under IC 3-8-2.
 40 (2) A petition of nomination under IC 3-8-6.
 41 (3) A certificate of nomination under IC 3-10-6-12.
 42 (c) A candidate for the office of judge of a city court must reside in



1 a county in which the city is located upon the filing of a certificate of
2 candidate selection under IC 3-13-1-15 or IC 3-13-2-8.

3 (d) Before a candidate for the office of judge of a city court may file
4 a:

- 5 (1) declaration of candidacy or petition of nomination;
6 (2) certificate of candidate selection under IC 3-13-1-15 or
7 IC 3-13-2-8; or
8 (3) declaration of intent to be a write-in candidate or certificate of
9 nomination under IC 3-8-2-2.5 or IC 3-10-6-12;

10 the candidate must be an attorney in good standing admitted to the
11 practice of law in Indiana.

12 SECTION 17. IC 3-8-2-6 IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE APRIL 1, 2022]: Sec. 6. (a) A declaration of candidacy
14 for:

- 15 (1) any local office not described in section 5 of this chapter;
16 (2) precinct committeeman; or
17 (3) delegate to a state convention;

18 shall be filed in the office of the county election board located in the
19 county seat.

20 (b) Whenever the election district for a local office includes more
21 than one (1) county, the declaration of candidacy shall be filed in the
22 office of the county election board located in the county seat of the
23 county that contains the greatest percentage of population of the
24 election district.

25 (c) This subsection applies to a county having a population of more
26 than four hundred thousand (400,000) but less than seven hundred
27 thousand (700,000). **Lake County.** The chief deputy of the combined
28 election board and board of registration shall post for public inspection
29 a copy of each declaration of candidacy filed under this section on the
30 day the declaration is filed.

31 SECTION 18. IC 3-8-5-1 IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) This chapter applies to the
33 nomination of candidates for town offices in each town having a
34 population of less than three thousand five hundred (3,500) that is not
35 located entirely or partially within a county having a consolidated city.
36 **Marion County.**

37 (b) Prison inmates may not be counted in determining population
38 size for purposes of this chapter.

39 SECTION 19. IC 3-8-6-11, AS AMENDED BY P.L.194-2013,
40 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 APRIL 1, 2022]: Sec. 11. (a) Whenever a town is wholly or partly
42 located in a county having a consolidated city, **Marion County,** a



1 petition of nomination must be filed with the **Marion County** circuit
 2 court clerk. ~~of the county having the consolidated city.~~

3 (b) Whenever a town not described in subsection (a) has entered
 4 into an agreement with a county under IC 3-10-7-4, the petition must
 5 be filed with the county voter registration office of that county.

6 (c) When a petition is filed under subsection (a) or (b) for
 7 nomination to an office whose election district is in more than one (1)
 8 county, the circuit court clerk or board of registration shall examine the
 9 voter registration records of each county in the election district to
 10 determine if each petitioner is eligible to vote for the candidates being
 11 nominated by the petition.

12 SECTION 20. IC 3-10-1-18, AS AMENDED BY P.L.76-2014,
 13 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 APRIL 1, 2022]: Sec. 18. (a) Except as provided by subsection (b), the
 15 names of all candidates for each office who have qualified under IC 3-8
 16 shall be arranged in alphabetical order by surnames under the
 17 designation of the office.

18 (b) This subsection applies to ~~a county having a population of more~~
 19 ~~than four hundred thousand (400,000) but less than seven hundred~~
 20 ~~thousand (700,000): **Lake County**.~~ The names of all candidates for
 21 each office who have qualified under IC 3-8, except for a school board
 22 office, precinct committeeman, or state convention delegate, shall be
 23 arranged in random order by surnames under the designation of the
 24 office. The random order shall be determined using a lottery. The
 25 lottery held in accordance with this subsection shall be conducted in
 26 public by the county election board. The lottery shall be held not later
 27 than fifteen (15) days following the last day for a declaration of
 28 candidacy under IC 3-8-2-4. All candidates whose names are to be
 29 arranged by way of the lottery shall be notified at least five (5) days
 30 prior to the lottery of the time and place at which the lottery is to be
 31 held. Each candidate may have one (1) designated watcher, and each
 32 county political party may have one (1) designated watcher who shall
 33 be allowed to observe the lottery procedure.

34 (c) For paper ballots, the left margin of the ballot for each political
 35 party must show the name of the uppermost candidate printed to the
 36 right of the number 1, the next candidate number 2, the next candidate
 37 number 3, and so on, consecutively to the end of the ballot as
 38 prescribed in section 19 of this chapter. If ordered by a county election
 39 board or a board of elections and registration under IC 3-11-15-13.1(b),
 40 a ballot number or other candidate designation uniquely associated
 41 with the candidate must be displayed on the electronic voting system
 42 and printed on the ballot cards.



1 (d) This subsection applies to a county having a population of more
 2 than four hundred thousand (400,000) but less than seven hundred
 3 thousand (700,000): **Lake County**. If there is insufficient room on a
 4 row to list each candidate of a political party, a second or subsequent
 5 row may be utilized. However, a second or subsequent row may not be
 6 utilized unless the first row, and all preceding rows, have been filled.

7 SECTION 21. IC 3-10-6-1 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) This chapter
 9 applies to municipal and school district elections in the following
 10 municipalities:

11 (1) All cities.

12 (2) Towns having a population of three thousand five hundred
 13 (3,500) or more.

14 (3) Towns located entirely or partially within a county having a
 15 consolidated city, **Marion County**, regardless of their population.

16 (b) Prison inmates may not be counted in determining population
 17 size for purposes of this chapter.

18 SECTION 22. IC 3-10-6-2.5, AS AMENDED BY P.L.278-2019,
 19 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 APRIL 1, 2022]: Sec. 2.5. (a) This section does not apply to a town
 21 located wholly or partially within a county having a consolidated city
 22 unless the town has a population of more than one thousand (1,000) but
 23 less than one thousand four hundred (1,400): **Marion County**.
 24 **However, this section applies to the town of Clermont.**

25 (b) This section applies to a town that has not adopted an ordinance:

26 (1) under IC 18-3-1-16(b) (before its repeal on September 1,
 27 1981); or

28 (2) in 1982 under P.L.13-1982, SECTION 3 (before its expiration
 29 on January 1, 1988).

30 (c) Notwithstanding IC 3-10-6-6, a town may adopt an ordinance
 31 during the year preceding a municipal election conducted under section
 32 2 of this chapter prescribing the length of the term of office for town
 33 legislative body members elected in the municipal election.

34 (d) The ordinance must provide that:

35 (1) no more than fifty percent (50%) of the members will be
 36 elected for terms of three (3) years beginning at noon January 1
 37 following the municipal election under section 2 of this chapter;
 38 and

39 (2) the remainder of the members will be elected for terms of four
 40 (4) years beginning at noon January 1 following the election.

41 (e) An ordinance described in this section or an ordinance repealing
 42 an ordinance described in this section is effective upon filing the



1 ordinance with the circuit court clerk of the county in which the largest
2 percentage of the town is located.

3 SECTION 23. IC 3-10-6-2.6 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2.6. (a) This section
5 does not apply to a town located wholly or partially within a ~~county~~
6 ~~having a consolidated city.~~ **Marion County.**

7 (b) This section applies to a town that has adopted an ordinance:

8 (1) under IC 18-3-1-16(b) (before its repeal on September 1,
9 1981); or

10 (2) in 1982 under P.L.13-1982, SECTION 3 (before its expiration
11 on January 1, 1988).

12 (c) A town may adopt an ordinance during a year in which an
13 election of town legislative body members, a town clerk-treasurer, or
14 a town judge will not occur under section 3 of this chapter.

15 (d) The ordinance described in subsection (c) must provide that:

16 (1) the town legislative body members, clerk-treasurer, or judge
17 elected at the next municipal election not conducted in a general
18 election year serve terms of one (1) year; and

19 (2) the successors of the town legislative body members,
20 clerk-treasurer, or judge described in subdivision (1) shall be
21 chosen at the first general election following the municipal
22 election and serve terms of four (4) years.

23 SECTION 24. IC 3-10-6.5-1, AS ADDED BY P.L.107-2020,
24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 APRIL 1, 2022]: Sec. 1. (a) Except as provided in subsection (b), this
26 chapter applies only to the following municipalities:

27 (1) A town.

28 (2) A city with a population of less than three thousand five
29 hundred (3,500).

30 (b) This chapter does not apply to a municipality located wholly or
31 partially in a ~~county having a consolidated city.~~ **Marion County.**

32 SECTION 25. IC 3-10-7-1 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) This chapter
34 applies to municipal elections in towns having a population of less than
35 three thousand five hundred (3,500) that are not located entirely or
36 partially within a ~~county having a consolidated city.~~ **Marion County.**

37 (b) Prison inmates may not be counted in determining population
38 size for purposes of this chapter.

39 SECTION 26. IC 3-10-7-2.5, AS AMENDED BY P.L.119-2012,
40 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 APRIL 1, 2022]: Sec. 2.5. (a) This section does not apply to a town
42 located wholly or partially within a ~~county having a consolidated city~~



1 unless the town has a population of more than one thousand (1,000) but
 2 less than one thousand four hundred (1,400): **Marion County.**
 3 **However, this section applies to the town of Clermont.**

4 (b) A town may adopt an ordinance under IC 3-10-6-2.5, if the town
 5 has not adopted an ordinance under IC 18-3-1-16(b) (before its repeal
 6 on September 1, 1981) or P.L.13-1982, SECTION 3 (before its
 7 expiration on January 1, 1988).

8 SECTION 27. IC 3-10-7-2.7, AS AMENDED BY P.L.74-2017,
 9 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 APRIL 1, 2022]: Sec. 2.7. (a) This section does not apply to a town
 11 located wholly or partially within a ~~county having a consolidated city:~~
 12 **Marion County.**

13 (b) A town may adopt an ordinance during the year preceding a
 14 municipal election conducted under section 2 of this chapter
 15 prescribing the length of the term of office for municipal officers and
 16 changing the time municipal elections are held.

17 (c) The ordinance described in subsection (b) must provide all of the
 18 following:

19 (1) The town legislative body members, clerk-treasurer, or judge
 20 elected at the next municipal election not conducted in a general
 21 election year serve a term of three (3) years.

22 (2) The successors of the town legislative body members,
 23 clerk-treasurer, or judge described in subdivision (1) shall be
 24 chosen at the second general election following the municipal
 25 election and serve a term of four (4) years.

26 (3) The municipal elections for town offices shall be held during
 27 a general election.

28 (d) A town may repeal an ordinance adopted under subsection (b)
 29 subject to both of the following:

30 (1) The ordinance may not be repealed earlier than twelve (12)
 31 years after the ordinance was adopted.

32 (2) The ordinance may be repealed only in a year preceding a
 33 municipal election held at the time described in IC 3-10-6-5.

34 (e) An ordinance described in subsection (b) or an ordinance
 35 repealing an ordinance previously adopted under subsection (b) takes
 36 effect when the ordinance is filed with the circuit court clerk of the
 37 county in which the largest percentage of the population of the town is
 38 located.

39 SECTION 28. IC 3-10-7-2.9, AS AMENDED BY P.L.201-2017,
 40 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 APRIL 1, 2022]: Sec. 2.9. (a) This section does not apply to a town
 42 located wholly or partially within a ~~county having a consolidated city:~~



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Marion County.

(b) During the year preceding a municipal election conducted under section 2 of this chapter, a town may adopt an ordinance changing the time municipal elections are held for the offices of the town legislative body members, clerk-treasurer, and judge.

(c) The ordinance described in subsection (b) must provide all the following:

- (1) The years in which town elections shall be held. A town election may not be held in a year following a year in which an election for presidential electors is held.
- (2) That the elections for town offices shall be held during general elections or municipal elections, or both.
- (3) Which town officers are to be elected in each of the years of the town election cycle. The ordinance must provide that at least two (2) town officers shall be elected in each year of the town election cycle. The ordinance may provide for all town officers to be elected at the same election.
- (4) The term of office of each town officer elected in the first election cycle after adoption of the ordinance. A term of office set under this subdivision may not exceed four (4) years.
- (5) That the term of office of each town officer elected after the first election cycle after adoption of the ordinance is four (4) years.
- (6) That the term of office of each town officer begins on January 1 after the election.

(d) A town may repeal an ordinance adopted under subsection (b) subject to both of the following:

- (1) The ordinance may not be repealed earlier than twelve (12) years after the ordinance was adopted.
- (2) The ordinance may be repealed only in a year preceding a municipal election held at the time described in IC 3-10-6-5.

(e) An ordinance described in subsection (b) or an ordinance repealing an ordinance previously adopted under subsection (b) takes effect when the ordinance is filed with the circuit court clerk of the county in which the largest percentage of the population of the town is located.

SECTION 29. IC 3-10-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5. The county election board shall conduct a municipal election in a town that is located in a ~~county having a consolidated city.~~ **Marion County.** The county election board shall conduct the municipal election in the same manner as it conducts ~~a~~ **an election for the** consolidated city. ~~election.~~



1 However, a town that is subject to this section is not required to
 2 reimburse the county for any of the expenses of conducting a municipal
 3 election.

4 SECTION 30. IC 3-10-7-5.7, AS ADDED BY P.L.278-2019,
 5 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 APRIL 1, 2022]: Sec. 5.7. (a) This section does not apply in a county
 7 having a consolidated city. **Marion County.**

8 (b) A town located wholly or partially within a county designated as
 9 a vote center county under IC 3-11-18.1 may adopt a resolution to
 10 establish a town election board under this section.

11 (c) Notwithstanding IC 3-11-18.1, if the town adopts a resolution
 12 under this section, voters within the town are not subject to the
 13 requirements of the county vote center plan until the resolution adopted
 14 under this section expires.

15 SECTION 31. IC 3-11-1.5-3.5 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3.5. (a) This section
 17 does not apply to a precinct located in a county having a consolidated
 18 city. **Marion County.**

19 (b) This section applies to a precinct:

20 (1) that is located wholly or partially within the campus of:

- 21 (A) Ball State University;
- 22 (B) Indiana State University;
- 23 (C) Indiana University;
- 24 (D) Purdue University;
- 25 (E) The University of Evansville;
- 26 (F) The University of Southern Indiana; or
- 27 (G) Vincennes University;

28 with more full-time students enrolled at that campus than are
 29 enrolled at any other campus of that university; or

30 (2) that contains a structure owned by a university described in
 31 subdivision (1) that houses more than one hundred (100) students
 32 of the university.

33 (c) A county executive may establish a precinct subject to this
 34 section without regard to the number of registered voters permitted
 35 under section 3 of this chapter if less than forty percent (40%) of the
 36 active voters entitled to vote in the precinct voted in the last primary
 37 election.

38 SECTION 32. IC 3-11-1.5-32.5 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 32.5. (a) This section
 40 applies to townships in a county containing a consolidated city.
 41 **Marion County.**

42 (b) The legislative body of a township may not change the boundary



1 of a legislative body district established under IC 36-6-6-2.5 after
 2 November 8 of the year preceding the year in which an election is held
 3 to elect township board members and before the day following the date
 4 on which an election is held to elect township board members.

5 SECTION 33. IC 3-11-2-6 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 6. (a) The device
 7 named and list of nominees shall be placed on the ballots as follows:

8 (1) The major political party whose candidate received the highest
 9 number of votes in the county for secretary of state at the last
 10 election in the first column or row on the left side of all ballots.

11 (2) The major political party whose candidate received the second
 12 highest number of votes in the county for secretary of state at the
 13 last election in the second column or row.

14 (3) Any other political party in the same order.

15 (b) If a political party did not have a candidate for secretary of state
 16 in the last election or a nominee is an independent candidate (or an
 17 independent ticket for President and Vice President of the United
 18 States or for governor and lieutenant governor), the party or
 19 independent candidate or ticket shall be placed on the ballot after the
 20 parties described in subsection (a). If more than one (1) political party
 21 or independent candidate or ticket that has qualified to be on the ballot
 22 did not have a candidate for secretary of state in the last election, those
 23 parties, candidates, or tickets shall be listed on the ballot in the order
 24 in which the party filed its petition of nomination under IC 3-8-6-12.

25 (c) Subject to subsection (e), a column or row for write-in voting
 26 shall be placed to the right of all party and independent columns on the
 27 ballot.

28 (d) This subsection applies to ~~a county having a population of more~~
 29 ~~than four hundred thousand (400,000) but less than seven hundred~~
 30 ~~thousand (700,000): Lake County.~~ If there is insufficient room on a
 31 row to list each candidate of a political party, a second or subsequent
 32 row may be utilized. However, a second or subsequent row may not be
 33 utilized unless the first row, and all preceding rows, have been filled.

34 (e) A column or row for write-in voting for an office is not required
 35 if there are no declared write-in candidates for that office. However,
 36 procedures must be implemented to permit write-in voting for
 37 candidates for federal offices.

38 SECTION 34. IC 3-11-3-35, AS AMENDED BY P.L.221-2005,
 39 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 APRIL 1, 2022]: Sec. 35. (a) This section applies to ~~a county having a~~
 41 ~~population of more than four hundred thousand (400,000); but less than~~
 42 ~~seven hundred thousand (700,000): Lake County.~~



1 (b) In each precinct where voting is by electronic voting system, the
 2 county election board shall provide the following to be used if an
 3 electronic voting system malfunctions:

4 (1) The following number of paper ballots:

5 (A) Not less than ten (10) if the number of registered voters in
 6 the precinct is not more than three hundred (300).

7 (B) Not less than twenty-five (25) if the number of registered
 8 voters in the precinct is more than three hundred (300).

9 (2) The necessary supplies and equipment as required by
 10 IC 3-11-11.

11 (c) Upon notice that an electronic voting system is out of order or
 12 fails to work, the precinct election board shall make the paper ballots
 13 provided under subsection (b) available to voters. The precinct election
 14 board shall contact the county election board to obtain additional
 15 ballots.

16 (d) Upon notice that an electronic voting system is out of order or
 17 fails to work, the county election board shall deliver additional
 18 necessary supplies to any precinct in the county, including additional
 19 paper ballots.

20 SECTION 35. IC 3-11-11-1.7 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1.7. (a) Each county
 22 election board shall provide an adequate number of sample ballots for
 23 each precinct of the county. The county election board shall arrange the
 24 sample ballots in the form of a diagram showing:

25 (1) the political party and independent tickets;

26 (2) the offices to be filled;

27 (3) the names of the candidates; and

28 (4) the public questions;

29 in the same order in which they will occur on the official ballots printed
 30 under the jurisdiction of the election division and the county election
 31 board. However, if presidential electors are to be voted for at an
 32 election, then the ballot of each party or independent ticket must be in
 33 the form prescribed by IC 3-10-4-1.

34 (b) This subsection applies to a county having a population of more
 35 than four hundred thousand (400,000) but less than seven hundred
 36 thousand (700,000). **Lake County**. At least ten (10) days before an
 37 election, each county election board shall duplicate, distribute, and
 38 cause to be posted copies of official sample ballots:

39 (1) received from the election division; and

40 (2) prepared by the county election board;

41 to schools, fire stations, county courthouses, and other public buildings
 42 in the county.



1 SECTION 36. IC 3-11-14-8, AS AMENDED BY P.L.194-2013,
 2 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 APRIL 1, 2022]: Sec. 8. (a) Each county election board may make
 4 available at convenient places throughout the county electronic voting
 5 systems for the instruction of the voters. The board shall locate the
 6 systems at places where people usually assemble, such as shopping
 7 centers. The board shall have the systems attended at convenient hours
 8 designated by the board by persons able to instruct others in their use.
 9 The county chairmen of the major political parties of the state must
 10 approve the persons attending the systems under this section.

11 (b) This subsection applies to ~~a county having a population of more~~
 12 ~~than four hundred thousand (400,000) but less than seven hundred~~
 13 ~~thousand (700,000):~~ **Lake County**. At least ten (10) days before an
 14 election, each county election board shall duplicate, distribute, and
 15 cause to be posted copies of official sample ballots prepared by the
 16 county election board to schools, fire stations, county courthouses, and
 17 other public buildings in the county.

18 SECTION 37. IC 3-11-18.1-14, AS AMENDED BY P.L.278-2019,
 19 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE APRIL 1, 2022]: Sec. 14. (a) The precinct election board
 21 administering an election at a vote center shall keep the ballots cast in
 22 each precinct separate from the ballots cast in any other precinct whose
 23 election is administered at the vote center, so that the votes cast for
 24 each candidate and on each public question in each of the precincts
 25 administered by the board may be determined and included on the
 26 statement required by IC 3-12-4-9.

27 (b) This subsection applies to ~~a county having a consolidated city;~~
 28 **Marion County**, if either of the following applies to the county:

- 29 (1) The county has adopted an order under IC 3-7-29-6(a)(1) to
 30 use an electronic poll book.
 31 (2) The county is a vote center county under IC 3-11-18.1.

32 The precinct election board administering an election at a vote center
 33 shall keep the ballots secure so that the votes cast for each candidate
 34 and on each public question in each of the precincts administered by
 35 the board may be determined and included on the statement required
 36 by IC 3-12-4-9. The county election board shall separate the ballots by
 37 precinct if a recount is requested.

38 (c) This subsection applies:

- 39 (1) to a county described under section 12 of this chapter on and
 40 after the date absentee ballots are first transmitted to voters; and
 41 (2) to any anomaly or problem, whether due to a technical reason
 42 or due to human error with electronic poll book use.



1 A person that receives a certification for an electronic poll book shall
 2 file not later than forty-eight (48) hours after the discovery of an
 3 anomaly or problem with the poll book a written report in accordance
 4 with IC 3-11-17-7.

5 SECTION 38. IC 3-11.5-4-11, AS AMENDED BY P.L.109-2021,
 6 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 APRIL 1, 2022]: Sec. 11. (a) Upon receipt of the absentee ballot and
 8 not later than election day, the county election board shall examine the
 9 signature on the absentee ballot.

10 (b) This subsection applies to a county that has not adopted an order
 11 to use an electronic poll book under IC 3-7-29-6(a)(1) or is a vote
 12 center county under IC 3-11-18.1. Except as provided in subsection (c),
 13 (d), or (e), at any time after the couriers return the certificate under
 14 section 9 of this chapter, absentee ballot counters appointed under
 15 section 22 of this chapter, in the presence of the county election board,
 16 shall, except for a ballot rejected under section 13 of this chapter:

17 (1) open the outer or carrier envelope containing an absentee
 18 ballot envelope and application;

19 (2) announce the absentee voter's name; and

20 (3) compare the signature upon the ballot application or, if there
 21 is no application, with the signature on the electronic poll book
 22 with the signature upon the:

23 (A) voter's absentee ballot envelope; or

24 (B) if there is no envelope, computerized list.

25 (c) This subsection applies to a county (other than a county
 26 described in subsection (d) or (e)) that:

27 (1) has adopted an order to use an electronic poll book under
 28 IC 3-7-29-6(a)(1); or

29 (2) is a vote center county under IC 3-11-18.1;

30 and has not updated the computerized list to reflect absentee ballots
 31 received on election day. Immediately after the electronic poll books
 32 used at each polling place or vote center have been updated to indicate
 33 that the county received, not later than noon on election day, an
 34 absentee ballot from a voter, the absentee ballot counters shall, in a
 35 central counting location designated by the county election board,
 36 count the absentee ballot votes cast for each candidate for each office
 37 and on each public question in the precinct.

38 (d) This subsection applies to a ~~county having a consolidated city;~~
 39 **Marion County**, if the county:

40 (1) has adopted an order to use an electronic poll book under
 41 IC 3-7-29-6(a)(1); or

42 (2) is a vote center county under IC 3-11-18.1.



1 After the receipt and processing required under sections 12 and 12.5 of
 2 this chapter to process an absentee ballot from a voter and after
 3 ensuring that the electronic poll books used in each polling place or
 4 vote center have been updated to reflect all absentee ballots received
 5 by the county not later than 12:01 a.m. on election day, the absentee
 6 ballot counters shall, at any time after 6:00 a.m. on election day, in a
 7 central counting location designated by the county election board,
 8 count the absentee ballot votes cast for each candidate, for each office,
 9 and on each public question.

10 (e) This subsection applies to a county other than ~~a county having~~
 11 ~~a consolidated city, Marion County~~, if the county election board has
 12 adopted a resolution by the unanimous vote of the entire membership
 13 of the board to use procedures set forth in this subsection, and the
 14 county:

15 (1) has adopted an order to use an electronic poll book under
 16 IC 3-7-29-6(a)(1); or

17 (2) is a vote center county under IC 3-11-18.1.

18 After the receipt and processing required under section 12 of this
 19 chapter to process an absentee ballot from a voter and after ensuring
 20 that the electronic poll books used in each polling place or vote center
 21 have been updated to reflect all absentee ballots received by the county
 22 not later than 12:01 a.m. on election day, the absentee ballot counters
 23 shall, at any time after 6:00 a.m. on election day, in a central counting
 24 location designated by the county election board, count the absentee
 25 ballot votes cast for each candidate, for each office, and on each public
 26 question.

27 (f) A resolution adopted under subsection (e) may be repealed or
 28 amended only by the unanimous vote of the entire membership of the
 29 county election board.

30 SECTION 39. IC 3-11.5-4-12, AS AMENDED BY P.L.210-2018,
 31 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 APRIL 1, 2022]: Sec. 12. (a) Notwithstanding any provision to the
 33 contrary in this chapter, in a county described by subsection (e) or (f),
 34 the signature review process described in this section may be
 35 conducted at any time after receipt of an absentee ballot by the county
 36 election board.

37 (b) If the absentee ballot counters find under section 11 of this
 38 chapter that:

39 (1) the affidavit is properly executed;

40 (2) the signatures correspond;

41 (3) the absentee voter is a qualified voter of the precinct;

42 (4) the absentee voter is registered and is not required to file



1 additional information with the county voter registration office
2 under IC 3-7-33-4.5; and

3 (5) in case of a primary election, if the absentee voter has not
4 previously voted, the absentee voter has executed the proper
5 declaration relative to age and qualifications and the political
6 party with which the absentee voter intends to affiliate;

7 the absentee ballot counters shall open the envelope containing the
8 absentee ballots so as not to deface or destroy the affidavit and take out
9 each ballot enclosed without unfolding or permitting a ballot to be
10 unfolded or examined.

11 (c) If the absentee ballot counters find under subsection (b) that the
12 voter has not filed the additional information required to be filed with
13 the county voter registration office under IC 3-7-33-4.5, but that all of
14 the other findings listed under subsection (b) apply, the absentee ballot
15 shall be processed as a provisional ballot under IC 3-11.7.

16 (d) The absentee ballot counters shall then deposit the ballots in a
17 secure envelope with the name of the precinct set forth on the outside
18 of the envelope. After the absentee ballot counters or the county
19 election board has made the findings described in subsection (b) or
20 section 13 of this chapter for all absentee ballots of the precinct, the
21 absentee ballot counters shall remove all the ballots deposited in the
22 envelope under this section for counting under IC 3-11.5-5 or
23 IC 3-11.5-6.

24 (e) This subsection applies to a ~~county having a consolidated city:~~
25 **Marion County.** For an absentee ballot cast in person by a voter under
26 IC 3-11-10-25, IC 3-11-10-26, or IC 3-11-10-26.3, the absentee ballot
27 counters may, but are not required to, make the findings required under
28 subsection (b)(2) or (b)(3). ~~of this section:~~

29 (f) This subsection applies to a county:

30 (1) ~~that does not have a consolidated city; other than Marion~~
31 **County;** and

32 (2) when the county election board has adopted a resolution by
33 the unanimous vote of its entire membership to use the procedures
34 set forth in this subsection.

35 For an absentee ballot cast in person by a voter under IC 3-11-10-25,
36 IC 3-11-10-26, or IC 3-11-10-26.3, the absentee ballot counters may,
37 but are not required to, make the findings required under subsection
38 (b)(2) or (b)(3). ~~of this section:~~

39 (g) A resolution adopted under subsection (f) may be repealed or
40 amended only by the unanimous vote of the entire membership of the
41 county election board.

42 SECTION 40. IC 3-11.5-4-23.5, AS ADDED BY P.L.278-2019,

HB 1401—LS 7204/DI 75



1 SECTION 126, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE APRIL 1, 2022]: Sec. 23.5. (a) This section applies to a
 3 ~~county having a consolidated city~~ **Marion County** only if the county
 4 election board, by unanimous vote of its entire membership, adopts a
 5 resolution making this section applicable in the county.

6 (b) Notwithstanding section 23 of this chapter, an individual who
 7 satisfies all of the following may be appointed to serve as an absentee
 8 ballot counter or a courier:

9 (1) The individual is a citizen of the United States.

10 (2) The individual is registered to vote in Indiana.

11 (3) The individual is at least eighteen (18) years of age.

12 (4) The individual is appointed under the procedures described in
 13 section 23 of this chapter.

14 (c) An individual appointed under this section who serves as an
 15 absentee ballot counter is observed by registered voters of the county
 16 serving in bipartisan absentee ballot counter teams.

17 SECTION 41. IC 3-11.5-6-4, AS AMENDED BY P.L.278-2019,
 18 SECTION 129, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE APRIL 1, 2022]: Sec. 4. (a) This subsection does not
 20 apply to a ~~county having a consolidated city~~ **Marion County**. To
 21 minimize delay, the absentee ballot counters shall continue to count
 22 without interruption until all absentee ballots for the precinct are
 23 canvassed and the certificates required by this chapter are prepared and
 24 delivered to the person entitled to receive the certificates.

25 (b) This subsection applies to a ~~county having a consolidated city~~
 26 **Marion County**. To minimize delay, the absentee ballot counters shall
 27 continue to count without interruption until all absentee ballots that
 28 have been accepted by the absentee ballot counters under
 29 IC 3-11.5-4-12 are canvassed, and the certificates required by this
 30 chapter are prepared and delivered to the person entitled to receive the
 31 certificates.

32 SECTION 42. IC 3-11.5-6-5, AS AMENDED BY P.L.210-2018,
 33 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 APRIL 1, 2022]: Sec. 5. (a) This section does not apply to a ~~county~~
 35 ~~having a consolidated city~~ **Marion County**.

36 (b) The absentee ballot counters shall determine if the ballot cards
 37 are properly grouped and arranged so that all similar cards from a
 38 precinct are together before the ballots are counted on an automatic
 39 tabulating machine.

40 SECTION 43. IC 3-11.5-6-21, AS AMENDED BY P.L.210-2018,
 41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 APRIL 1, 2022]: Sec. 21. (a) As soon as the ballots have been counted,



1 the absentee ballot counters shall, in the presence of the county election
2 board, do the following:

- 3 (1) Place in a strong paper envelope or bag the following:
4 (A) All ballots, voted and not voted, together with all protested
5 and uncounted ballots.
6 (B) One (1) copy of each of the certificates prepared under
7 IC 3-11.5-4-1 and IC 3-11.5-4-8.
8 (C) The tally papers.
9 (2) Securely seal the envelope or bag.
10 (3) Have both absentee ballot counters initial the envelope or bag.
11 (4) Plainly mark on the outside of the envelope or bag, in ink, the
12 precinct for which the absentee ballots were cast.
13 (5) Deliver the envelope or bag to the circuit court clerk.
14 (6) Notify the circuit court clerk of the number of ballots placed
15 in the envelope or bag.

16 (b) This subsection applies to ~~a county having a consolidated city.~~
17 **Marion County.** Notwithstanding subsection (a)(4), the absentee
18 ballots may be stored in the order in which the absentee ballots were
19 counted and not in order by precinct.

20 SECTION 44. IC 3-13-8-3, AS AMENDED BY P.L.119-2005,
21 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 APRIL 1, 2022]: Sec. 3. (a) This section applies to a vacancy in the
23 office of mayor of a **first class the consolidated** city not covered by
24 section 1 of this chapter.

25 (b) The vacancy shall be filled by the city-county council at a
26 regular or special meeting. The city clerk shall give notice of the
27 meeting. Except as provided in subsection (d), the meeting shall be
28 held not later than thirty (30) days after the vacancy occurs. The notice
29 must:

- 30 (1) be in writing;
31 (2) state the purpose of the meeting;
32 (3) state the date, time, and place of the meeting; and
33 (4) be sent by first class mail to each council member at least ten
34 (10) days before the meeting.

35 (c) The city clerk shall preside at the meeting but may not vote
36 unless there is a tie vote among the members of the council. The
37 council must appoint one (1) of its own members to the office. Until the
38 vacancy is filled, the president of the council shall serve as acting
39 mayor.

40 (d) If a vacancy exists because of the death of the mayor, the council
41 shall meet and select an individual to fill the vacancy not later than
42 thirty (30) days after the city clerk receives notice of the death under



1 IC 5-8-6. The city clerk may not give the notice required by subsection
2 (b) until the city clerk receives notice of the death under IC 5-8-6.

3 SECTION 45. IC 3-13-8-4, AS AMENDED BY P.L.119-2005,
4 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 APRIL 1, 2022]: Sec. 4. (a) This section applies to a vacancy in the
6 city-county council of a ~~first class~~ **the consolidated** city not covered by
7 section 1 of this chapter.

8 (b) A vacancy shall be filled by a majority of the remaining
9 members of the council at a regular or special meeting. The city clerk
10 shall give notice of the meeting. Except as provided in subsection (c),
11 the meeting shall be held not later than thirty (30) days after the
12 vacancy occurs. The notice must:

- 13 (1) be in writing;
14 (2) state the purpose of the meeting;
15 (3) state the date, time, and place of the meeting; and
16 (4) be sent by first class mail to each council member at least ten
17 (10) days before the meeting.

18 (c) If a vacancy exists because of the death of a council member, the
19 council shall meet and select an individual to fill the vacancy not later
20 than thirty (30) days after the city clerk receives notice of the death
21 under IC 5-8-6. The city clerk may not give the notice required by
22 subsection (b) until the city clerk receives notice of the death under
23 IC 5-8-6.

24 (d) The appointed member serves until a successor is elected and
25 qualified at the next municipal or general election, whichever occurs
26 first. The successor serves from noon January 1 following that election
27 to noon January 1 following the next municipal election, as provided
28 in IC 36-3-4-2. The persons appointed and elected must be resident
29 voters in the district where the vacancy occurred, unless the vacancy
30 occurred in an at large seat.

31 SECTION 46. IC 4-8.1-1-8, AS ADDED BY P.L.220-2011,
32 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 APRIL 1, 2022]: Sec. 8. Notwithstanding section 7 of this chapter, as
34 amended by P.L.235-2005, SECTION 52, any payment made on or
35 after April 1, 2007, by United Air Lines, Inc., to the state of Indiana
36 under the IMC 757/767 Project Agreement, dated December 1, 1994,
37 between the Indiana Economic Development Corporation and United
38 Air Lines, Inc., upon failure to achieve prescribed levels of investment,
39 employment, or wages set forth in the agreement at certain facilities
40 that were financed with the proceeds of bonds issued by the Indiana
41 finance authority under IC 8-21-12, shall be deposited as follows:

- 42 (1) Fifty percent (50%) of the money shall be deposited in the



1 affordable housing and community development fund established
 2 by IC 5-20-4-7. The proceeds of any such payments are
 3 continuously appropriated for the purposes specified in
 4 IC 5-20-4-8. Any such proceeds in the affordable housing and
 5 community development fund that remain unexpended at the end
 6 of any state fiscal year remain in the fund until expended and do
 7 not revert to the state general fund due to United States Internal
 8 Revenue Service requirements related to outstanding Indiana
 9 finance authority bonds.

10 (2) Fifty percent (50%) of the money shall be distributed among
 11 the counties that either have at least one (1) unit that has
 12 established an affordable housing fund under IC 5-20-5-15.5 or
 13 a housing trust fund established under IC 36-7-15.1-35.5(e) in
 14 proportion to the population of each county. The money shall be
 15 allocated within the county as follows:

16 (A) In a county ~~that does not contain a consolidated city and~~
 17 **other than Marion County that** has at least one (1) unit that
 18 has established an affordable housing fund under
 19 IC 5-20-5-15.5, the amount to be distributed to each unit that
 20 has established an affordable housing fund under
 21 IC 5-20-5-15.5 is the amount available for distribution
 22 multiplied by a fraction. The numerator of the fraction is the
 23 population of the unit. The denominator of the fraction is the
 24 population of all units in the county that have established an
 25 affordable housing fund. For purposes of allocating an amount
 26 to the affordable housing fund established by the county, the
 27 population to be used for that unit is the population of the
 28 county outside any city or town that has established an
 29 affordable housing fund. The allocated amount shall be
 30 deposited in the unit's affordable housing fund for the purposes
 31 of the fund.

32 (B) In a county to which clause (A) does not apply, the money
 33 shall be deposited in the housing trust fund established under
 34 IC 36-7-15.1-35.5(e) for the purposes of the fund.

35 SECTION 47. IC 4-10-18-10, AS AMENDED BY P.L.119-2012,
 36 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 APRIL 1, 2022]: Sec. 10. (a) The state board of finance may lend
 38 money from the fund to entities listed in subsections (e) through (k) for
 39 the purposes specified in those subsections.

40 (b) An entity must apply for the loan before May 1, 1989, in a form
 41 approved by the state board of finance. As part of the application, the
 42 entity shall submit a plan for its use of the loan proceeds and for the



1 repayment of the loan. Within sixty (60) days after receipt of each
 2 application, the board shall meet to consider the application and to
 3 review its accuracy and completeness and to determine the need for the
 4 loan. The board shall authorize a loan to an entity that makes an
 5 application if the board approves its accuracy and completeness and
 6 determines that there is a need for the loan and an adequate method of
 7 repayment.

8 (c) The state board of finance shall determine the terms of each
 9 loan, which must include the following:

10 (1) The duration of the loan, which must not exceed twelve (12)
 11 years.

12 (2) The repayment schedule of the loan, which must provide that
 13 no payments are due during the first two (2) years of the loan.

14 (3) A variable rate of interest to be determined by the board and
 15 adjusted annually. The interest rate must be the greater of:

16 (A) five percent (5%); or

17 (B) two-thirds (2/3) of the interest rate for fifty-two (52) week
 18 United States Treasury bills on the anniversary date of the
 19 loan, but not to exceed ten percent (10%).

20 (4) The amount of the loan or loans, which may not exceed the
 21 maximum amounts established for the entity by this section.

22 (5) Any other conditions specified by the board.

23 (d) An entity may borrow money under this section by adoption of
 24 an ordinance or a resolution and, as set forth in IC 5-1-14, may use any
 25 source of revenue to repay a loan under this section. This section
 26 constitutes complete authority for the entity to borrow from the fund.
 27 If an entity described in subsection (i) fails to make any repayments of
 28 a loan, the amount payable shall be withheld by the auditor of state
 29 from any other money payable to the consolidated city. If any other
 30 entity described in this section fails to make any repayments of a loan,
 31 the amount payable shall be withheld by the auditor of state from any
 32 other money payable to the entity. The amount withheld shall be
 33 transferred to the fund to the credit of the entity.

34 (e) A loan under this section may be made to a city located in a
 35 ~~county having a population of more than twenty-five thousand (25,000)~~
 36 ~~but less than twenty-five thousand eight hundred (25,800)~~ **Decatur**
 37 **County** for the city's waterworks facility. The amount of the loan may
 38 not exceed one million six hundred thousand dollars (\$1,600,000).

39 (f) **As used in this subsection, "corridor" means the strip of land**
 40 **in Indiana abutting Lake Michigan and the tributaries of Lake**
 41 **Michigan.** A loan under this section may be made to a city the territory
 42 of which is included in part within the Lake Michigan corridor (as



1 ~~defined in IC 14-13-3-2, before its repeal~~) for a marina development
 2 project. As a part of its application under subsection (b), the city must
 3 include the following:

- 4 (1) Written approval by the Lake Michigan marina development
 5 commission of the project to be funded by the loan proceeds.
 6 (2) A written determination by the commission of the amount
 7 needed by the city, for the project and of the amount of the
 8 maximum loan amount under this subsection that should be lent
 9 to the city.

10 The maximum amount of loans available for all cities that are eligible
 11 for a loan under this subsection is eight million six hundred thousand
 12 dollars (\$8,600,000).

13 (g) A loan under this section may be made to ~~a county having a~~
 14 ~~population of more than one hundred seventy-five thousand (175,000)~~
 15 ~~but less than one hundred eighty-five thousand (185,000)~~
 16 **Vanderburgh County** for use by the airport authority in the county for
 17 the construction of runways. The amount of the loan may not exceed
 18 seven million dollars (\$7,000,000). The county may lend the proceeds
 19 of its loan to an airport authority for the public purpose of fostering
 20 economic growth in the county.

21 (h) A loan under this section may be made to ~~a city having a~~
 22 ~~population of more than sixty thousand (60,000) but less than sixty-five~~
 23 ~~thousand (65,000)~~ **the city of Terre Haute** for the construction of
 24 parking facilities. The amount of the loan may not exceed three million
 25 dollars (\$3,000,000).

26 (i) A loan or loans under this section may be made to ~~a the~~
 27 consolidated city, a local public improvement bond bank, or any board,
 28 authority, or commission of the consolidated city to fund economic
 29 development projects under IC 36-7-15.2-5 or to refund obligations
 30 issued to fund economic development projects. The amount of the loan
 31 may not exceed thirty million dollars (\$30,000,000).

32 (j) A loan under this section may be made to ~~a county having a~~
 33 ~~population of more than thirteen thousand (13,000) but less than~~
 34 ~~fourteen thousand (14,000)~~ **Pulaski County** for extension of airport
 35 runways. The amount of the loan may not exceed three hundred
 36 thousand dollars (\$300,000).

37 (k) A loan under this section may be made to Covington Community
 38 School Corporation to refund the amount due on a tax anticipation
 39 warrant loan. The amount of the loan may not exceed two million seven
 40 hundred thousand dollars (\$2,700,000), to be paid back from any
 41 source of money that is legally available to the school corporation.
 42 Notwithstanding subsection (b), the school corporation must apply for



1 the loan before June 30, 2010. Notwithstanding subsection (c),
 2 repayment of the loan shall be made in equal installments over five (5)
 3 years with the first installment due not more than six (6) months after
 4 the date loan proceeds are received by the school corporation.

5 (l) IC 6-1.1-20 does not apply to a loan made by an entity under this
 6 section.

7 (m) As used in this section, "entity" means a governmental entity
 8 authorized to obtain a loan under subsections (e) through (k).

9 SECTION 48. IC 4-23-24.2-8 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 8. (a) The following
 11 thirteen (13) individuals are the members of the commission
 12 representing local governments:

13 (1) Four (4) municipal officials, two (2) appointed by the
 14 president pro tempore of the senate and two (2) appointed by the
 15 speaker of the house of representatives from nominees of ~~the~~
 16 ~~Indiana Association of Cities and Towns~~, **Accelerate Indiana**
 17 **Municipalities**, who may be selected as follows:

18 (A) The mayor of a ~~first class~~ **the consolidated** city.

19 (B) One (1) member of the legislative body of a second class
 20 city.

21 (C) The mayor or a member of the legislative body of a third
 22 class city.

23 (D) The executive of a town.

24 (2) Four (4) county officials, two (2) appointed by the president
 25 pro tempore of the senate and two (2) appointed by the speaker of
 26 the house of representatives from nominees of the Association of
 27 Indiana Counties. One (1) member appointed under this
 28 subdivision may be a member of a county fiscal body and one (1)
 29 member appointed under this subdivision may be a member of a
 30 county executive.

31 (3) Two (2) township officials, one (1) appointed by the president
 32 pro tempore of the senate and one (1) appointed by the speaker of
 33 the house of representatives from nominees of the Township
 34 Trustees Association.

35 (4) One (1) person appointed by the governor who represents a
 36 regional or multiple county local governmental entity.

37 (5) Two (2) persons, one (1) appointed by the president pro
 38 tempore of the senate and one (1) appointed by the speaker of the
 39 house of representatives, who may have expertise or experience
 40 in intergovernmental relations.

41 A member appointed under this section may designate another
 42 individual to serve on the commission for the member.



1 (b) A member appointed under this section serves on the
2 commission until the earliest of the following:

3 (1) Two (2) years after the date of the member's appointment.

4 (2) The date the member is removed by the member's appointing
5 authority.

6 (3) The date the member no longer holds the office or position the
7 member held when appointed to the commission.

8 SECTION 49. IC 4-33-6-19 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 19. (a) This section
10 applies to **any of the following:**

11 (1) A county contiguous to the Ohio River.

12 (2) A county containing a historic hotel district. ~~and~~

13 (3) ~~a county contiguous to Lake Michigan that has a population~~
14 ~~of less than four hundred thousand (400,000).~~ **LaPorte County.**

15 **(4) Porter County.**

16 (b) Notwithstanding any other provision of this article, the
17 commission may not:

18 (1) issue a license under this article to allow a riverboat to operate
19 in the county; or

20 (2) enter into a contract with an operating agent under
21 IC 4-33-6.5;

22 unless the voters of the county have approved the conducting of
23 gambling games on riverboats in the county.

24 (c) If the docking of a riverboat in the county is approved by an
25 ordinance adopted under section 18 of this chapter, or if at least the
26 number of the registered voters of the county required under IC 3-8-6-3
27 for a petition to place a candidate on the ballot sign a petition submitted
28 to the circuit court clerk requesting that a local public question
29 concerning riverboat gaming be placed on the ballot, the county
30 election board shall place the following question on the ballot in the
31 county during the next primary or general election:

32 "Shall riverboat gambling be permitted in ____ County?".

33 (d) A public question under this section shall be placed on the ballot
34 in accordance with IC 3-10-9 and must be certified in accordance with
35 IC 3-10-9-3.

36 (e) The clerk of the circuit court of a county holding an election
37 under this chapter shall certify the results determined under
38 IC 3-12-4-9 to the commission and the department of state revenue.

39 (f) If a public question under this section is placed on the ballot in
40 a county and the voters of the county do not vote in favor of permitting
41 riverboat gambling under this article, a second public question under
42 this section may not be held in that county for at least two (2) years. If



1 the voters of the county vote to reject riverboat gambling a second time,
 2 a third or subsequent public question under this section may not be
 3 held in that county until the general election held during the tenth year
 4 following the year that the previous public question was placed on the
 5 ballot.

6 SECTION 50. IC 4-33-6-20 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 20. (a) This section
 8 applies to a city that:

9 (1) has a population of less than one hundred thousand (100,000);
 10 and

11 (2) is located in a county contiguous to Lake Michigan that has a
 12 population of more than four hundred thousand (400,000) but less
 13 than seven hundred thousand (700,000): **Lake County.**

14 (b) Notwithstanding any other provision of this article, the
 15 commission may not issue a license under this article to allow a
 16 riverboat to operate from a city to which this section applies unless the
 17 voters of the city have approved the conducting of gambling games on
 18 riverboats in the city.

19 (c) If the legislative body of the city approves the docking of a
 20 riverboat under section 19 of this chapter, or if at least the number of
 21 the registered voters of the city required under IC 3-8-6-3 for a petition
 22 to place a candidate on the ballot sign a petition submitted to the circuit
 23 court clerk requesting that a local public question concerning riverboat
 24 gaming be placed on the ballot, the county election board shall place
 25 the following question on the ballot in the city during the next general
 26 election:

27 "Shall licenses be issued to permit riverboat gambling in the City
 28 of _____?"

29 (d) A public question under this section shall be placed on the ballot
 30 in accordance with IC 3-10-9 and must be certified in accordance with
 31 IC 3-10-9-3.

32 (e) The clerk of the circuit court of a county holding an election
 33 under this chapter shall certify the results determined under
 34 IC 3-12-4-9 to the commission and the department of state revenue.

35 (f) If a public question under this section is placed on the ballot in
 36 a city and the voters of the city do not vote in favor of permitting
 37 riverboat gambling under this article, another public question under
 38 this section may not be held in that city for at least two (2) years.

39 SECTION 51. IC 4-33-12-6, AS AMENDED BY P.L.293-2019,
 40 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 APRIL 1, 2022]: Sec. 6. (a) The department shall place in the state
 42 general fund the tax revenue collected under this chapter.



1 (b) Except as provided by sections 8 and 8.5 of this chapter, the
2 treasurer of state shall quarterly pay the following amounts:

3 (1) Except as provided in section 9(k) of this chapter, thirty-three
4 and one-third percent (33 1/3%) of the admissions tax and
5 supplemental wagering tax collected by the licensed owner during
6 the quarter shall be paid to:

7 (A) the city in which the riverboat is located, if the city:

8 (i) is located in a county having a population of more than
9 ~~one hundred eleven thousand (111,000) but less than one~~
10 ~~hundred fifteen thousand (115,000); LaPorte County;~~ or

11 (ii) is contiguous to the Ohio River and is the largest city in
12 the county; and

13 (B) the county in which the riverboat is located, if the
14 riverboat is not located in a city described in clause (A).

15 (2) Except as provided in section 9(k) of this chapter, thirty-three
16 and one-third percent (33 1/3%) of the admissions tax and
17 supplemental wagering tax collected by the licensed owner during
18 the quarter shall be paid to the county in which the riverboat is
19 located. In the case of a county described in subdivision (1)(B),
20 this thirty-three and one-third percent (33 1/3%) of the admissions
21 tax and supplemental wagering tax is in addition to the
22 thirty-three and one-third percent (33 1/3%) received under
23 subdivision (1)(B).

24 (3) Except as provided in section 9(k) of this chapter, three and
25 thirty-three hundredths percent (3.33%) of the admissions tax and
26 supplemental wagering tax collected by the licensed owner during
27 the quarter shall be paid to the county convention and visitors
28 bureau or promotion fund for the county in which the riverboat is
29 located.

30 (4) Except as provided in section 9(k) of this chapter, five percent
31 (5%) of the admissions tax and supplemental wagering tax
32 collected by the licensed owner during a quarter shall be paid to
33 the state fair commission, for use in any activity that the
34 commission is authorized to carry out under IC 15-13-3.

35 (5) Except as provided in section 9(k) of this chapter, three and
36 thirty-three hundredths percent (3.33%) of the admissions tax and
37 supplemental wagering tax collected by the licensed owner during
38 the quarter shall be paid to the division of mental health and
39 addiction. The division shall allocate at least twenty-five percent
40 (25%) of the funds derived from the admissions tax to the
41 prevention and treatment of compulsive gambling.

42 (6) Twenty-one and six hundred sixty-seven thousandths percent



1 (21.667%) of the admissions tax and supplemental wagering tax
 2 collected by the licensed owner during the quarter shall be paid
 3 to the state general fund.

4 SECTION 52. IC 4-33-13-5, AS AMENDED BY P.L.238-2019,
 5 SECTION 2, AND AS AMENDED BY P.L.108-2019, SECTION 73,
 6 AND AS AMENDED BY P.L.293-2019, SECTION 31, IS
 7 CORRECTED AND AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) This subsection does not
 9 apply to tax revenue remitted by an operating agent operating a
 10 riverboat in a historic hotel district. After funds are appropriated under
 11 section 4 of this chapter, each month the ~~treasurer~~ auditor of state shall
 12 distribute the tax revenue deposited in the state gaming fund under this
 13 chapter to the following:

14 (1) An amount equal to the following shall be set aside for
 15 revenue sharing under subsection ~~(e)~~ (d):

16 (A) Before July 1, 2021, the first thirty-three million dollars
 17 (\$33,000,000) of tax revenues collected under this chapter
 18 shall be set aside for revenue sharing under subsection ~~(e)~~ (d).

19 (B) After June 30, 2021, if the total adjusted gross receipts
 20 received by licensees from gambling games authorized under
 21 this article during the preceding state fiscal year is equal to or
 22 greater than the total adjusted gross receipts received by
 23 licensees from gambling games authorized under this article
 24 during the state fiscal year ending June 30, 2020, the first
 25 thirty-three million dollars (\$33,000,000) of tax revenues
 26 collected under this chapter shall be set aside for revenue
 27 sharing under subsection ~~(e)~~ (d).

28 (C) After June 30, 2021, if the total adjusted gross receipts
 29 received by licensees from gambling games authorized under
 30 this article during the preceding state fiscal year is less than
 31 the total adjusted gross receipts received by licensees from
 32 gambling games authorized under this article during the state
 33 year ending June 30, 2020, an amount equal to the first
 34 thirty-three million dollars (\$33,000,000) of tax revenues
 35 collected under this chapter multiplied by the result of:

36 (i) the total adjusted gross receipts received by licensees
 37 from gambling games authorized under this article during
 38 the preceding state fiscal year; divided by

39 (ii) the total adjusted gross receipts received by licensees
 40 from gambling games authorized under this article during
 41 the state fiscal year ending June 30, 2020;

42 shall be set aside for revenue sharing under subsection ~~(e)~~ (d).



1 (2) Subject to subsection (c), twenty-five percent (25%) of the
 2 remaining tax revenue remitted by each licensed owner shall be
 3 paid:

4 (A) to the city *in which the riverboat is located* or that is
 5 designated as the home dock of the riverboat from which the
 6 tax revenue was collected, in the case of:

7 (i) a city described in IC 4-33-12-6(b)(1)(A); ~~or~~

8 (ii) a city located in a county having a population of more
 9 than four hundred thousand (400,000) but less than seven
 10 hundred thousand (700,000); **Lake County**; or

11 (iii) *Terre Haute*; or

12 (B) to the county that is designated as the home dock of the
 13 riverboat from which the tax revenue was collected, in the case
 14 of a riverboat *that is not located in a city described in clause*
 15 *(A)* or whose home dock is not in a city described in clause
 16 (A).

17 (3) *Subject to subsection (d)*, The remainder of the tax revenue
 18 remitted by each licensed owner shall be paid to the state general
 19 fund. In each state fiscal year, the *treasurer auditor* of state shall
 20 make the transfer required by this subdivision not later than the
 21 last business day of the month in which the tax revenue is
 22 remitted to the state for deposit in the state gaming fund.
 23 However, if tax revenue is received by the state on the last
 24 business day in a month, the *treasurer auditor* of state may
 25 transfer the tax revenue to the state general fund in the
 26 immediately following month.

27 (b) This subsection applies only to tax revenue remitted by an
 28 operating agent operating a riverboat in a historic hotel district after
 29 June 30, ~~2015~~: 2019. After funds are appropriated under section 4 of
 30 this chapter, each month the *treasurer auditor* of state shall distribute
 31 the tax revenue remitted by the operating agent under this chapter as
 32 follows:

33 (1) *For state fiscal years beginning after June 30, 2019, but*
 34 *ending before July 1, 2021*, fifty-six and five-tenths percent
 35 (56.5%) shall be paid to the state general fund.

36 (2) *For state fiscal years beginning after June 30, 2021, fifty-six*
 37 *and five-tenths percent (56.5%) shall be paid as follows:*

38 (A) *Sixty-six and four-tenths percent (66.4%) shall be paid to*
 39 *the state general fund.*

40 (B) *Thirty-three and six-tenths percent (33.6%) shall be paid*
 41 *to the West Baden Springs historic hotel preservation and*
 42 *maintenance fund established by IC 36-7-11.5-11(b).*



1 *However, if:*

2 *(i) at any time the balance in that fund exceeds twenty-five*
 3 *million dollars (\$25,000,000); or*

4 *(ii) in any part of a state fiscal year in which the operating*
 5 *agent has received at least one hundred million dollars*
 6 *(\$100,000,000) of adjusted gross receipts;*

7 *the amount described in this clause shall be paid to the state*
 8 *general fund for the remainder of the state fiscal year.*

9 ~~(2)~~ (3) Forty-three and five-tenths percent (43.5%) shall be paid
 10 as follows:

11 (A) Twenty-two and four-tenths percent (22.4%) shall be paid
 12 as follows:

13 (i) Fifty percent (50%) to the fiscal officer of the town of
 14 French Lick.

15 (ii) Fifty percent (50%) to the fiscal officer of the town of
 16 West Baden Springs.

17 (B) Fourteen and eight-tenths percent (14.8%) shall be paid to
 18 the county treasurer of Orange County for distribution among
 19 the school corporations in the county. The governing bodies
 20 for the school corporations in the county shall provide a
 21 formula for the distribution of the money received under this
 22 clause among the school corporations by joint resolution
 23 adopted by the governing body of each of the school
 24 corporations in the county. Money received by a school
 25 corporation under this clause must be used to improve the
 26 educational attainment of students enrolled in the school
 27 corporation receiving the money. Not later than the first
 28 regular meeting in the school year of a governing body of a
 29 school corporation receiving a distribution under this clause,
 30 the superintendent of the school corporation shall submit to
 31 the governing body a report describing the purposes for which
 32 the receipts under this clause were used and the improvements
 33 in educational attainment realized through the use of the
 34 money. The report is a public record.

35 (C) Thirteen and one-tenth percent (13.1%) shall be paid to the
 36 county treasurer of Orange County.

37 (D) Five and three-tenths percent (5.3%) shall be distributed
 38 quarterly to the county treasurer of Dubois County for
 39 appropriation by the county fiscal body after receiving a
 40 recommendation from the county executive. The county fiscal
 41 body for the receiving county shall provide for the distribution
 42 of the money received under this clause to one (1) or more



1 taxing units (as defined in IC 6-1.1-1-21) in the county under
 2 a formula established by the county fiscal body after receiving
 3 a recommendation from the county executive.
 4 (E) Five and three-tenths percent (5.3%) shall be distributed
 5 quarterly to the county treasurer of Crawford County for
 6 appropriation by the county fiscal body after receiving a
 7 recommendation from the county executive. The county fiscal
 8 body for the receiving county shall provide for the distribution
 9 of the money received under this clause to one (1) or more
 10 taxing units (as defined in IC 6-1.1-1-21) in the county under
 11 a formula established by the county fiscal body after receiving
 12 a recommendation from the county executive.
 13 (F) Six and thirty-five hundredths percent (6.35%) shall be
 14 paid to the fiscal officer of the town of Paoli.
 15 (G) Six and thirty-five hundredths percent (6.35%) shall be
 16 paid to the fiscal officer of the town of Orleans.
 17 (H) Twenty-six and four-tenths percent (26.4%) shall be paid
 18 to the Indiana economic development corporation established
 19 by IC 5-28-3-1 for transfer as follows:
 20 (i) Beginning after December 31, 2017, ten percent (10%)
 21 of the amount transferred under this clause in each calendar
 22 year shall be transferred to the South Central Indiana
 23 Regional Economic Development Corporation or a
 24 successor entity or partnership for economic development
 25 for the purpose of recruiting new business to Orange County
 26 as well as promoting the retention and expansion of existing
 27 businesses in Orange County.
 28 (ii) The remainder of the amount transferred under this
 29 clause in each calendar year shall be transferred to Radius
 30 Indiana or a successor regional entity or partnership for the
 31 development and implementation of a regional economic
 32 development strategy to assist the residents of Orange
 33 County and the counties contiguous to Orange County in
 34 improving their quality of life and to help promote
 35 successful and sustainable communities.
 36 To the extent possible, the Indiana economic development
 37 corporation shall provide for the transfer under item (i) to be
 38 made in four (4) equal installments. However, an amount
 39 sufficient to meet current obligations to retire or refinance
 40 indebtedness or leases for which tax revenues under this
 41 section were pledged before January 1, 2015, by the Orange
 42 County development commission shall be paid to the Orange



1 County development commission before making distributions
 2 to the South Central Indiana Regional Economic Development
 3 Corporation and Radius Indiana or their successor entities or
 4 partnerships. The amount paid to the Orange County
 5 development commission shall proportionally reduce the
 6 amount payable to the South Central Indiana Regional
 7 Economic Development Corporation and Radius Indiana or
 8 their successor entities or partnerships.

9 (c) *This subsection does not apply to tax revenue remitted by an*
 10 *inland casino operating in Vigo County.* For each city and county
 11 receiving money under subsection (a)(2), the *treasurer auditor* of state
 12 shall determine the total amount of money paid by the *treasurer*
 13 *auditor* of state to the city or county during the state fiscal year 2002.
 14 The amount determined is the base year revenue for the city or county.
 15 The *treasurer auditor* of state shall certify the base year revenue
 16 determined under this subsection to the city or county. The total
 17 amount of money distributed to a city or county under this section
 18 during a state fiscal year may not exceed the entity's base year revenue.
 19 For each state fiscal year, the *treasurer auditor* of state shall pay that
 20 part of the riverboat wagering taxes that:

- 21 (1) exceeds a particular city's or county's base year revenue; and
- 22 (2) would otherwise be due to the city or county under this
- 23 section;

24 to the state general fund instead of to the city or county.

25 (d) *Each state fiscal year the treasurer of state shall transfer from*
 26 *the tax revenue remitted to the state general fund under subsection*
 27 *(a)(3) to the build Indiana fund an amount that when added to the*
 28 *following may not exceed two hundred fifty million dollars*
 29 *(\$250,000,000):*

30 (1) *Surplus lottery revenues under IC 4-30-17-3.*

31 (2) *Surplus revenue from the charity gaming enforcement fund*
 32 *under IC 4-32.3-7-5.*

33 (3) *Tax revenue from pari-mutuel wagering under IC 4-31-9-3.*

34 *The treasurer of state shall make transfers on a monthly basis as*
 35 *needed to meet the obligations of the build Indiana fund. If in any state*
 36 *fiscal year insufficient money is transferred to the state general fund*
 37 *under subsection (a)(3) to comply with this subsection, the treasurer*
 38 *of state shall reduce the amount transferred to the build Indiana fund*
 39 *to the amount available in the state general fund from the transfers*
 40 *under subsection (a)(3) for the state fiscal year.*

41 (e) (d) Except as provided in subsections (f) (k) and (m); (l), before
 42 August 15 of each year, the *treasurer auditor* of state shall distribute



1 the wagering taxes set aside for revenue sharing under subsection
 2 (a)(1) to the county treasurer of each county that does not have a
 3 riverboat according to the ratio that the county's population bears to the
 4 total population of the counties that do not have a riverboat. Except as
 5 provided in subsection ~~(f)~~, (g), the county auditor shall distribute the
 6 money received by the county under this subsection as follows:

7 (1) To each city located in the county according to the ratio the
 8 city's population bears to the total population of the county.

9 (2) To each town located in the county according to the ratio the
 10 town's population bears to the total population of the county.

11 (3) After the distributions required in subdivisions (1) and (2) are
 12 made, the remainder shall be retained by the county.

13 ~~(f)~~ (e) Money received by a city, town, or county under subsection
 14 ~~(e)~~ (d) or ~~(f)~~ (g) may be used for any of the following purposes:

15 (1) To reduce the property tax levy of the city, town, or county for
 16 a particular year (a property tax reduction under this subdivision
 17 does not reduce the maximum levy of the city, town, or county
 18 under IC 6-1.1-18.5).

19 (2) For deposit in a special fund or allocation fund created under
 20 IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and
 21 IC 36-7-30 to provide funding for debt repayment.

22 (3) To fund sewer and water projects, including storm water
 23 management projects.

24 (4) For police and fire pensions.

25 (5) To carry out any governmental purpose for which the money
 26 is appropriated by the fiscal body of the city, town, or county.

27 Money used under this subdivision does not reduce the property
 28 tax levy of the city, town, or county for a particular year or reduce
 29 the maximum levy of the city, town, or county under
 30 IC 6-1.1-18.5.

31 ~~(g)~~ (f) *This subsection does not apply to an inland casino operating*
 32 *in Vigo County.* Before July 15 of each year, the ~~treasurer~~ auditor of
 33 state shall determine the total amount of money distributed to an entity
 34 under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal
 35 year. If the ~~treasurer~~ auditor of state determines that the total amount
 36 of money distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8
 37 during the preceding state fiscal year was less than the entity's base
 38 year revenue (as determined under IC 4-33-12-9), the ~~treasurer~~ auditor
 39 of state shall make a supplemental distribution to the entity from taxes
 40 collected under this chapter and deposited into the state general fund.
 41 Except as provided in subsection ~~(f)~~, (h), the amount of an entity's
 42 supplemental distribution is equal to:



- 1 (1) the entity's base year revenue (as determined under
 2 IC 4-33-12-9); minus
 3 (2) the sum of:
 4 (A) the total amount of money distributed to the entity and
 5 constructively received by the entity during the preceding state
 6 fiscal year under IC 4-33-12-6 or IC 4-33-12-8; plus
 7 (B) the amount of any admissions taxes deducted under
 8 IC 6-3.1-20-7.
- 9 ~~(f)~~ (g) This subsection applies only to a county containing a
 10 consolidated city: **Marion County**. The county auditor shall distribute
 11 the money received by the county under subsection ~~(e)~~ (d) as follows:
 12 (1) To each city, other than a the consolidated city, located in the
 13 county according to the ratio that the city's population bears to the
 14 total population of the county.
 15 (2) To each town located in the county according to the ratio that
 16 the town's population bears to the total population of the county.
 17 (3) After the distributions required in subdivisions (1) and (2) are
 18 made, the remainder shall be paid in equal amounts to the
 19 consolidated city and the county.
- 20 ~~(f)~~ (h) This subsection does not apply to an inland casino operating
 21 in Vigo County. This subsection applies to a supplemental distribution
 22 made after June 30, 2017. The maximum amount of money that may be
 23 distributed under subsection ~~(g)~~ (f) in a state fiscal year is equal to the
 24 following:
 25 (1) Before July 1, 2021, forty-eight million dollars (\$48,000,000).
 26 (2) After June 30, 2021, if the total adjusted gross receipts
 27 received by licensees from gambling games authorized under this
 28 article during the preceding state fiscal year is equal to or greater
 29 than the total adjusted gross receipts received by licensees from
 30 gambling games authorized under this article during the state
 31 fiscal year ending June 30, 2020, the maximum amount is
 32 forty-eight million dollars (\$48,000,000).
 33 (3) After June 30, 2021, if the total adjusted gross receipts
 34 received by licensees from gambling games authorized under this
 35 article during the preceding state fiscal year is less than the total
 36 adjusted gross receipts received by licensees from gambling
 37 games authorized under this article during the state fiscal year
 38 ending June 30, 2020, the maximum amount is equal to the result
 39 of:
 40 (A) forty-eight million dollars (\$48,000,000); multiplied by
 41 (B) the result of:
 42 (i) the total adjusted gross receipts received by licensees



1 from gambling games authorized under this article during
 2 the preceding state fiscal year; divided by
 3 (ii) the total adjusted gross receipts received by licensees
 4 from gambling games authorized under this article during
 5 the state fiscal year ending June 30, 2020.

6 If the total amount determined under subsection ~~(g)~~ (f) exceeds the
 7 maximum amount determined under this subsection, the amount
 8 distributed to an entity under subsection ~~(g)~~ (f) must be reduced
 9 according to the ratio that the amount distributed to the entity under
 10 IC 4-33-12-6 or IC 4-33-12-8 bears to the total amount distributed
 11 under IC 4-33-12-6 and IC 4-33-12-8 to all entities receiving a
 12 supplemental distribution.

13 ~~(f)~~ (i) This subsection applies to a supplemental distribution, if any,
 14 payable to Lake County, Hammond, Gary, or East Chicago under
 15 subsections ~~(g)~~ (f) and ~~(f)~~ (h). Beginning in July 2016, the *treasurer*
 16 *auditor* of state shall, after making any deductions from the
 17 supplemental distribution required by IC 6-3.1-20-7, deduct from the
 18 remainder of the supplemental distribution otherwise payable to the
 19 unit under this section the lesser of:

- 20 (1) the remaining amount of the supplemental distribution; or
- 21 (2) the difference, if any, between:
 - 22 (A) three million five hundred thousand dollars (\$3,500,000);
 - 23 minus
 - 24 (B) the amount of admissions taxes constructively received by
 - 25 the unit in the previous state fiscal year.

26 The *treasurer auditor* of state shall distribute the amounts deducted
 27 under this subsection to the northwest Indiana redevelopment authority
 28 established under IC 36-7.5-2-1 for deposit in the development
 29 authority revenue fund established under IC 36-7.5-4-1.

30 ~~(f)~~ (j) Money distributed to a political subdivision under subsection
 31 (b):

- 32 (1) must be paid to the fiscal officer of the political subdivision
 33 and may be deposited in the political subdivision's general fund
 34 *(in the case of a school corporation, the school corporation may*
 35 *deposit the money into either the education fund (IC 20-40-2) or*
 36 *the operations fund (IC 20-40-18))* or riverboat fund established
 37 under IC 36-1-8-9, or both;
- 38 (2) may not be used to reduce the maximum levy under
 39 IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate
 40 of a school corporation, but, except as provided in subsection
 41 ~~(b)(2)(B)~~, (b)(3)(B), may be used at the discretion of the political
 42 subdivision to reduce the property tax levy of the county, city, or



1 town for a particular year;

2 (3) except as provided in subsection ~~(b)(2)(B)~~; (b)(3)(B), may be
3 used for any legal or corporate purpose of the political
4 subdivision, including the pledge of money to bonds, leases, or
5 other obligations under IC 5-1-14-4; and

6 (4) is considered miscellaneous revenue.

7 Money distributed under subsection ~~(b)(2)(B)~~ (b)(3)(B) must be used
8 for the purposes specified in subsection ~~(b)(2)(B)~~; (b)(3)(B).

9 ~~(j)~~ (k) After June 30, 2020, the amount of wagering taxes that would
10 otherwise be distributed to South Bend under subsection ~~(e)~~ (d) shall
11 be deposited as being received from all riverboats whose supplemental
12 wagering tax, as calculated under IC 4-33-12-1.5(b), is over three and
13 five-tenths percent (3.5%). The amount deposited under this
14 subsection, in each riverboat's account, is proportionate to the
15 supplemental wagering tax received from that riverboat under
16 IC 4-33-12-1.5 in the month of July. The amount deposited under this
17 subsection must be distributed in the same manner as the supplemental
18 wagering tax collected under IC 4-33-12-1.5. This subsection expires
19 June 30, 2021.

20 ~~(m)~~ (l) After June 30, 2021, the amount of wagering taxes that
21 would otherwise be distributed to South Bend under subsection ~~(e)~~ (d)
22 shall be withheld and deposited in the state general fund.

23 SECTION 53. IC 5-1-14-7, AS AMENDED BY P.L.119-2012,
24 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 APRIL 1, 2022]: Sec. 7. (a) This section applies to:

26 (1) each county having a population of more than one hundred
27 seventy-five thousand (~~175,000~~) but less than one hundred
28 eighty-five thousand (~~185,000~~); **Vanderburgh County**; and

29 (2) each second class city located in a county described in
30 subdivision ~~(1)~~: **Vanderburgh County**.

31 (b) As used in this section, "stadium" means a structure used for
32 athletic, recreational, cultural, and community events.

33 (c) Notwithstanding any other law, a stadium constitutes a:

34 (1) government building under IC 36-9-13;

35 (2) structure under IC 36-1-10;

36 (3) park purpose under IC 36-10-1;

37 (4) park improvement under IC 36-10-4; and

38 (5) redevelopment project or purpose under IC 36-7-14.

39 (d) Notwithstanding any other law, a legislative body of a city may
40 levy a tax in the park district established under IC 36-10-4 to pay lease
41 rentals to a lessor of a stadium under IC 36-1-10 or IC 36-9-13.

42 SECTION 54. IC 5-1-17-0.3, AS ADDED BY P.L.220-2011,



1 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 APRIL 1, 2022]: Sec. 0.3. The general assembly finds the following:

3 (1) Marion, Boone, Johnson, Hamilton, Hancock, Hendricks,
4 Morgan, and Shelby counties, and certain municipalities located
5 in those counties, face unique and distinct challenges and
6 opportunities related to the economic development issues
7 associated with the construction and maintenance of a world-class
8 convention center and stadium facility in Indianapolis.

9 (2) A unique approach is required to ensure that these counties
10 have sufficient revenue sources to allow them to meet these
11 challenges and opportunities.

12 (3) The powers and responsibilities provided to these counties and
13 to the Indiana stadium and convention building authority created
14 by this chapter are appropriate and necessary to carry out the
15 public purposes of encouraging and fostering economic
16 development in central Indiana and constructing a world-class
17 convention center and stadium facility in Indianapolis.

18 (4) The retention of a National Football League franchised
19 professional football team in Indianapolis poses unique
20 challenges due to the need for development of a world class
21 football stadium and related infrastructure that would not be
22 needed apart from the needs related to the retention of a National
23 Football League franchised professional football team in
24 Indianapolis.

25 (5) The retention of a National Football League franchised
26 professional football team in Indianapolis is critical to successful
27 economic development in Indianapolis and is a public purpose.

28 (6) Encouragement of economic development in Indianapolis
29 will:

30 (A) generate significant economic activity, a substantial
31 portion of which results from persons residing outside Indiana,
32 which may attract new businesses and encourage existing
33 businesses to remain or expand in Indianapolis;

34 (B) promote ~~the consolidated city~~ **Indianapolis** to residents
35 outside Indiana, which may attract residents outside Indiana
36 and new businesses to relocate to the Indianapolis area;

37 (C) protect and increase state and local tax revenues; and

38 (D) encourage overall economic growth in Indianapolis and in
39 Indiana.

40 (7) Indianapolis faces unique challenges in the development of
41 infrastructure and other facilities necessary to promote economic
42 development as a result of its need to rely on sources of revenue



1 other than property taxes, due to the large number of tax exempt
 2 properties located in Indianapolis because Indianapolis is the seat
 3 of government, the home to multiple institutions of higher
 4 education, and the site of numerous state and regional nonprofit
 5 corporations.

6 (8) Economic development benefits the health and welfare of the
 7 people of Indiana, is a public use and purpose for which public
 8 money may be spent, and is of public utility and benefit.

9 SECTION 55. IC 5-1-17-7, AS ADDED BY P.L.214-2005,
 10 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 APRIL 1, 2022]: Sec. 7. (a) The board is composed of the following
 12 seven (7) members, who must be residents of Indiana:

13 (1) Four (4) members appointed by the governor. The president
 14 pro tempore of the senate and the speaker of the house of
 15 representatives may each make one (1) recommendation to the
 16 governor concerning the appointment of a member under this
 17 subdivision.

18 (2) Two (2) members appointed by the **Marion County**
 19 executive. ~~of a county having a consolidated city.~~

20 (3) One (1) member appointed by the governor, who has been
 21 nominated by the county fiscal body of a county that is contiguous
 22 to a ~~county having a consolidated city~~, **Marion County**,
 23 determined as follows:

24 (A) The member nominated for the initial term shall be
 25 nominated by the contiguous county that has the largest
 26 population of all the contiguous counties that have adopted an
 27 ordinance to impose a food and beverage tax under IC 6-9-35.

28 (B) The member nominated for each successive term shall be
 29 nominated by the contiguous county that:

30 (i) contributed the most revenues from the tax imposed by
 31 IC 6-9-35 to the capital improvement board of managers
 32 created by IC 36-10-9-3 in the immediately previous
 33 calendar year; and

34 (ii) has not previously made a nomination to the governor or,
 35 if all the contributing counties have previously made such a
 36 nomination, is the one whose then most recent nomination
 37 occurred before those of all the other contributing counties.

38 (b) A member appointed under subsection (a)(1) through (a)(2) is
 39 entitled to serve a three (3) year term. A member appointed under
 40 subsection (a)(3) is entitled to serve a one (1) year term. A member
 41 may be reappointed to subsequent terms.

42 (c) If a vacancy occurs on the board, the governor shall fill the



1 vacancy by appointing a new member for the remainder of the vacated
 2 term. If the vacated member was appointed under subsection (a)(2) or
 3 (a)(3), the governor shall appoint a new member who has been
 4 nominated by the person or body who made the nomination of the
 5 vacated member.

6 (d) A member may be removed for cause by the appointing
 7 authority.

8 (e) Each member, before entering upon the duties of office, must
 9 take and subscribe an oath of office under IC 5-4-1, which shall be
 10 endorsed upon the certificate of appointment and filed with the records
 11 of the board.

12 (f) The governor shall nominate an executive director for the
 13 authority, subject to the veto authority of the **Marion County**
 14 executive. ~~of a county having a consolidated city.~~

15 SECTION 56. IC 5-1-17-18, AS AMENDED BY P.L.109-2019,
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 APRIL 1, 2022]: Sec. 18. (a) Subject to subsection (h), the authority
 18 may issue bonds for the purpose of obtaining money to pay the cost of:

- 19 (1) acquiring real or personal property, including existing capital
 20 improvements;
- 21 (2) constructing, improving, reconstructing, or renovating one (1)
 22 or more capital improvements; or
- 23 (3) funding or refunding bonds issued under IC 36-10-8 or
 24 IC 36-10-9 or prior law.

25 (b) The bonds are payable from the lease rentals from the lease of
 26 the capital improvements for which the bonds were issued, insurance
 27 proceeds, and any other funds pledged or available.

28 (c) The bonds shall be authorized by a resolution of the board.

29 (d) The terms and form of the bonds shall either be set out in the
 30 resolution or in a form of trust indenture approved by the resolution.

31 (e) The bonds shall mature within forty (40) years.

32 (f) The board shall sell the bonds at public or private sale upon the
 33 terms determined by the board.

34 (g) All money received from any bonds issued under this chapter
 35 shall be applied to the payment of the cost of the acquisition or
 36 construction, or both, of capital improvements, or the cost of refunding
 37 or refinancing outstanding bonds, for which the bonds are issued. The
 38 cost may include:

- 39 (1) planning and development of the facility and all buildings,
 40 facilities, structures, and improvements related to it;
- 41 (2) acquisition of a site and clearing and preparing the site for
 42 construction;



- 1 (3) equipment, facilities, structures, and improvements that are
 2 necessary or desirable to make the capital improvement suitable
 3 for use and operations;
 4 (4) architectural, engineering, consultant, and attorney's fees;
 5 (5) incidental expenses in connection with the issuance and sale
 6 of bonds;
 7 (6) reserves for principal and interest;
 8 (7) interest during construction;
 9 (8) financial advisory fees;
 10 (9) insurance during construction;
 11 (10) municipal bond insurance, debt service reserve insurance,
 12 letters of credit, or other credit enhancement; and
 13 (11) in the case of refunding or refinancing, payment of the
 14 principal of, redemption premiums (if any) for, and interest on,
 15 the bonds being refunded or refinanced.
- 16 (h) The authority may not issue bonds under this chapter unless the
 17 authority first finds that the following conditions are met:
- 18 (1) The capital improvement board and the authority have entered
 19 into a written agreement concerning the terms of the financing of
 20 the facility. This agreement must include the following
 21 provisions:
- 22 (A) Notwithstanding any other law, if the capital improvement
 23 board selected a construction manager and an architect for a
 24 facility before May 15, 2005, the authority will contract with
 25 that construction manager and architect and use plans as
 26 developed by that construction manager and architect. In
 27 addition, any other agreements entered into by the capital
 28 improvement board or a political subdivision served by the
 29 capital improvement board with respect to the design and
 30 construction of the facility will be reviewed by a selection
 31 committee consisting of:
- 32 (i) two (2) of the members appointed to the board of
 33 directors of the authority under section 7(a)(1) of this
 34 chapter, as designated by the governor;
 35 (ii) the two (2) members appointed to the board of directors
 36 of the authority under section 7(a)(2) of this chapter; and
 37 (iii) the executive director of the authority.
- 38 The selection committee is not bound by any prior
 39 commitments of the capital improvement board or the political
 40 subdivision, other than the general project design, and will
 41 approve all contracts necessary for the design and construction
 42 of the facility.



- 1 (B) If before May 15, 2005, the capital improvement board
 2 acquired any land, plans, or other information necessary for
 3 the facility and the board had budgeted for these items, the
 4 capital improvement board will transfer the land, plans, or
 5 other information useful to the authority for a price not to
 6 exceed the lesser of:
 7 (i) the actual cost to the capital improvement board; or
 8 (ii) three million five hundred thousand dollars
 9 (\$3,500,000).
- 10 (C) The capital improvement board agrees to take any legal
 11 action that the authority considers necessary to facilitate the
 12 financing of the facility, including entering into agreements
 13 during the design and construction of the facility or a sublease
 14 of a capital improvement to any state agency that is then leased
 15 by the authority to any state agency under section 26 of this
 16 chapter.
- 17 (D) The capital improvement board is prohibited from taking
 18 any other action with respect to the financing of the facility
 19 without the prior approval of the authority. The authority is not
 20 bound by the terms of any agreement entered into by the
 21 capital improvement board with respect to the financing of the
 22 facility without the prior approval of the authority.
- 23 (E) As the project financier, the Indiana finance authority (or
 24 its successor agency) and the public finance director will be
 25 responsible for selecting all investment bankers, bond counsel,
 26 trustees, and financial advisors.
- 27 (F) The capital improvement board agrees to deliver to the
 28 authority the one hundred million dollars (\$100,000,000) that
 29 is owed to the capital improvement board, the consolidated
 30 city, or ~~the county having a consolidated city~~ **Marion County**,
 31 pursuant to an agreement between the National Football
 32 League franchised professional football team and the capital
 33 improvement board, the consolidated city, or ~~the county~~.
 34 **Marion County**. This amount shall be applied to the cost of
 35 construction for the stadium part of the facility. This amount
 36 does not have to be delivered until a lease is entered into for
 37 the stadium between the authority and the capital improvement
 38 board.
- 39 (G) The authority agrees to consult with the staff of the capital
 40 improvement board on an as needed basis during the design
 41 and construction of the facility, and the capital improvement
 42 board agrees to make its staff available for this purpose.



- 1 (H) The authority, ~~the county~~, **Marion County**, the
 2 consolidated city, the capital improvement board and the
 3 National Football League franchised professional football
 4 team must commit to using their best efforts to assist and
 5 cooperate with one another to design and construct the facility
 6 on time and on budget.
- 7 (2) The capital improvement board and the National Football
 8 League franchised professional football team have entered into a
 9 lease for the stadium part of the facility that has been approved by
 10 the authority and has a term of at least thirty (30) years.
- 11 SECTION 57. IC 5-1-17-25, AS ADDED BY P.L.214-2005,
 12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 APRIL 1, 2022]: Sec. 25. The authority shall not issue bonds in a
 14 principal amount exceeding five hundred million dollars
 15 (\$500,000,000) to finance any capital improvement in a **Marion**
 16 **County** ~~having a consolidated first class city~~ unless:
- 17 (1) on or before June 30, 2005, the county fiscal body:
- 18 (A) increases the rate of the tax authorized by IC 6-6-9.7 by
 19 the maximum amount authorized by IC 6-6-9.7-7(c);
 20 (B) increases the rate of the tax authorized by IC 6-9-8 by the
 21 maximum amount authorized by IC 6-9-8-3(d);
 22 (C) increases the rate of tax authorized by IC 6-9-12 by the
 23 maximum amount authorized by IC 6-9-12-5(b); and
 24 (D) increases the rate of the tax authorized by IC 6-9-13 by the
 25 maximum amount authorized by IC 6-9-13-2(b); and
- 26 (2) on or before October 1, 2005, the budget director makes a
 27 determination under IC 36-7-31-14.1 to increase the amount of
 28 money captured in a tax area established under IC 36-7-31 by up
 29 to eleven million dollars (\$11,000,000) per year, commencing
 30 July 1, 2007.
- 31 SECTION 58. IC 5-1.4-1-5, AS AMENDED BY P.L.119-2012,
 32 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 APRIL 1, 2022]: Sec. 5. "City" refers to any of the following:
- 34 (1) ~~A~~ **The** consolidated city.
 35 (2) A second class city.
 36 (3) ~~A city having a population of more than five thousand (5,000)~~
 37 ~~but less than five thousand one hundred (5,100):~~ **The city of**
 38 **Lawrenceburg.**
- 39 SECTION 59. IC 5-1.4-1-10, AS AMENDED BY P.L.119-2012,
 40 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 APRIL 1, 2022]: Sec. 10. "Qualified entity" means the following:
 42 (1) A city.



- 1 (2) A county.
- 2 (3) A special taxing district located wholly within a county.
- 3 (4) Any entity whose tax levies are subject to review and
- 4 modification by a city-county legislative body under IC 36-3-6-9.
- 5 (5) A political subdivision (as defined in IC 36-1-2-13) that is
- 6 located wholly within a county: **any of the following counties:**
- 7 (A) that has a population of:
- 8 (i) more than four hundred thousand (400,000) but less than
- 9 seven hundred thousand (700,000); or
- 10 (ii) more than two hundred fifty thousand (250,000) but less
- 11 than two hundred seventy thousand (270,000); or **Lake**
- 12 **County.**
- 13 **(B) St. Joseph County.**
- 14 ~~(B)~~ (C) A county containing a city that:
- 15 (i) is described in section 5(3) of this chapter; and
- 16 (ii) has a public improvement bond bank under this article.
- 17 (6) A charter school established under IC 20-24 that is sponsored
- 18 by the **executive mayor** of a **the** consolidated city.
- 19 (7) Any authority created under IC 36 that leases land or facilities
- 20 to any qualified entity listed in subdivisions (1) through (6).
- 21 SECTION 60. IC 5-2-1-3, AS AMENDED BY P.L.187-2021,
- 22 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 APRIL 1, 2022]: Sec. 3. There is created, as a criminal justice agency
- 24 of the state, a law enforcement training board to carry out the
- 25 provisions of this chapter. The board members are to be selected as
- 26 provided by this chapter. The board is composed of the following
- 27 members:
- 28 (1) The superintendent of the Indiana state police department,
- 29 who shall serve as chairperson of the board.
- 30 (2) The executive director of the department of homeland security
- 31 appointed under IC 10-19-3-1. The executive director shall serve
- 32 as the vice chair of the board.
- 33 (3) The chief of police of a **the** consolidated city.
- 34 (4) One (1) county sheriff from a county with a population of at
- 35 least one hundred thousand (100,000).
- 36 (5) One (1) county sheriff from a county of at least fifty thousand
- 37 (50,000) but less than one hundred thousand (100,000)
- 38 population.
- 39 (6) One (1) county sheriff from a county of under fifty thousand
- 40 (50,000) population.
- 41 (7) One (1) chief of police from a city of at least thirty-five
- 42 thousand (35,000) population, who is not the chief of police of a



- 1 **the** consolidated city.
- 2 (8) One (1) chief of police from a city of at least ten thousand
- 3 (10,000) but under thirty-five thousand (35,000) population.
- 4 (9) One (1) chief of police, police officer, or town marshal from
- 5 a city or town of under ten thousand (10,000) population.
- 6 (10) One (1) prosecuting attorney.
- 7 (11) One (1) judge of a circuit or superior court exercising
- 8 criminal jurisdiction.
- 9 (12) One (1) member representing professional journalism.
- 10 (13) One (1) member representing the medical profession.
- 11 (14) One (1) member representing education.
- 12 (15) One (1) member representing business and industry.
- 13 (16) One (1) member representing labor.
- 14 (17) One (1) member representing Indiana elected officials of
- 15 counties, cities, and towns.

16 SECTION 61. IC 5-10-18-2, AS ADDED BY P.L.111-2019,
 17 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 APRIL 1, 2022]: Sec. 2. As used in this chapter, "employer" means any
 19 of the following:

- 20 (1) The state (as defined in IC 4-15-17-3).
- 21 (2) A state educational institution (as defined in IC 21-7-13-32).
- 22 (3) A postsecondary educational institution, other than a state
- 23 educational institution.
- 24 (4) An operator (as defined in IC 5-23-2-8).
- 25 (5) A hospital licensed under IC 16-21-2:
- 26 (A) that is established and operated under IC 16-22-2,
- 27 IC 16-22-8, or IC 16-23; or
- 28 (B) that is not:
- 29 (i) a unit of state or local government; or
- 30 (ii) owned or operated by a unit of state or local government.
- 31 (6) A school corporation (as defined in IC 20-43-1-23).
- 32 (7) An airport authority (as defined in IC 8-22-1-4).
- 33 (8) A local unit public employer located in ~~a county containing a~~
- 34 **consolidated city: Marion County.**

35 SECTION 62. IC 5-10-18-3, AS ADDED BY P.L.111-2019,
 36 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 APRIL 1, 2022]: Sec. 3. As used in this chapter, "public safety officer"
 38 means any of the following:

- 39 (1) An excise police officer.
- 40 (2) A conservation enforcement officer.
- 41 (3) A gaming agent or a gaming control officer of the Indiana
- 42 gaming commission (established by IC 4-33-3-1).



- 1 (4) A state educational institution police officer appointed under
- 2 IC 21-39-4.
- 3 (5) A police officer who is employed by a postsecondary
- 4 educational institution, other than a state educational institution,
- 5 located in Indiana that appoints a police officer under IC 21-17-5.
- 6 (6) A firefighter who is employed by the fire department of a state
- 7 university.
- 8 (7) A firefighter who is employed by a postsecondary educational
- 9 institution, other than a state educational institution, located in
- 10 Indiana that:
- 11 (A) maintains a fire department;
- 12 (B) employs firefighters for the fire department; and
- 13 (C) is accredited by the North Central Association.
- 14 (8) A firefighter who is employed by an operator that enters into
- 15 an operating agreement under IC 5-23 for the operation of a
- 16 public use airport that:
- 17 (A) maintains a fire department; and
- 18 (B) employs firefighters for the fire department.
- 19 (9) A school corporation police officer appointed under
- 20 IC 20-26-16.
- 21 (10) A hospital police officer appointed under IC 16-18-4.
- 22 (11) A police officer employed under IC 8-22-3-34 by:
- 23 (A) a local airport authority; or
- 24 (B) an operator that enters into an operating agreement under
- 25 IC 5-23 for the operation of a public use airport.
- 26 (12) A park ranger who:
- 27 (A) completed at least the number of weeks of training at the
- 28 Indiana law enforcement academy or a comparable law
- 29 enforcement academy in another state that were required at the
- 30 time the park ranger attended the Indiana law enforcement
- 31 academy or the law enforcement academy in another state;
- 32 (B) graduated from the Indiana law enforcement academy or
- 33 a comparable law enforcement academy in another state; and
- 34 (C) is employed by a local unit public employer located in a
- 35 ~~county containing a consolidated city:~~ **Marion County.**
- 36 SECTION 63. IC 5-10.3-7-7.7 IS AMENDED TO READ AS
- 37 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 7.7. (a) For the
- 38 purposes of computing benefits and determining eligibility, a member
- 39 who:
- 40 (1) has at least one (1) year of service in a position covered by the
- 41 fund;
- 42 (2) became a member of the fund after December 31, 1987;



- 1 (3) was at least sixty (60) years of age when the member joined
 2 the fund; and
 3 (4) before January 1, 1988, was an employee of a township
 4 trustee's office:
 5 (A) located in a county having a consolidated city; **Marion**
 6 **County**; and
 7 (B) participating in the fund;
 8 is entitled to service credit as provided in subsections (b) and (c).
 9 (b) A member who is qualified under subsection (a) is entitled to
 10 service credit for the time the member:
 11 (1) was an employee of a township trustee's office described in
 12 subsection (a)(4);
 13 (2) was employed in a position covered by the fund; and
 14 (3) was not a member of the fund.
 15 (c) To receive service credit under this section, a member must pay
 16 into the fund the amount the member would have contributed if the
 17 member had been a member of the fund for the period described in
 18 subsection (b).
 19 SECTION 64. IC 5-10.3-7-7.9 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 7.9. (a) This section
 21 applies to a person who is or was an employee of the office of a
 22 township executive in a county having a consolidated city. **Marion**
 23 **County**.
 24 (b) Except as provided in subsection (d), for the purposes of
 25 computing benefits and determining eligibility, a member who:
 26 (1) has at least one (1) year of service in a position covered by the
 27 fund;
 28 (2) became a member of the fund after December 31, 1987;
 29 (3) was at least sixty (60) years of age when the member joined
 30 the fund; and
 31 (4) was an employee of the state or a political subdivision
 32 participating in the fund, or both, before January 1, 1988;
 33 is entitled to service credit as provided in subsection (c).
 34 (c) A member who is qualified under subsection (b) is entitled to
 35 service credit for the time the member:
 36 (1) was an employee of the state or a political subdivision
 37 participating in the fund, or both;
 38 (2) was employed in a position covered by the fund; and
 39 (3) was not a member of the fund.
 40 (d) To receive service credit under this section, a member must pay
 41 into the fund the amount the member would have contributed if the
 42 member had been a member of the fund for the period described in



- 1 subsection (c).
 2 SECTION 65. IC 5-10.4-4-1, AS AMENDED BY P.L.217-2017,
 3 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 APRIL 1, 2022]: Sec. 1. (a) The members of the fund include:
 5 (1) legally qualified and regularly employed teachers in the public
 6 schools;
 7 (2) persons employed by a governing body, who were qualified
 8 before their election or appointment;
 9 (3) legally qualified and regularly employed teachers at Ball State
 10 University, Indiana State University, University of Southern
 11 Indiana, and Vincennes University;
 12 (4) legally qualified and regularly employed teachers in a state
 13 educational institution whose teachers devote their entire time to
 14 teaching;
 15 (5) legally qualified and regularly employed teachers in state
 16 benevolent, charitable, or correctional institutions;
 17 (6) legally qualified and regularly employed teachers in an
 18 experimental school in a state university who teach elementary or
 19 high school students;
 20 (7) as determined by the board, certain instructors serving in a
 21 state educational institution extension division not covered by a
 22 state retirement law;
 23 (8) employees and officers of the department of education and of
 24 the fund who were qualified before their election or appointment;
 25 (9) a person who:
 26 (A) is employed as a nurse appointed under IC 20-34-3-6 by
 27 a school corporation located in a city having a population of
 28 more than eighty thousand (80,000) but less than eighty
 29 thousand four hundred (80,400); the city of Gary; and
 30 (B) participated in the fund before December 31, 1991, in the
 31 position described in clause (A); and
 32 (10) persons who are employed by the fund.
 33 (b) Teachers in any state institution who accept the benefits of a
 34 state supported retirement benefit system comparable to the fund's
 35 benefits may not come under the fund unless permitted by law or the
 36 rules of the board.
 37 (c) The members of the fund do not include substitute teachers who
 38 have not obtained an associate degree or a baccalaureate degree.
 39 (d) The members of the fund do not include individuals who
 40 participate in the teachers' defined contribution plan under IC 5-10.4-8.
 41 SECTION 66. IC 5-11-1-24.4, AS AMENDED BY P.L.241-2017,
 42 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 APRIL 1, 2022]: Sec. 24.4. (a) This section applies only to an audited
 2 entity (excluding a college or university (as defined in IC 21-7-13-10))
 3 that has:

- 4 (1) an internal control officer; and
- 5 (2) an internal control department;

6 established by the legislative body of the audited entity. However, the
 7 requirements of this section do not apply to a the consolidated city that
 8 hires an internal auditor or an independent certified public accountant,
 9 or both, as authorized under IC 36-3-4-24 to examine the books and
 10 records of the consolidated city.

11 (b) An audited entity may request in writing that the state board of
 12 accounts authorize the audited entity to:

- 13 (1) opt out of examinations by the state board of accounts; and
- 14 (2) engage a certified public accountant to conduct the
 15 examinations.

16 The request must be approved by resolution adopted by the legislative
 17 body for the audited entity.

18 (c) The state board of accounts shall, not more than sixty (60) days
 19 after receiving a written request under subsection (b):

- 20 (1) acknowledge receipt of the request; and
- 21 (2) notify the requesting audited entity that the request is:
 22 (A) approved; or
 23 (B) disapproved.

24 (d) The state board of accounts shall approve a request under
 25 subsection (b) by an audited entity if the state examiner determines
 26 that:

- 27 (1) the audited entity filed the written request under subsection
- 28 (b) with the state board of accounts more than one hundred eighty
 29 (180) days before the beginning of the audited entity's fiscal year;
- 30 (2) the audited entity selects the certified public accountant in
 31 accordance with the selection procedure under this section;
- 32 (3) the certified public accountant selected by the audited entity
 33 is:
 34 (A) licensed in Indiana; and
 35 (B) qualified to conduct examinations in accordance with the
 36 government auditing standards adopted by the state board of
 37 accounts;
- 38 (4) the certified public accountant's examination shall:
 39 (A) be conducted in accordance with the guidelines
 40 established by the state board of accounts; and
 41 (B) make findings regarding the audited entity's compliance
 42 with the uniform compliance guidelines established by the



- 1 state board of accounts;
- 2 (5) the certified public accountant's examination is paid for by the
- 3 audited entity; and
- 4 (6) the certified public accountant's examination of the audited
- 5 entity includes:
- 6 (A) all associated component units;
- 7 (B) audits required or necessary for federal financial
- 8 assistance;
- 9 (C) findings of noncompliance with state law and uniform
- 10 compliance guidelines as required by IC 5-11-5-1; and
- 11 (D) a separate report in accordance with the guidelines
- 12 established by the state board of accounts for any items of
- 13 noncompliance identified.
- 14 (e) The audited entity must use the following selection procedures:
- 15 (1) The legislative body of the audited entity shall establish an
- 16 audit committee to facilitate the selection of a certified public
- 17 accountant. The audit committee shall be composed of the
- 18 following three (3) members:
- 19 (A) One (1) member of the legislative body appointed by the
- 20 legislative body.
- 21 (B) One (1) certified public accountant appointed by the
- 22 legislative body who is not the fiscal officer or an employee of
- 23 the audited entity.
- 24 (C) One (1) person appointed by the executive of the audited
- 25 entity who is qualified due to an involvement with financial
- 26 matters, and who is not the fiscal officer or an employee of the
- 27 audited entity.
- 28 Each member shall be appointed for a three (3) year term and
- 29 shall serve without compensation. However, a member appointed
- 30 under subdivision (1)(A) who ceases to hold the office of
- 31 legislative body member ceases to be a member of the audit
- 32 committee. A member may not have a contractual relationship,
- 33 financial interest, or political affiliation with the certified public
- 34 accountant selected.
- 35 (2) The audit committee established under subdivision (1) shall
- 36 do the following:
- 37 (A) Establish factors to evaluate the audit services provided by
- 38 a certified public accountant, including:
- 39 (i) experience;
- 40 (ii) ability to perform the required services;
- 41 (iii) capability to follow the guidelines and standards
- 42 adopted by the state board of accounts;



- 1 (iv) ability to timely complete all necessary components of
 2 the examination; and
 3 (v) any other factors considered necessary by the audit
 4 committee.
 5 (B) Publish notice of a request for proposals under IC 5-3-1
 6 that includes:
 7 (i) a brief description of the audit requirements;
 8 (ii) a time frame;
 9 (iii) application procedures;
 10 (iv) evaluation criteria; and
 11 (v) any other items considered necessary by the audit
 12 committee.
 13 (C) Evaluate the proposals submitted by qualified certified
 14 public accountants. If compensation is a factor established
 15 under clause (A), it may not be the sole factor used to evaluate
 16 proposals.
 17 (D) Rank and recommend in order of preference not fewer
 18 than three (3) certified public accountants considered most
 19 highly qualified on the factors established under clause (A). If
 20 fewer than three (3) certified public accountants respond to the
 21 request for proposals, the audit committee shall recommend
 22 the remaining qualified certified public accountants in order
 23 of preference.
 24 (3) The legislative body of the audited entity shall select a
 25 qualified certified public accountant from the list recommended
 26 by the audit committee and shall negotiate a contract with the
 27 certified public accountant using one (1) of the following
 28 methods:
 29 (A) If compensation is a factor established under subdivision
 30 (2)(A), the legislative body shall:
 31 (i) select; or
 32 (ii) document the reason for not selecting;
 33 the highest ranked certified public accountant.
 34 (B) If compensation is not a factor established under
 35 subdivision (2)(A), the legislative body shall negotiate a
 36 contract with the highest ranked qualified certified public
 37 accountant. If unable to negotiate a satisfactory contract with
 38 the highest ranked qualified certified public accountant, the
 39 legislative body shall:
 40 (i) formally terminate negotiations; and
 41 (ii) negotiate with the second highest ranked certified public
 42 accountant.



- 1 Negotiations with the other ranked certified public accountants
2 shall be undertaken in the same manner. The legislative body
3 may reopen formal negotiations with any of the top three (3)
4 ranked certified public accountants but may not negotiate with
5 more than one (1) certified public accountant at a time.
- 6 (C) The legislative body may select a certified public
7 accountant recommended by the audit committee and
8 negotiate a contract using an appropriate alternative
9 negotiation method for which compensation is not the sole or
10 predominant factor.
- 11 (D) In negotiations with a certified public accountant, the
12 legislative body may allow a designee, who is not the fiscal
13 officer of the audited entity, to conduct negotiations on its
14 behalf.
- 15 (4) If the legislative body is unable to negotiate a satisfactory
16 contract with any of the recommended certified public
17 accountants, the audit committee shall recommend additional
18 certified public accountants, and negotiations shall continue in
19 accordance with this section until an agreement is reached.
- 20 (5) The procurement of audit services shall be evidenced by a
21 written contract embodying all provisions and conditions. For
22 purposes of this section, an engagement letter signed and
23 executed by both parties shall constitute a written contract. The
24 written contract shall include the following provisions:
- 25 (A) Specification of services to be provided and fees or other
26 compensation for the services.
- 27 (B) Invoices for fees or other compensation shall be submitted
28 in sufficient detail to demonstrate compliance with the terms
29 of the contract.
- 30 (C) Specification of the contract period and conditions under
31 which the contract may be terminated or renewed.
- 32 (D) The certified public accountant shall perform the
33 examination in accordance with:
- 34 (i) the guidelines and standards adopted by the state board
35 of accounts;
- 36 (ii) auditing standards generally accepted in the United
37 States; and
- 38 (iii) if applicable, government auditing standards, Office of
39 Management and Budget Circular A-133, and any other
40 guidelines required by the industry.
- 41 (E) If the certified public accountant discovers or suspects
42 instances of fraud, abuse of public funds, or the commission of



- 1 a crime, the certified public accountant shall notify the state
2 board of accounts:
- 3 (i) immediately; and
4 (ii) before disclosing the discovery or suspicion to the
5 audited entity.
- 6 (F) The certified public accountant shall deliver the completed
7 examination report to the state board of accounts:
- 8 (i) at the same time as the audited entity; and
9 (ii) not later than thirty (30) days after completion of the
10 examination.
- 11 The report shall be in a readable format prescribed by the state
12 board of accounts.
- 13 (G) All work papers supporting the examination report shall be
14 available for review by the state board of accounts.
- 15 (6) If a legislative body of an audited entity renews a written
16 contract with a certified public accountant that was entered into
17 in accordance with this section, the legislative body may renew
18 the contract without complying with the selection procedures in
19 this subsection.
- 20 (f) The certified public accountant must deliver the completed
21 examination report to the state board of accounts not later than thirty
22 (30) days after completion of the examination. The state board of
23 accounts shall review the examination report and may:
- 24 (1) ask questions of the certified public accountant;
25 (2) review the examination work papers; and
26 (3) take any other actions necessary to verify that the guidelines
27 and standards adopted by the state board of accounts have been
28 satisfied.
- 29 (g) If the certified public accountant's examination:
- 30 (1) satisfies the guidelines and standards adopted by the state
31 board of accounts, the state examiner shall publicly file the
32 examination report under IC 5-11-5-1; or
33 (2) fails to satisfy the guidelines and standards adopted by the
34 state board of accounts:
- 35 (A) the state board of accounts shall perform the audit; and
36 (B) the audited entity shall reimburse the state board of
37 accounts for the actual and direct cost of performing the
38 examination.
- 39 (h) An audited entity that engages a certified public accountant
40 under this section shall reimburse the state board of accounts for all
41 direct and indirect costs incurred by the state board of accounts for any
42 technical assistance and support requested by the audited entity.



1 (i) An audited entity may terminate the use of a certified public
2 accountant engaged under this section if:

- 3 (1) the termination is approved by resolution adopted by the
4 legislative body of the audited entity; and
5 (2) written notice of the termination is provided to the state board
6 of accounts more than one hundred eighty (180) days before the
7 beginning of the audited entity's fiscal year.

8 (j) Conducting an examination of an audited entity by a certified
9 public accountant does not prohibit the state board of accounts from
10 conducting a compliance review of the audited entity or an examination
11 under section 9.5 of this chapter on the schedule determined by the
12 state board of accounts.

13 SECTION 67. IC 5-11-10-1, AS AMENDED BY P.L.121-2016,
14 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 APRIL 1, 2022]: Sec. 1. (a) This section applies to the state and its
16 political subdivisions. However, this section does not apply to the
17 following:

- 18 (1) A state educational institution, including Ivy Tech Community
19 College of Indiana.
20 (2) A municipality (as defined in IC 36-1-2-11).
21 (3) A county.
22 (4) An airport authority operating in a **the** consolidated city.
23 (5) A capital improvements board of managers operating in a **the**
24 consolidated city.
25 (6) A board of directors of a public transportation corporation
26 operating in a **the** consolidated city.
27 (7) A municipal corporation organized under IC 16-22-8-6.
28 (8) A public library.
29 (9) A library services authority.
30 (10) A hospital organized under IC 16-22 or a hospital organized
31 under IC 16-23.
32 (11) A school corporation (as defined in IC 36-1-2-17).
33 (12) A regional water or sewer district organized under IC 13-26
34 or under IC 13-3-2 (before its repeal).
35 (13) A municipally owned utility (as defined in IC 8-1-2-1).
36 (14) A board of an airport authority under IC 8-22-3.
37 (15) A conservancy district.
38 (16) A board of aviation commissioners under IC 8-22-2.
39 (17) A public transportation corporation under IC 36-9-4.
40 (18) A commuter transportation district under IC 8-5-15.
41 (19) A solid waste management district established under
42 IC 13-21 or IC 13-9.5 (before its repeal).



- 1 (20) A county building authority under IC 36-9-13.
 2 (21) A soil and water conservation district established under
 3 IC 14-32.
 4 (22) The northwestern Indiana regional planning commission
 5 established by IC 36-7-7.6-3.
 6 (b) No warrant or check shall be drawn by a disbursing officer in
 7 payment of any claim unless the same has been fully itemized and its
 8 correctness properly certified to by the claimant or some authorized
 9 person in the claimant's behalf, and filed and allowed as provided by
 10 law.
 11 (c) The certificate provided for in subsection (b) is not required for:
 12 (1) claims rendered by a public utility for electric, gas, steam,
 13 water, or telephone services, the charges for which are regulated
 14 by a governmental body;
 15 (2) a warrant issued by the auditor of state under IC 4-13-2-7(b);
 16 (3) a check issued by a special disbursing officer under
 17 IC 4-13-2-20(g); or
 18 (4) a payment of fees under IC 36-7-11.2-49(b) or
 19 IC 36-7-11.3-43(b).
 20 (d) The disbursing officer shall issue checks or warrants for all
 21 claims which meet all of the requirements of this section. The
 22 disbursing officer does not incur personal liability for disbursements:
 23 (1) processed in accordance with this section; and
 24 (2) for which funds are appropriated and available.
 25 (e) The certificate provided for in subsection (b) must be in the
 26 following form:
 27 I hereby certify that the foregoing account is just and correct, that
 28 the amount claimed is legally due, after allowing all just credits,
 29 and that no part of the same has been paid.
 30 SECTION 68. IC 5-13-6-1, AS AMENDED BY P.L.139-2015,
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 APRIL 1, 2022]: Sec. 1. (a) All public funds paid into the treasury of
 33 the state or the treasuries of the respective political subdivisions shall
 34 be deposited not later than the business day following the receipt of
 35 funds on business days of the depository in one (1) or more
 36 depositories in the name of the state or political subdivision by the
 37 officer having control of the funds.
 38 (b) Except as provided in subsections (d), (f), and (g), all public
 39 funds collected by state officers, other than the treasurer of state, shall
 40 be deposited with the treasurer of state, or an approved depository
 41 selected by the treasurer of state not later than the business day
 42 following the receipt of the funds. The treasurer of state shall deposit



1 daily on business days of the depository all public funds deposited with
 2 the treasurer of state. Deposits do not relieve any state officer from the
 3 duty of maintaining a cashbook under IC 5-13-5-1.

4 (c) Except as provided in subsections (d) and (g), all local officers,
 5 except township trustees, who collect public funds of their respective
 6 political subdivisions, shall deposit funds not later than the business
 7 day following the receipt of funds on business days of the depository
 8 in the depository or depositories selected by the several local boards of
 9 finance that have jurisdiction of the funds. The public funds collected
 10 by township trustees shall be deposited in the designated depository on
 11 or before the first and fifteenth day of each month. Public funds
 12 deposited under this subsection shall be deposited in the same form in
 13 which they were received.

14 (d) Except as provided in subsection (g), a city (other than a ~~a~~ **the**
 15 consolidated city) or a town shall deposit funds not later than the next
 16 business day following the receipt of the funds in depositories:

- 17 (1) selected by the city or town as provided in an ordinance
 18 adopted by the city or the town; and
 19 (2) approved as depositories of state funds.

20 (e) All local investment officers shall reconcile at least monthly the
 21 balance of public funds, as disclosed by the records of the local
 22 officers, with the balance statements provided by the respective
 23 depositories.

24 (f) An office of:

- 25 (1) the department of natural resources; or
 26 (2) the department of state revenue;

27 that is detached from the main office of the department is not required
 28 to deposit funds on the business day following receipt if the funds on
 29 hand do not exceed five hundred dollars (\$500). However, the office
 30 must deposit the funds on hand not later than the business day
 31 following the day that the funds exceed five hundred dollars (\$500).

32 (g) The following are not required to deposit funds on the business
 33 day following receipt if the funds on hand do not exceed five hundred
 34 dollars (\$500):

- 35 (1) An office of the legislative branch of state government.
 36 (2) A local officer of a political subdivision required to deposit
 37 funds under subsection (c) other than a township trustee.
 38 (3) A city or a town required to deposit funds under subsection
 39 (d).

40 However, the funds on hand must be deposited not later than the
 41 business day following the day that the funds exceed five hundred
 42 dollars (\$500).



1 SECTION 69. IC 5-13-7-2, AS AMENDED BY P.L.1-2005,
 2 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 APRIL 1, 2022]: Sec. 2. (a) In a county having a consolidated city,
 4 **Marion County**, the county board of finance is composed of:

- 5 (1) the county treasurer;
- 6 (2) the county auditor;
- 7 (3) the county assessor;
- 8 (4) the mayor of the consolidated city;
- 9 (5) the controller of the consolidated city; and
- 10 (6) the president of the board of school commissioners of the
- 11 school city described by IC 20-25-3-1.

12 (b) The board has supervision of the revocation of public
 13 depositories for all public funds of the following:

- 14 (1) The county.
- 15 (2) The consolidated city.
- 16 (3) The school city.
- 17 (4) Any other political subdivision in the county whose local
- 18 board of finance designates the county board of finance for those
- 19 purposes.

20 SECTION 70. IC 5-13-9-2, AS AMENDED BY P.L.47-2016,
 21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 APRIL 1, 2022]: Sec. 2. (a) Each officer designated in section 1 of this
 23 chapter may invest or reinvest any funds that are held by the officer and
 24 available for investment in any of the following:

- 25 (1) Securities backed by the full faith and credit of the United
- 26 States Treasury or fully guaranteed by the United States and
- 27 issued by any of the following:
 - 28 (A) The United States Treasury.
 - 29 (B) A federal agency.
 - 30 (C) A federal instrumentality.
 - 31 (D) A federal government sponsored enterprise.
- 32 (2) Securities fully guaranteed and issued by any of the following:
 - 33 (A) A federal agency.
 - 34 (B) A federal instrumentality.
 - 35 (C) A federal government sponsored enterprise.
- 36 (3) Municipal securities issued by an Indiana local governmental
- 37 entity, a quasi-governmental entity related to the state, or a unit of
- 38 government, municipal corporation, or special taxing district in
- 39 Indiana, if the issuer has not defaulted on any of the issuer's
- 40 obligations within the twenty (20) years preceding the date of the
- 41 purchase. A security purchased by the treasurer of state under this
- 42 subdivision must have a stated final maturity of not more than ten



- 1 (10) years after the date of purchase.
- 2 (b) If an investment under subsection (a) is made at a cost in excess
3 of the par value of the securities purchased, any premium paid for the
4 securities shall be deducted from the first interest received and returned
5 to the fund from which the investment was purchased, and only the net
6 amount is considered interest income.
- 7 (c) The officer making the investment may sell any securities
8 acquired and may do anything necessary to protect the interests of the
9 funds invested, including the exercise of exchange privileges which
10 may be granted with respect to maturing securities in cases where the
11 new securities offered in exchange meet the requirements for initial
12 investment.
- 13 (d) The investing officers of the political subdivisions are the legal
14 custodians of securities under this chapter. They shall accept
15 safekeeping receipts or other reporting for securities from:
- 16 (1) a duly designated depository as prescribed in this article; or
17 (2) a financial institution located either in or out of Indiana having
18 custody of securities with a combined capital and surplus of at
19 least ten million dollars (\$10,000,000) according to the last
20 statement of condition filed by the financial institution with its
21 governmental supervisory body.
- 22 (e) The state board of accounts may rely on safekeeping receipts or
23 other reporting from any depository or financial institution.
- 24 (f) In addition to any other investments allowed under this chapter,
25 an officer of a conservancy district located in ~~a city having a population~~
26 ~~of more than five thousand (5,000) but less than five thousand one~~
27 ~~hundred (5,100) the city of Lawrenceburg~~ may also invest in:
- 28 (1) municipal securities; and
29 (2) equity securities;
30 having a stated final maturity of any number of years or having no
31 stated final maturity. The total investments outstanding under this
32 subsection may not exceed twenty-five percent (25%) of the total
33 portfolio of funds invested by the officer of a conservancy district.
34 However, an investment that complies with this subsection when the
35 investment is made remains legal even if a subsequent decrease in the
36 total portfolio invested by the officer of a conservancy district causes
37 the percentage of investments outstanding under this subsection to
38 exceed twenty-five percent (25%).
- 39 (g) In addition to any other investments allowed under this chapter,
40 a ~~the~~ clerk-treasurer of a ~~town with a population of more than five~~
41 ~~thousand (5,000) but less than ten thousand (10,000) located in a~~
42 ~~county having a population of more than one hundred forty thousand~~



1 ~~(140,000) but less than one hundred fifty thousand (150,000) the town~~
 2 **of Danville** may also invest money in a host community agreement
 3 future fund established by ordinance of the town in:

- 4 (1) municipal securities; and
 5 (2) equity securities;

6 having a stated final maturity of any number of years or having no
 7 stated final maturity. The total investments outstanding under this
 8 subsection may not exceed twenty-five percent (25%) of the total
 9 portfolio of funds invested by the clerk-treasurer of a town. However,
 10 an investment that complies with this subsection when the investment
 11 is made remains legal even if a subsequent decrease in the total
 12 portfolio invested by the clerk-treasurer of a town causes the
 13 percentage of investments outstanding under this subsection to exceed
 14 twenty-five percent (25%).

15 SECTION 71. IC 5-13-9-3.5 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3.5. (a) The fiscal
 17 officer of a political subdivision or county treasurer that is located in
 18 ~~a county containing a consolidated city~~ **Marion County** may invest or
 19 reinvest any funds that are held by the fiscal officer or the county
 20 treasurer and that are available for investment in participations in
 21 loans. However, funds may be invested or reinvested in a participation
 22 in loans under this subsection only under the following conditions:

- 23 (1) The principal of the participation in loans must be guaranteed
 24 by an agency or instrumentality of the United States government.
 25 (2) The participation in loans must be represented by a certificate
 26 issued by a bank that is:
 27 (A) incorporated under the laws of Indiana, another state, or
 28 the United States; and
 29 (B) insured by the Bank Insurance Fund of the Federal Deposit
 30 Insurance Corporation.

31 (b) Funds may be invested or reinvested in a participation in loans
 32 under subsection (a) even though the certificate representing the
 33 participation in loans is not insured by the Bank Insurance Fund of the
 34 Federal Deposit Insurance Corporation.

35 (c) A fiscal officer or county treasurer described in subsection (a)
 36 may lend any securities acquired under this section or section 2 of this
 37 chapter. However, securities may be lent under this subsection only if
 38 the agreement under which the securities are lent is collateralized by:

- 39 (1) cash; or
 40 (2) interest bearing obligations that are issued by, fully insured by,
 41 or guaranteed by the United States, an agency of the United States
 42 government, a federal instrumentality, or a federal government



- 1 sponsored enterprise in excess of the total market value of the
 2 loaned securities.
- 3 SECTION 72. IC 5-13-9-5.6, AS AMENDED BY P.L.43-2012,
 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 APRIL 1, 2022]: Sec. 5.6. Except for investments allowed under
 6 section 2(f) or 2(g) of this chapter, investments made under this chapter
 7 must have a stated final maturity of not more than:
- 8 (1) five (5) years after the date of purchase or entry into a
 9 repurchase agreement for a conservancy district located in ~~a city~~
 10 ~~having a population of more than five thousand (5,000) but less~~
 11 ~~than five thousand one hundred (5,100); the city of~~
 12 **Lawrenceburg;**
- 13 (2) five (5) years after the date of purchase or entry into a
 14 repurchase agreement for investments made from a host
 15 community agreement future fund established by ordinance of a
 16 town with a population of more than five thousand (5,000) but
 17 less than ten thousand (10,000) located in a county having a
 18 population of more than one hundred forty thousand (140,000)
 19 but less than one hundred fifty thousand (150,000); ~~the town of~~
 20 **Danville;** or
- 21 (3) two (2) years after the date of purchase or entry into a
 22 repurchase agreement for:
- 23 (A) a fund not described in subdivision (1) or (2); or
 24 (B) a political subdivision that:
- 25 (i) is not described in subdivision (1) or (2); and
 26 (ii) does not have in effect an investment policy and
 27 ordinance under section 5.7 of this chapter.
- 28 SECTION 73. IC 5-14-1.5-3.1, AS ADDED BY P.L.179-2007,
 29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 APRIL 1, 2022]: Sec. 3.1. (a) Except as provided in subsection (b), the
 31 governing body of a public agency violates this chapter if members of
 32 the governing body participate in a series of at least two (2) gatherings
 33 of members of the governing body and the series of gatherings meets
 34 all of the following criteria:
- 35 (1) One (1) of the gatherings is attended by at least three (3)
 36 members but less than a quorum of the members of the governing
 37 body and the other gatherings include at least two (2) members of
 38 the governing body.
- 39 (2) The sum of the number of different members of the governing
 40 body attending any of the gatherings at least equals a quorum of
 41 the governing body.
- 42 (3) All the gatherings concern the same subject matter and are



1 held within a period of not more than seven (7) consecutive days.

2 (4) The gatherings are held to take official action on public
3 business.

4 For purposes of this subsection, a member of a governing body attends
5 a gathering if the member is present at the gathering in person or if the
6 member participates in the gathering by telephone or other electronic
7 means, excluding electronic mail.

8 (b) This subsection applies only to the city-county council of **a the**
9 ~~consolidated city. or county having a consolidated city.~~ The city-county
10 council violates this chapter if its members participate in a series of at
11 least two (2) gatherings of members of the city-county council and the
12 series of gatherings meets all of the following criteria:

13 (1) One (1) of the gatherings is attended by at least five (5)
14 members of the city-county council and the other gatherings
15 include at least three (3) members of the city-county council.

16 (2) The sum of the number of different members of the
17 city-county council attending any of the gatherings at least equals
18 a quorum of the city-county council.

19 (3) All the gatherings concern the same subject matter and are
20 held within a period of not more than seven (7) consecutive days.

21 (4) The gatherings are held to take official action on public
22 business.

23 For purposes of this subsection, a member of the city-county council
24 attends a gathering if the member is present at the gathering in person
25 or if the member participates in the gathering by telephone or other
26 electronic means, excluding electronic mail.

27 (c) A gathering under subsection (a) or (b) does not include:

28 (1) a social or chance gathering not intended by any member of
29 the governing body to avoid the requirements of this chapter;

30 (2) an onsite inspection of any:

31 (A) project;

32 (B) program; or

33 (C) facilities of applicants for incentives or assistance from the
34 governing body;

35 (3) traveling to and attending meetings of organizations devoted
36 to the betterment of government;

37 (4) a caucus;

38 (5) a gathering to discuss an industrial or a commercial prospect
39 that does not include a conclusion as to recommendations, policy,
40 decisions, or final action on the terms of a request or an offer of
41 public financial resources;

42 (6) an orientation of members of the governing body on their role



1 and responsibilities as public officials, but not for any other
2 official action;

3 (7) a gathering for the sole purpose of administering an oath of
4 office to an individual; or

5 (8) a gathering between less than a quorum of the members of the
6 governing body intended solely for members to receive
7 information and deliberate on whether a member or members may
8 be inclined to support a member's proposal or a particular piece
9 of legislation and at which no other official action will occur.

10 (d) A violation described in subsection (a) or (b) is subject to
11 section 7 of this chapter.

12 SECTION 74. IC 5-20-2-5, AS AMENDED BY P.L.1-2007,
13 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 APRIL 1, 2022]: Sec. 5. (a) Bonds shall not be issued by a county, a
15 city, a town, or **the** consolidated city for home mortgages under this
16 chapter if at the time of issuance and delivery there remains
17 unexpended or uncommitted more than five percent (5%) of the net
18 proceeds of a prior bond issued by that county, city, **or** town or **the**
19 consolidated city under this chapter.

20 (b) Bonds shall not be issued under this chapter for home mortgages
21 in an amount in excess of twenty-five percent (25%) of the average
22 annual amount of mortgage lending in the county or municipality in the
23 most recent three (3) year period for which the governing body shall by
24 ordinance determine from the Home Mortgage Disclosure Act, Public
25 Law 94-200.

26 (c) No issue shall be approved by the authority if the amount of the
27 issue exceeds the total amount of bond issues permissible under this
28 chapter in the calendar year during which the proposed bonds will be
29 issued. The total amount of bonds permissible under this chapter in any
30 calendar year shall be fifty dollars (\$50) multiplied by the population
31 of the state of Indiana as determined by the most recent federal
32 decennial census.

33 (d) There is a five percent (5%) down payment requirement. An
34 issue meets this requirement only if seventy-five percent (75%) or more
35 of the owner-occupied financing provided by the issue is ninety-five
36 percent (95%) financing. For purposes of this subsection, financing of
37 a residence is ninety-five percent (95%) financing if such financing is
38 ninety-five percent (95%) or more of the acquisition cost of such
39 residence. A larger down payment is permitted in the case of
40 alternative mortgage instruments as provided by law.

41 (e) No mortgage shall be made under this chapter the amount of
42 which exceeds two and one-half (2 1/2) times the amount of the annual



1 income of the prospective mortgagor. In addition, no financing shall be
 2 provided under this chapter to a prospective mortgagor who is already
 3 a mortgagor with respect to an existing mortgage financed under this
 4 chapter.

5 (f) The effective rate of interest on mortgages provided from a
 6 particular bond issue under this chapter may not exceed the yield on the
 7 issue by more than one (1) percentage point. For purposes of this
 8 subsection, the effective rate of mortgage interest and the bond yield
 9 shall be determined in accordance with reasonable procedures adopted
 10 by the authority. However, the authority may waive the restriction in
 11 this subsection if it determines that:

12 (1) waiver of the restriction with respect to a proposed issue is in
 13 the best interests of the citizens of the issuing jurisdiction and the
 14 state of Indiana; and

15 (2) the proposed issue is not marketable without waiver of the
 16 restriction.

17 (g) An issue meets the requirements of this section only if a
 18 preliminary official statement of such issue has been submitted to the
 19 authority, and:

20 (1) such authority has, within thirty (30) days after the date of
 21 such submission, issued an opinion that such issue meets the
 22 requirements of this section and section 4 of this chapter; or

23 (2) thirty (30) days have elapsed since such submission and
 24 during this thirty (30) day period the authority has not issued an
 25 opinion that the issue does not meet the requirements of this
 26 section and section 4 of this chapter.

27 SECTION 75. IC 5-23-1-1 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This article applies
 29 to the following:

30 (1) The state.

31 (2) A political subdivision in a ~~county containing a consolidated~~
 32 ~~city.~~ **Marion County.**

33 (3) A political subdivision in a county where:

34 (A) the legislative body of the political subdivision; or

35 (B) if the political subdivision does not have a legislative
 36 body, the fiscal body of the political subdivision;

37 adopts the provisions of this article by resolution or ordinance.

38 SECTION 76. IC 6-1.1-5-9, AS AMENDED BY P.L.146-2008,
 39 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 APRIL 1, 2022]: Sec. 9. In a ~~county containing a consolidated city.~~
 41 **Marion County:**

42 (1) the township assessor has the duties and authority described



1 in sections 1 through 8 of this chapter; and
 2 (2) the county assessor has the duties and authority described in
 3 sections 1 through 8 of this chapter for a township for which there
 4 is no township assessor.

5 These duties and authority include effecting the transfer of title to real
 6 property and preparing, maintaining, approving, correcting, indexing,
 7 and publishing the list or record of, or description of title to, real
 8 property. If a court renders a judgment for the partition or transfer of
 9 real property located in a ~~county containing a consolidated city,~~
 10 **Marion County**, the clerk of the court shall deliver the transcript to the
 11 county assessor.

12 SECTION 77. IC 6-1.1-5.5-3, AS AMENDED BY P.L.159-2020,
 13 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 APRIL 1, 2022]: Sec. 3. (a) For purposes of this section, "party"
 15 includes:

- 16 (1) a seller of property that is exempt under the seller's ownership;
- 17 or
- 18 (2) a purchaser of property that is exempt under the purchaser's
- 19 ownership;

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

21 (b) Subject to subsections (g) and (h), before filing a conveyance
 22 document with the county auditor under IC 6-1.1-5-4, all the parties to
 23 the conveyance must do the following:

24 (1) Complete and sign a sales disclosure form as prescribed by the
 25 department of local government finance under section 5 of this
 26 chapter. All the parties may sign one (1) form, or if all the parties
 27 do not agree on the information to be included on the completed
 28 form, each party may sign and file a separate form. For
 29 conveyance transactions involving more than two (2) parties, one
 30 (1) transferor and one (1) transferee signing the sales disclosure
 31 form is sufficient.

32 (2) Before filing a sales disclosure form with the county auditor,
 33 submit the sales disclosure form to the county assessor. The
 34 county assessor must review the accuracy and completeness of
 35 each sales disclosure form submitted immediately upon receipt of
 36 the form and, if the form is accurate and complete, stamp or
 37 otherwise approve the form as eligible for filing with the county
 38 auditor and return the form to the appropriate party for filing with
 39 the county auditor. If multiple forms are filed in a short period,
 40 the county assessor shall process the forms as quickly as possible.
 41 For purposes of this subdivision, a sales disclosure form is
 42 considered to be accurate and complete if:



- 1 (A) the county assessor does not have substantial evidence
 2 when the form is reviewed under this subdivision that
 3 information in the form is inaccurate; and
 4 (B) both of the following conditions are satisfied:
 5 (i) The form contains the information required by section
 6 5(a)(1) through 5(a)(16) of this chapter as that section
 7 applies to the conveyance transaction, subject to the
 8 obligation of a party to furnish or correct that information in
 9 the manner required by and subject to the penalty provisions
 10 of section 12 of this chapter. The form may not be rejected
 11 for failure to contain information other than that required by
 12 section 5(a)(1) through 5(a)(16) of this chapter.
 13 (ii) The form is submitted to the county assessor in a format
 14 usable to the county assessor.
 15 (3) File the sales disclosure form with the county auditor.
 16 (c) The auditor shall review each sales disclosure form and process
 17 any deduction for which the form serves as an application under
 18 IC 6-1.1-12-44. The auditor shall forward each sales disclosure form
 19 to the county assessor. The county assessor shall verify the assessed
 20 valuation of the property for the assessment date to which the
 21 application applies and transmit that assessed valuation to the auditor.
 22 The county assessor shall retain the forms for five (5) years. The county
 23 assessor shall forward the sales disclosure form data to the department
 24 of local government finance in an electronic format specified by the
 25 department of local government finance on or before April 1 in a year
 26 ending before January 1, 2016, and on or before February 1 in a year
 27 beginning after December 31, 2015. The county assessor shall forward
 28 a copy of the sales disclosure forms to the township assessors in the
 29 county. The department of local government finance shall make sales
 30 disclosure form data received from a county assessor available to the
 31 legislative services agency. The forms may be used by the county
 32 assessing officials, the department of local government finance, and the
 33 legislative services agency for the purposes established in
 34 IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules
 35 under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized
 36 purpose.
 37 (d) In a county containing a consolidated city, **Marion County**, the
 38 auditor shall review each sales disclosure form and process any
 39 deduction for which the form serves as an application under
 40 IC 6-1.1-12-44. The auditor shall forward the sales disclosure form to
 41 the appropriate township assessor (if any). The township assessor shall
 42 verify the assessed valuation of the property for the assessment date to



1 which the application applies and transmit that assessed valuation to
 2 the auditor. The township or county assessor shall forward the sales
 3 disclosure form to the department of local government finance in an
 4 electronic format specified by the department of local government
 5 finance. The department of local government finance shall make sales
 6 disclosure form data received from a township or county assessor
 7 available to the legislative services agency. The forms may be used by
 8 the county assessing officials, the county auditor, the department of
 9 local government finance, and the legislative services agency for the
 10 purposes established in IC 6-1.1-4-13.6, sales ratio studies,
 11 equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6,
 12 and any other authorized purpose.

13 (e) If a sales disclosure form includes the telephone number or
 14 Social Security number of a party, the telephone number or Social
 15 Security number is confidential.

16 (f) County assessing officials, county auditors, and other local
 17 officials may not establish procedures or requirements concerning sales
 18 disclosure forms that substantially differ from the procedures and
 19 requirements of this chapter.

20 (g) Except as provided in subsection (h), a separate sales disclosure
 21 form is required for each parcel conveyed, regardless of whether more
 22 than one (1) parcel is conveyed under a single conveyance document.

23 (h) Only one (1) sales disclosure form is required for the
 24 conveyance under a single conveyance document of two (2) or more
 25 contiguous parcels located entirely within a single taxing district.

26 SECTION 78. IC 6-1.1-5.5-12, AS AMENDED BY P.L.144-2008,
 27 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 APRIL 1, 2022]: Sec. 12. (a) A party to a conveyance who:

29 (1) either:

30 (A) files a sales disclosure form that does not contain all of the
 31 information required by this chapter; or

32 (B) files a sales disclosure form that contains inaccurate
 33 information;

34 and receives from the township assessor (in ~~a county containing~~
 35 ~~a consolidated city~~) **Marion County**) or the county assessor (in
 36 any other county) written notice of the problems described in
 37 clause (A) or (B); and

38 (2) fails to file a correct sales disclosure form that fully complies
 39 with all requirements of this chapter within thirty (30) days after
 40 the date of the notice under subdivision (1);

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

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



- 1 (1) one hundred dollars (\$100); or
 2 (2) twenty-five thousandths percent (0.025%) of the sale price of
 3 the real property transferred under the conveyance document.
 4 (c) The township assessor in a ~~county containing a consolidated city,~~
 5 **Marion County**, or the county assessor in any other county, shall:
 6 (1) determine the penalty imposed under this section;
 7 (2) assess the penalty to the party to a conveyance; and
 8 (3) notify the party to the conveyance that the penalty is payable
 9 not later than thirty (30) days after notice of the assessment.
 10 (d) The county auditor shall:
 11 (1) collect the penalty imposed under this section;
 12 (2) deposit penalty collections as required under section 4 of this
 13 chapter; and
 14 (3) notify the county prosecuting attorney of delinquent payments.
 15 (e) The county prosecuting attorney shall initiate an action to
 16 recover a delinquent penalty under this section. In a successful action
 17 against a person for a delinquent penalty, the court shall award the
 18 county prosecuting attorney reasonable attorney's fees.
 19 SECTION 79. IC 6-1.1-8-3, AS AMENDED BY P.L.38-2021,
 20 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 APRIL 1, 2022]: Sec. 3. (a) Except as provided in subsection (c), the
 22 following companies are subject to taxation under this chapter:
 23 (1) Each company which is engaged in the business of
 24 transporting persons or property.
 25 (2) Each company which is engaged in the business of selling or
 26 distributing electricity, gas, steam, or water.
 27 (3) Each company which is engaged in the business of
 28 transmitting messages for the general public by wire or airwaves.
 29 (4) Each company which is engaged in the business of operating
 30 a sewage system or a sewage treatment plant.
 31 (b) The companies which are subject to taxation under this chapter
 32 include, but are not limited to:
 33 (1) bridge companies;
 34 (2) bus companies;
 35 (3) express companies;
 36 (4) light, heat, or power companies;
 37 (5) pipeline companies;
 38 (6) railroad companies;
 39 (7) railcar companies;
 40 (8) sleeping car companies;
 41 (9) street railway companies;
 42 (10) telephone, telegraph, or cable companies;



1 (11) tunnel companies; and
 2 (12) water distribution companies.
 3 (c) The following persons are not subject to taxation under this
 4 chapter:
 5 (1) Aviation companies.
 6 (2) Broadcasting companies.
 7 (3) Television companies.
 8 (4) Water transportation companies.
 9 (5) Companies which are operated by a municipality or a
 10 municipal corporation, except those utility companies owned or
 11 held in trust by a ~~first class~~ **the consolidated** city.
 12 (6) A taxpayer that:
 13 (A) is described in subsection (b);
 14 (B) owns definite situs property that is located in only one (1)
 15 taxing district; and
 16 (C) files a personal property tax return for the definite situs
 17 property with the county assessor or (if applicable) the
 18 township assessor.
 19 A taxpayer that meets the requirements of clauses (A) and (B)
 20 may elect to file a personal property tax return for the definite
 21 situs property with the county assessor or (if applicable) the
 22 township assessor, instead of filing a return for the definite situs
 23 property under this chapter.
 24 (7) A taxpayer that:
 25 (A) is participating in a net metering program under 170
 26 IAC 4-4.2 or in a feed-in-tariff program offered by a company
 27 described in subsection (b)(4); and
 28 (B) files a personal property tax return for the property with
 29 the county assessor or (if applicable) the township assessor.
 30 SECTION 80. IC 6-1.1-8.5-3 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3. As used in this
 32 chapter, "qualifying county" means a **Lake County**. ~~having a~~
 33 ~~population of more than four hundred thousand (400,000) but less than~~
 34 ~~seven hundred thousand (700,000):~~
 35 SECTION 81. IC 6-1.1-10-15, AS AMENDED BY P.L.180-2016,
 36 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 APRIL 1, 2022]: Sec. 15. (a) The acquisition and improvement of land
 38 for use by the public as an airport and the maintenance of commercial
 39 passenger aircraft is a municipal purpose regardless of whether the
 40 airport or maintenance facility is owned or operated by a municipality.
 41 The owner of any airport located in this state, who holds a valid and
 42 current public airport certificate issued by the Indiana department of



1 transportation, may claim an exemption for only so much of the land as
 2 is reasonably necessary to and used for public airport purposes. A
 3 person maintaining commercial passenger aircraft in: **a county having**
 4 **a population of:**

- 5 (1) **more than two hundred fifty thousand (250,000) but less than**
 6 **two hundred seventy thousand (270,000); St. Joseph County; or**
 7 (2) **more than three hundred thousand (300,000) but less than four**
 8 **hundred thousand (400,000); Allen County;**

9 may claim an exemption for commercial passenger aircraft not subject
 10 to the aircraft excise tax under IC 6-6-6.5 that is being assessed under
 11 this article, if it is located in the county only for the purposes of
 12 maintenance.

13 (b) The exemption provided by this section is noncumulative and
 14 applies only to property that would not otherwise be exempt. Nothing
 15 contained in this section applies to or affects any other tax exemption
 16 provided by law.

17 (c) As used in this section, "land used for public airport purposes"
 18 includes the following:

19 (1) That part of airport land used for the taking off or landing of
 20 aircraft, taxiways, runway and taxiway lighting, access roads, auto
 21 and aircraft parking areas, and all buildings providing basic
 22 facilities for the traveling public.

23 (2) Real property owned by the airport owner and used for airport
 24 operation and maintenance purposes, which includes the
 25 following property:

26 (A) Leased property that:

27 (i) is used for agricultural purposes; and

28 (ii) is located within the area that federal law and regulations
 29 of the Federal Aviation Administration restrict to activities
 30 and purposes compatible with normal airport operations.

31 (B) Runway protection zones.

32 (C) Avigation easements.

33 (D) Safety and transition areas, as specified in IC 8-21-10
 34 concerning the regulation of tall structures and 14 CFR Part 77
 35 concerning the safe, efficient use and preservation of the
 36 navigable airspace.

37 (E) Land purchased using funds that include grant money
 38 provided by the Federal Aviation Administration or the
 39 Indiana department of transportation.

40 (3) Real property used in providing for the shelter, storage, or care
 41 of aircraft, including hangars.

42 (4) Housing for weather and signaling equipment, navigational



1 aids, radios, or other electronic equipment.

2 The term does not include land areas used solely for purposes unrelated
3 to aviation.

4 SECTION 82. IC 6-1.1-10-16.5, AS AMENDED BY P.L.119-2012,
5 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 APRIL 1, 2022]: Sec. 16.5. (a) This section applies to real property
7 located in either of the following:

8 (1) ~~A county having a population of more than twenty thousand~~
9 ~~(20,000) but less than twenty thousand five hundred (20,500).~~
10 **Carroll County.**

11 (2) ~~A county having a population of more than twenty-four~~
12 ~~thousand five hundred (24,500) but less than twenty-five~~
13 ~~thousand (25,000).~~ **White County.**

14 (b) A tract of real property owned by a nonprofit public benefit
15 corporation (as defined in IC 23-17-2-23) is exempt from property
16 taxation if all of the following apply:

17 (1) The tract is located:

18 (A) under a lake or reservoir; or

19 (B) adjacent to a lake or reservoir.

20 (2) The lake or reservoir under which or adjacent to which the
21 tract is located was formed by a dam or control structure owned
22 and operated by a public utility for the generation of hydroelectric
23 power.

24 (3) The public benefit corporation that owns the tract is exempt
25 from federal income taxation under Section 501(c)(3) of the
26 Internal Revenue Code and has maintained its tax exempt status
27 for the previous three (3) years.

28 (4) The public benefit corporation that owns the tract is primarily
29 engaged in active efforts to protect and enhance the environment
30 and water quality of the lake or reservoir under which or adjacent
31 to which the tract is located in order to facilitate the public
32 recreational use of the lake or reservoir.

33 (c) A tract of real property owned by a nonprofit public benefit
34 corporation described in subsection (b) is exempt from property
35 taxation if the tract is used by the public benefit corporation in the
36 public benefit corporation's efforts to enhance the environment and
37 water quality of a lake or reservoir described in subsection (b).

38 SECTION 83. IC 6-1.1-10-44, AS AMENDED BY P.L.256-2019,
39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 APRIL 1, 2022]: Sec. 44. (a) As used in this section, "designating
41 body" means the fiscal body of:

42 (1) a county ~~that does not contain a consolidated city; other than~~



- 1 **Marion County;** or
 2 (2) a municipality.
- 3 (b) As used in this section, "eligible business" means an entity that
 4 meets the following requirements:
- 5 (1) The entity is engaged in a business that:
- 6 (A) operates; or
 7 (B) leases qualified property for use in;
 8 one (1) or more facilities or data centers dedicated to computing,
 9 networking, or data storage activities.
- 10 (2) The entity's qualified property is located at a facility or data
 11 center in Indiana.
- 12 (3) The entity, the lessor of qualified property (if the entity is a
 13 lessee), and all lessees of qualified property invest in the
 14 aggregate at least twenty-five million dollars (\$25,000,000) in
 15 real and personal property at the facility or data center after June
 16 30, 2012.
- 17 (4) The average wage of employees who are located in the county
 18 or municipality and engaged in the operation of the facility or data
 19 center is at least one hundred twenty-five percent (125%) of the
 20 county average wage for the county in which the facility or data
 21 center operates.
- 22 (c) As used in this section, "enterprise information technology
 23 equipment" means the following:
- 24 (1) Hardware supporting computing, networking, or data storage
 25 functions, including servers and routers.
- 26 (2) Networking systems having an industry designation as
 27 equipment within the "enterprise" or "data center" class of
 28 networking systems that support the computing, networking, or
 29 data storage functions.
- 30 (3) Generators and other equipment used to ensure an
 31 uninterrupted power supply to equipment described in subdivision
 32 (1) or (2).
- 33 The term does not include computer hardware designed for single user,
 34 workstation, or departmental level use.
- 35 (d) As used in this section, "fiscal body" has the meaning set forth
 36 in IC 36-1-2-6.
- 37 (e) As used in this section, "municipality" has the meaning set forth
 38 in IC 36-1-2-11.
- 39 (f) As used in this section, "qualified property" means enterprise
 40 information technology equipment purchased after June 30, 2012, and
 41 any additions to or replacements to such property.
- 42 (g) A designating body may enter into an agreement with an eligible



1 business to grant the eligible business a property tax exemption. In the
 2 case of a county, the exemption applies only to qualified property that
 3 is located in unincorporated territory of the county. In the case of a
 4 municipality, the exemption applies only to qualified property that is
 5 located in the municipality. The property tax exemption applies to the
 6 qualified property only if the designating body and the eligible business
 7 enter into an agreement concerning the property tax exemption. The
 8 agreement must specify the duration of the property tax exemption. The
 9 agreement may specify that if the ownership of qualified property is
 10 transferred by an eligible business, the transferee is entitled to the
 11 property tax exemption on the same terms as the transferor. If a
 12 designating body enters into an agreement with an eligible business,
 13 the qualified property owned by the eligible business is exempt from
 14 property taxation as provided in the resolution and the agreement.

15 (h) If a designating body enters into an agreement under subsection
 16 (g) to provide a property tax exemption, the property tax exemption
 17 continues for the period specified in the agreement.

18 SECTION 84. IC 6-1.1-12-40 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 40. (a) This section
 20 applies only to real property that is located in an enterprise zone
 21 established in a ~~county containing a consolidated city~~ **Marion County**.

22 (b) The owner of real property described in subsection (a) is entitled
 23 to a deduction under this section if:

- 24 (1) an obsolescence depreciation adjustment for either functional
 25 obsolescence or economic obsolescence was allowed for the
 26 property for property taxes assessed in the year preceding the year
 27 in which the owner purchased the property;
- 28 (2) the property owner submits an application requesting the
 29 deduction to the fiscal body of the county in which the property
 30 is located; and
- 31 (3) the fiscal body of the county approves the deduction.

32 (c) If a county fiscal body approves a deduction under this section,
 33 it must notify the county auditor of the approval of the deduction.

34 (d) A deduction may be claimed under this section for not more than
 35 four (4) years. The amount of the deduction under this section equals:

- 36 (1) the amount of the obsolescence depreciation adjustment for
 37 either functional obsolescence or economic obsolescence that was
 38 allowed for the property for property taxes assessed in the year
 39 preceding the year in which the owner purchased the property;
 40 multiplied by
- 41 (2) the following percentages:

- 42 (A) One hundred percent (100%), for property taxes assessed



- 1 in the year in which the owner purchased the property.
- 2 (B) Seventy-five percent (75%), for property taxes assessed in
- 3 the year after the year in which the owner purchased the
- 4 property.
- 5 (C) Fifty percent (50%), for property taxes assessed in the
- 6 second year after the year in which the owner purchased the
- 7 property.
- 8 (D) Twenty-five percent (25%), for property taxes assessed in
- 9 the third year after the year in which the owner purchased the
- 10 property.
- 11 SECTION 85. IC 6-1.1-12.1-1, AS AMENDED BY P.L.288-2013,
- 12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 APRIL 1, 2022]: Sec. 1. For purposes of this chapter:
- 14 (1) "Economic revitalization area" means an area which is within
- 15 the corporate limits of a city, town, or county which has become
- 16 undesirable for, or impossible of, normal development and
- 17 occupancy because of a lack of development, cessation of growth,
- 18 deterioration of improvements or character of occupancy, age,
- 19 obsolescence, substandard buildings, or other factors which have
- 20 impaired values or prevent a normal development of property or
- 21 use of property. The term "economic revitalization area" also
- 22 includes:
- 23 (A) any area where a facility or a group of facilities that are
- 24 technologically, economically, or energy obsolete are located
- 25 and where the obsolescence may lead to a decline in
- 26 employment and tax revenues; and
- 27 (B) a residentially distressed area, except as otherwise
- 28 provided in this chapter.
- 29 (2) "City" means any city in ~~this state~~, **Indiana**, and "town" means
- 30 any town incorporated under IC 36-5-1.
- 31 (3) "New manufacturing equipment" means tangible personal
- 32 property that a deduction applicant:
- 33 (A) installs on or before the approval deadline determined
- 34 under section 9 of this chapter, in an area that is declared an
- 35 economic revitalization area in which a deduction for tangible
- 36 personal property is allowed;
- 37 (B) uses in the direct production, manufacture, fabrication,
- 38 assembly, extraction, mining, processing, refining, or finishing
- 39 of other tangible personal property, including but not limited
- 40 to use to dispose of solid waste or hazardous waste by
- 41 converting the solid waste or hazardous waste into energy or
- 42 other useful products;



- 1 (C) acquires for use as described in clause (B):
 2 (i) in an arms length transaction from an entity that is not an
 3 affiliate of the deduction applicant, if the tangible personal
 4 property has been previously used in Indiana before the
 5 installation described in clause (A); or
 6 (ii) in any manner, if the tangible personal property has
 7 never been previously used in Indiana before the installation
 8 described in clause (A); and
 9 (D) has never used for any purpose in Indiana before the
 10 installation described in clause (A).
 11 (4) "Property" means a building or structure, but does not include
 12 land.
 13 (5) "Redevelopment" means the construction of new structures,
 14 in economic revitalization areas, either:
 15 (A) on unimproved real estate; or
 16 (B) on real estate upon which a prior existing structure is
 17 demolished to allow for a new construction.
 18 (6) "Rehabilitation" means the remodeling, repair, or betterment
 19 of property in any manner or any enlargement or extension of
 20 property.
 21 (7) "Designating body" means the following:
 22 (A) For a county ~~that does not contain a consolidated city,~~
 23 **other than Marion County**, the fiscal body of the county,
 24 city, or town.
 25 (B) For a ~~county containing a consolidated city,~~ **Marion**
 26 **County**, the metropolitan development commission.
 27 (8) "Deduction application" means:
 28 (A) the application filed in accordance with section 5 of this
 29 chapter by a property owner who desires to obtain the
 30 deduction provided by section 3 of this chapter;
 31 (B) the application filed in accordance with section 5.4 of this
 32 chapter by a person who desires to obtain the deduction
 33 provided by section 4.5 of this chapter; or
 34 (C) the application filed in accordance with section 5.3 of this
 35 chapter by a property owner that desires to obtain the
 36 deduction provided by section 4.8 of this chapter.
 37 (9) "Designation application" means an application that is filed
 38 with a designating body to assist that body in making a
 39 determination about whether a particular area should be
 40 designated as an economic revitalization area.
 41 (10) "Hazardous waste" has the meaning set forth in
 42 IC 13-11-2-99(a). The term includes waste determined to be a



- 1 hazardous waste under IC 13-22-2-3(b).
 2 (11) "Solid waste" has the meaning set forth in IC 13-11-2-205(a).
 3 However, the term does not include dead animals or any animal
 4 solid or semisolid wastes.
 5 (12) "New research and development equipment" means tangible
 6 personal property that:
 7 (A) a deduction applicant installs on or before the approval
 8 deadline determined under section 9 of this chapter, in an
 9 economic revitalization area in which a deduction for tangible
 10 personal property is allowed;
 11 (B) consists of:
 12 (i) laboratory equipment;
 13 (ii) research and development equipment;
 14 (iii) computers and computer software;
 15 (iv) telecommunications equipment; or
 16 (v) testing equipment;
 17 (C) the deduction applicant uses in research and development
 18 activities devoted directly and exclusively to experimental or
 19 laboratory research and development for new products, new
 20 uses of existing products, or improving or testing existing
 21 products;
 22 (D) the deduction applicant acquires for purposes described in
 23 this subdivision:
 24 (i) in an arms length transaction from an entity that is not an
 25 affiliate of the deduction applicant, if the tangible personal
 26 property has been previously used in Indiana before the
 27 installation described in clause (A); or
 28 (ii) in any manner, if the tangible personal property has
 29 never been previously used in Indiana before the installation
 30 described in clause (A); and
 31 (E) the deduction applicant has never used for any purpose in
 32 Indiana before the installation described in clause (A).
 33 The term does not include equipment installed in facilities used
 34 for or in connection with efficiency surveys, management studies,
 35 consumer surveys, economic surveys, advertising or promotion,
 36 or research in connection with literacy, history, or similar
 37 projects.
 38 (13) "New logistical distribution equipment" means tangible
 39 personal property that:
 40 (A) a deduction applicant installs on or before the approval
 41 deadline determined under section 9 of this chapter, in an
 42 economic revitalization area in which a deduction for tangible



- 1 personal property is allowed;
 2 (B) consists of:
 3 (i) racking equipment;
 4 (ii) scanning or coding equipment;
 5 (iii) separators;
 6 (iv) conveyors;
 7 (v) fork lifts or lifting equipment (including "walk
 8 behinds");
 9 (vi) transitional moving equipment;
 10 (vii) packaging equipment;
 11 (viii) sorting and picking equipment; or
 12 (ix) software for technology used in logistical distribution;
 13 (C) the deduction applicant acquires for the storage or
 14 distribution of goods, services, or information:
 15 (i) in an arms length transaction from an entity that is not an
 16 affiliate of the deduction applicant, if the tangible personal
 17 property has been previously used in Indiana before the
 18 installation described in clause (A); and
 19 (ii) in any manner, if the tangible personal property has
 20 never been previously used in Indiana before the installation
 21 described in clause (A); and
 22 (D) the deduction applicant has never used for any purpose in
 23 Indiana before the installation described in clause (A).
 24 (14) "New information technology equipment" means tangible
 25 personal property that:
 26 (A) a deduction applicant installs on or before the approval
 27 deadline determined under section 9 of this chapter, in an
 28 economic revitalization area in which a deduction for tangible
 29 personal property is allowed;
 30 (B) consists of equipment, including software, used in the
 31 fields of:
 32 (i) information processing;
 33 (ii) office automation;
 34 (iii) telecommunication facilities and networks;
 35 (iv) informatics;
 36 (v) network administration;
 37 (vi) software development; and
 38 (vii) fiber optics;
 39 (C) the deduction applicant acquires in an arms length
 40 transaction from an entity that is not an affiliate of the
 41 deduction applicant; and
 42 (D) the deduction applicant never used for any purpose in



- 1 Indiana before the installation described in clause (A).
 2 (15) "Deduction applicant" means an owner of tangible personal
 3 property who makes a deduction application.
 4 (16) "Affiliate" means an entity that effectively controls or is
 5 controlled by a deduction applicant or is associated with a
 6 deduction applicant under common ownership or control, whether
 7 by shareholdings or other means.
 8 (17) "Eligible vacant building" means a building that:
 9 (A) is zoned for commercial or industrial purposes; and
 10 (B) is unoccupied for at least one (1) year before the owner of
 11 the building or a tenant of the owner occupies the building, as
 12 evidenced by a valid certificate of occupancy, paid utility
 13 receipts, executed lease agreements, or any other evidence of
 14 occupation that the department of local government finance
 15 requires.
- 16 SECTION 86. IC 6-1.1-12.1-2, AS AMENDED BY P.L.288-2013,
 17 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 APRIL 1, 2022]: Sec. 2. (a) A designating body may find that a
 19 particular area within its jurisdiction is an economic revitalization area.
 20 However, the deduction provided by this chapter for economic
 21 revitalization areas not within a city or town shall not be available to
 22 retail businesses.
- 23 (b) In a ~~county containing a consolidated city~~ **Marion County** or
 24 within a city or town, a designating body may find that a particular area
 25 within its jurisdiction is a residentially distressed area. Designation of
 26 an area as a residentially distressed area has the same effect as
 27 designating an area as an economic revitalization area, except that the
 28 amount of the deduction shall be calculated as specified in section 4.1
 29 of this chapter and the deduction is allowed for not more than the
 30 number of years specified by the designating body under section 17 of
 31 this chapter. In order to declare a particular area a residentially
 32 distressed area, the designating body must follow the same procedure
 33 that is required to designate an area as an economic revitalization area
 34 and must make all the following additional findings or all the additional
 35 findings described in subsection (c):
- 36 (1) The area is comprised of parcels that are either unimproved or
 37 contain only one (1) or two (2) family dwellings or multifamily
 38 dwellings designed for up to four (4) families, including accessory
 39 buildings for those dwellings.
 40 (2) Any dwellings in the area are not permanently occupied and
 41 are:
 42 (A) the subject of an order issued under IC 36-7-9; or



- 1 (B) evidencing significant building deficiencies.
- 2 (3) Parcels of property in the area:
- 3 (A) have been sold and not redeemed under IC 6-1.1-24 and
- 4 IC 6-1.1-25; or
- 5 (B) are owned by a unit of local government.
- 6 However, in a city in a county having a population of more than two
- 7 hundred fifty thousand (250,000) but less than two hundred seventy
- 8 thousand (270,000); **St. Joseph County**, the designating body is only
- 9 required to make one (1) of the additional findings described in this
- 10 subsection or one (1) of the additional findings described in subsection
- 11 (c).
- 12 (c) In a county containing a consolidated city **Marion County** or
- 13 within a city or town, a designating body that wishes to designate a
- 14 particular area a residentially distressed area may make the following
- 15 additional findings as an alternative to the additional findings described
- 16 in subsection (b):
- 17 (1) A significant number of dwelling units within the area are not
- 18 permanently occupied or a significant number of parcels in the
- 19 area are vacant land.
- 20 (2) A significant number of dwelling units within the area are:
- 21 (A) the subject of an order issued under IC 36-7-9; or
- 22 (B) evidencing significant building deficiencies.
- 23 (3) The area has experienced a net loss in the number of dwelling
- 24 units, as documented by census information, local building and
- 25 demolition permits, or certificates of occupancy, or the area is
- 26 owned by Indiana or the United States.
- 27 (4) The area (plus any areas previously designated under this
- 28 subsection) will not exceed ten percent (10%) of the total area
- 29 within the designating body's jurisdiction.
- 30 However, in a city in a county having a population of more than two
- 31 hundred fifty thousand (250,000) but less than two hundred seventy
- 32 thousand (270,000); **St. Joseph County**, the designating body is only
- 33 required to make one (1) of the additional findings described in this
- 34 subsection as an alternative to one (1) of the additional findings
- 35 described in subsection (b).
- 36 (d) A designating body is required to attach the following conditions
- 37 to the grant of a residentially distressed area designation:
- 38 (1) The deduction will not be allowed unless the dwelling is
- 39 rehabilitated to meet local code standards for habitability.
- 40 (2) If a designation application is filed, the designating body may
- 41 require that the redevelopment or rehabilitation be completed
- 42 within a reasonable period of time.



1 (e) To make a designation described in subsection (a) or (b), the
 2 designating body shall use procedures prescribed in section 2.5 of this
 3 chapter.

4 (f) The property tax deductions provided by section 3, 4.5, or 4.8 of
 5 this chapter are only available within an area which the designating
 6 body finds to be an economic revitalization area.

7 (g) The designating body may adopt a resolution establishing
 8 general standards to be used, along with the requirements set forth in
 9 the definition of economic revitalization area, by the designating body
 10 in finding an area to be an economic revitalization area. The standards
 11 must have a reasonable relationship to the development objectives of
 12 the area in which the designating body has jurisdiction. The following
 13 four (4) sets of standards may be established:

14 (1) One (1) relative to the deduction under section 3 of this
 15 chapter for economic revitalization areas that are not residentially
 16 distressed areas.

17 (2) One (1) relative to the deduction under section 3 of this
 18 chapter for residentially distressed areas.

19 (3) One (1) relative to the deduction allowed under section 4.5 of
 20 this chapter.

21 (4) One (1) relative to the deduction allowed under section 4.8 of
 22 this chapter.

23 (h) A designating body may impose a fee for filing a designation
 24 application for a person requesting the designation of a particular area
 25 as an economic revitalization area. The fee may be sufficient to defray
 26 actual processing and administrative costs. However, the fee charged
 27 for filing a designation application for a parcel that contains one (1) or
 28 more owner-occupied, single-family dwellings may not exceed the cost
 29 of publishing the required notice.

30 (i) In declaring an area an economic revitalization area, the
 31 designating body may:

32 (1) limit the time period to a certain number of calendar years
 33 during which the economic revitalization area shall be so
 34 designated;

35 (2) limit the type of deductions that will be allowed within the
 36 economic revitalization area to the deduction allowed under
 37 section 3 of this chapter, the deduction allowed under section 4.5
 38 of this chapter, the deduction allowed under section 4.8 of this
 39 chapter, or any combination of these deductions;

40 (3) limit the dollar amount of the deduction that will be allowed
 41 with respect to new manufacturing equipment, new research and
 42 development equipment, new logistical distribution equipment,



- 1 and new information technology equipment;
 2 (4) limit the dollar amount of the deduction that will be allowed
 3 with respect to redevelopment and rehabilitation occurring in
 4 areas that are designated as economic revitalization areas;
 5 (5) limit the dollar amount of the deduction that will be allowed
 6 under section 4.8 of this chapter with respect to the occupation of
 7 an eligible vacant building; or
 8 (6) impose reasonable conditions related to the purpose of this
 9 chapter or to the general standards adopted under subsection (g)
 10 for allowing the deduction for the redevelopment or rehabilitation
 11 of the property or the installation of the new manufacturing
 12 equipment, new research and development equipment, new
 13 logistical distribution equipment, or new information technology
 14 equipment.

15 To exercise one (1) or more of these powers, a designating body must
 16 include this fact in the resolution passed under section 2.5 of this
 17 chapter.

18 (j) Notwithstanding any other provision of this chapter, if a
 19 designating body limits the time period during which an area is an
 20 economic revitalization area, that limitation does not:

- 21 (1) prevent a taxpayer from obtaining a deduction for new
 22 manufacturing equipment, new research and development
 23 equipment, new logistical distribution equipment, or new
 24 information technology equipment installed on or before the
 25 approval deadline determined under section 9 of this chapter, but
 26 after the expiration of the economic revitalization area if the new
 27 manufacturing equipment, new research and development
 28 equipment, new logistical distribution equipment, or new
 29 information technology equipment was described in a statement
 30 of benefits submitted to and approved by the designating body in
 31 accordance with section 4.5 of this chapter before the expiration
 32 of the economic revitalization area designation; or
 33 (2) limit the length of time a taxpayer is entitled to receive a
 34 deduction to a number of years that is less than the number of
 35 years designated under section 17 of this chapter.

36 (k) In addition to the other requirements of this chapter, if property
 37 located in an economic revitalization area is also located in an
 38 allocation area (as defined in IC 36-7-14-39 or IC 36-7-15.1-26), a
 39 taxpayer's statement of benefits concerning that property may not be
 40 approved under this chapter unless a resolution approving the
 41 statement of benefits is adopted by the legislative body of the unit that
 42 approved the designation of the allocation area.



1 SECTION 87. IC 6-1.1-12.1-3, AS AMENDED BY P.L.288-2013,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 APRIL 1, 2022]: Sec. 3. (a) An applicant must provide a statement of
4 benefits to the designating body. If the designating body requires
5 information from the applicant for economic revitalization area status
6 for use in making its decision about whether to designate an economic
7 revitalization area, the applicant shall provide the completed statement
8 of benefits form to the designating body before the hearing required by
9 section 2.5(c) of this chapter. Otherwise, the statement of benefits form
10 must be submitted to the designating body before the initiation of the
11 redevelopment or rehabilitation for which the person desires to claim
12 a deduction under this chapter. The department of local government
13 finance shall prescribe a form for the statement of benefits. The
14 statement of benefits must include the following information:

- 15 (1) A description of the proposed redevelopment or rehabilitation.
- 16 (2) An estimate of the number of individuals who will be
17 employed or whose employment will be retained by the person as
18 a result of the redevelopment or rehabilitation and an estimate of
19 the annual salaries of these individuals.
- 20 (3) An estimate of the value of the redevelopment or
21 rehabilitation.

22 With the approval of the designating body, the statement of benefits
23 may be incorporated in a designation application. Notwithstanding any
24 other law, a statement of benefits is a public record that may be
25 inspected and copied under IC 5-14-3-3.

26 (b) The designating body must review the statement of benefits
27 required under subsection (a). The designating body shall determine
28 whether an area should be designated an economic revitalization area
29 or whether a deduction should be allowed, based on (and after it has
30 made) the following findings:

- 31 (1) Whether the estimate of the value of the redevelopment or
32 rehabilitation is reasonable for projects of that nature.
- 33 (2) Whether the estimate of the number of individuals who will be
34 employed or whose employment will be retained can be
35 reasonably expected to result from the proposed described
36 redevelopment or rehabilitation.
- 37 (3) Whether the estimate of the annual salaries of those
38 individuals who will be employed or whose employment will be
39 retained can be reasonably expected to result from the proposed
40 described redevelopment or rehabilitation.
- 41 (4) Whether any other benefits about which information was
42 requested are benefits that can be reasonably expected to result



- 1 from the proposed described redevelopment or rehabilitation.
 2 (5) Whether the totality of benefits is sufficient to justify the
 3 deduction.
 4 A designating body may not designate an area an economic
 5 revitalization area or approve a deduction unless the findings required
 6 by this subsection are made in the affirmative.
 7 (c) Except as provided in subsections (a) through (b), the owner of
 8 property which is located in an economic revitalization area is entitled
 9 to a deduction from the assessed value of the property. For all
 10 economic revitalization areas, the period is the number of years
 11 determined under section 17 of this chapter. The owner is entitled to a
 12 deduction if:
 13 (1) the property has been rehabilitated; or
 14 (2) the property is located on real estate which has been
 15 redeveloped.
 16 The owner is entitled to the deduction for the first year, and any
 17 successive year or years, in which an increase in assessed value
 18 resulting from the rehabilitation or redevelopment occurs and for the
 19 following years determined under section 17 of this chapter.
 20 (d) The designating body's determination must be made:
 21 (1) as part of the resolution adopted under section 2.5 of this
 22 chapter; or
 23 (2) by resolution adopted within sixty (60) days after receiving a
 24 copy of a property owner's certified deduction application from
 25 the county auditor. A certified copy of the resolution must be sent
 26 to the county auditor, who shall make the deduction as provided
 27 in section 5 of this chapter.
 28 A determination about the number of years the deduction is allowed
 29 that is made under subdivision (1) is final and may not be changed by
 30 following the procedure under subdivision (2).
 31 (e) Except for deductions related to redevelopment or rehabilitation
 32 of real property in a ~~county containing a consolidated city~~, **Marion**
 33 **County**, a deduction for the redevelopment or rehabilitation of real
 34 property may not be approved for the following facilities:
 35 (1) Private or commercial golf course.
 36 (2) Country club.
 37 (3) Massage parlor.
 38 (4) Tennis club.
 39 (5) Skating facility (including roller skating, skateboarding, or ice
 40 skating).
 41 (6) Racquet sport facility (including any handball or racquetball
 42 court).



- 1 (7) Hot tub facility.
 2 (8) Suntan facility.
 3 (9) Racetrack.
 4 (10) Any facility the primary purpose of which is:
 5 (A) retail food and beverage service;
 6 (B) automobile sales or service; or
 7 (C) other retail;
 8 unless the facility is located in an economic development target
 9 area established under section 7 of this chapter.
 10 (11) Residential, unless:
 11 (A) the facility is a multifamily facility that contains at least
 12 twenty percent (20%) of the units available for use by low and
 13 moderate income individuals;
 14 (B) the facility is located in an economic development target
 15 area established under section 7 of this chapter; or
 16 (C) the area is designated as a residentially distressed area.
 17 (12) A package liquor store that holds a liquor dealer's permit
 18 under IC 7.1-3-10 or any other entity that is required to operate
 19 under a license issued under IC 7.1.
 20 SECTION 88. IC 6-1.1-12.1-4.7, AS AMENDED BY P.L.288-2013,
 21 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 APRIL 1, 2022]: Sec. 4.7. (a) Section 4.5(d) of this chapter does not
 23 apply to new manufacturing equipment located in a ~~township having~~
 24 ~~a population of more than four thousand (4,000) but less than seven~~
 25 ~~thousand (7,000) located in a county having a population of more than~~
 26 ~~forty-two thousand (42,000) but less than forty-two thousand three~~
 27 ~~hundred (42,300) **Wilmington Township in DeKalb County**~~ if the
 28 total original cost of all new manufacturing equipment placed into
 29 service by the owner during the preceding sixty (60) months exceeds
 30 fifty million dollars (\$50,000,000), and if the economic revitalization
 31 area in which the new manufacturing equipment was installed was
 32 approved by the designating body before September 1, 1994.
 33 (b) Section 4.5(d) of this chapter does not apply to new
 34 manufacturing equipment located in a ~~county having a population of~~
 35 ~~more than thirty-three thousand five hundred (33,500) but less than~~
 36 ~~thirty-four thousand (34,000) **Gibson County**~~ if:
 37 (1) the total original cost of all new manufacturing equipment
 38 placed into service in the county by the owner exceeds five
 39 hundred million dollars (\$500,000,000); and
 40 (2) the economic revitalization area in which the new
 41 manufacturing equipment was installed was approved by the
 42 designating body before January 1, 2001.



1 (c) A deduction under section 4.5(c) of this chapter is not allowed
 2 with respect to new manufacturing equipment described in subsection
 3 (b) in the first year the deduction is claimed or in subsequent years as
 4 permitted by section 4.5(c) of this chapter to the extent the deduction
 5 would cause the assessed value of all real property and personal
 6 property of the owner in the taxing district to be less than the
 7 incremental net assessed value for that year.

8 (d) The following apply for purposes of subsection (c):

9 (1) A deduction under section 4.5(c) of this chapter shall be
 10 disallowed only with respect to new manufacturing equipment
 11 installed after March 1, 2000.

12 (2) "Incremental net assessed value" means the sum of:

13 (A) the net assessed value of real property and depreciable
 14 personal property from which property tax revenues are
 15 required to be held in trust and pledged for the benefit of the
 16 owners of bonds issued by the redevelopment commission of
 17 a county described in subsection (b) under resolutions adopted
 18 November 16, 1998, and July 13, 2000 (as amended
 19 November 27, 2000); plus

20 (B) fifty-four million four hundred eighty-one thousand seven
 21 hundred seventy dollars (\$54,481,770).

22 (3) The assessed value of real property and personal property of
 23 the owner shall be determined after the deductions provided by
 24 sections 3 and 4.5 of this chapter.

25 (4) The personal property of the owner shall include inventory.

26 (5) The amount of deductions provided by section 4.5 of this
 27 chapter with respect to new manufacturing equipment that was
 28 installed on or before March 1, 2000, shall be increased from
 29 thirty-three and one-third percent (33 1/3%) of true tax value to
 30 one hundred percent (100%) of true tax value for assessment
 31 dates after February 28, 2001.

32 (e) A deduction not fully allowed under subsection (c) in the first
 33 year the deduction is claimed or in a subsequent year permitted by
 34 section 4.5 of this chapter shall be carried over and allowed as a
 35 deduction in succeeding years. A deduction that is carried over to a
 36 year but is not allowed in that year under this subsection shall be
 37 carried over and allowed as a deduction in succeeding years. The
 38 following apply for purposes of this subsection:

39 (1) A deduction that is carried over to a succeeding year is not
 40 allowed in that year to the extent that the deduction, together
 41 with:

42 (A) deductions otherwise allowed under section 3 of this



- 1 chapter;
 2 (B) deductions otherwise allowed under section 4.5 of this
 3 chapter; and
 4 (C) other deductions carried over to the year under this
 5 subsection;
 6 would cause the assessed value of all real property and personal
 7 property of the owner in the taxing district to be less than the
 8 incremental net assessed value for that year.
 9 (2) Each time a deduction is carried over to a succeeding year, the
 10 deduction shall be reduced by the amount of the deduction that
 11 was allowed in the immediately preceding year.
 12 (3) A deduction may not be carried over to a succeeding year
 13 under this subsection if such year is after the period specified in
 14 section 4.5(c) of this chapter or the period specified in a
 15 resolution adopted by the designating body under section 4.5(e)
 16 of this chapter.

17 SECTION 89. IC 6-1.1-12.1-10, AS AMENDED BY P.L.119-2012,
 18 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 APRIL 1, 2022]: Sec. 10. (a) This section applies to a ~~town having a~~
 20 ~~population of more than two thousand five hundred (2,500) located in~~
 21 ~~a county having a population of more than twenty-seven thousand~~
 22 ~~(27,000) but less than twenty-eight thousand (28,000):~~ **the town of**
 23 **Ossian.**

24 (b) Notwithstanding sections 3 and 4.5 of this chapter, the
 25 submission of a statement of benefits to a designating body subsequent
 26 to the installation of new manufacturing equipment and the initiation
 27 of the rehabilitation or redevelopment of real estate and the designating
 28 body's retroactive approval of that statement of benefits are legalized
 29 and validated for 1993 and subsequent assessment years, subject to the
 30 limitations set forth in section 5(e) of this chapter.

31 SECTION 90. IC 6-1.1-12.9-4, AS ADDED BY P.L.220-2011,
 32 SECTION 122, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE APRIL 1, 2022]: Sec. 4. (a) This section applies to ~~a~~ **the**
 34 consolidated city.

35 (b) The definitions in IC 6-1.1-12.1-1 (as in effect before December
 36 31, 1992) apply throughout this section.

37 (c) Notwithstanding any other law, a designating body's actions
 38 taken after February 1, 1991, and before January 1, 1993, in
 39 designating an economic revitalization area are legalized and validated.

40 (d) The installation of new manufacturing equipment after February
 41 1, 1991, is eligible for the deduction provided under IC 6-1.1-12.1 (as
 42 in effect before December 31, 1992) for property taxes first due and



1 payable after December 31, 1992, as granted by resolution adopted by
2 the designating body for the economic revitalization area.

3 SECTION 91. IC 6-1.1-17-5, AS AMENDED BY P.L.159-2020,
4 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 APRIL 1, 2022]: Sec. 5. (a) The officers of political subdivisions shall
6 meet each year to fix the budget, tax rate, and tax levy of their
7 respective subdivisions for the ensuing budget year as follows:

8 (1) The board of school trustees of a school corporation that is
9 located in a city having a population of more than one hundred
10 thousand (~~100,000~~) but less than one hundred ten thousand
11 (~~110,000~~); **the city of South Bend**, not later than:

12 (A) the time required in section 5.6(b) of this chapter; or

13 (B) November 1 if a resolution adopted under section 5.6(d) of
14 this chapter is in effect.

15 (2) Except as provided in section 5.2 of this chapter, the proper
16 officers of all other political subdivisions that are not school
17 corporations, not later than November 1.

18 (3) The governing body of a school corporation (other than a
19 school corporation described in subdivision (1)) that elects to
20 adopt a budget under section 5.6 of this chapter for budget years
21 beginning after June 30, 2011, not later than the time required
22 under section 5.6(b) of this chapter for budget years beginning
23 after June 30, 2011.

24 (4) The governing body of a school corporation that is not
25 described in subdivision (1) or (3), not later than November 1.

26 Except in a **the** consolidated city and **county Marion County** and in a
27 second class city, the public hearing required by section 3 of this
28 chapter must be completed at least ten (10) days before the proper
29 officers of the political subdivision meet to fix the budget, tax rate, and
30 tax levy. In a **the** consolidated city and **county Marion County** and in
31 a second class city, that public hearing, by any committee or by the
32 entire fiscal body, may be held at any time after introduction of the
33 budget.

34 (b) Ten (10) or more taxpayers may object to a budget, tax rate, or
35 tax levy of a political subdivision fixed under subsection (a) by filing
36 an objection petition with the proper officers of the political
37 subdivision not more than seven (7) days after the hearing. The
38 objection petition must specifically identify the provisions of the
39 budget, tax rate, and tax levy to which the taxpayers object.

40 (c) If a petition is filed under subsection (b), the fiscal body of the
41 political subdivision shall adopt with its budget a finding concerning
42 the objections in the petition and any testimony presented at the



1 adoption hearing.

2 (d) A political subdivision shall file the budget adopted by the
3 political subdivision with the department of local government finance
4 not later than five (5) business days after the budget is adopted under
5 subsection (a). The filing with the department of local government
6 finance must be in a manner prescribed by the department.

7 (e) In ~~a~~ **the** consolidated city and ~~county~~ **Marion County** and in a
8 second class city, the clerk of the fiscal body shall, notwithstanding
9 subsection (d), file the adopted budget and tax ordinances with the
10 department of local government finance within five (5) business days
11 after the ordinances are signed by the executive, or within five (5)
12 business days after action is taken by the fiscal body to override a veto
13 of the ordinances, whichever is later.

14 (f) If a fiscal body does not fix the budget, tax rate, and tax levy of
15 the political subdivisions for the ensuing budget year as required under
16 this section, the most recent annual appropriations and annual tax levy
17 are continued for the ensuing budget year.

18 (g) When fixing a budget, tax rate, or tax levy under subsection (a),
19 the political subdivision shall indicate on its adopting document, in the
20 manner prescribed by the department, whether the political subdivision
21 intends to:

22 (1) issue debt after December 1 of the year preceding the budget
23 year; or

24 (2) file a shortfall appeal under IC 6-1.1-18.5-16.

25 SECTION 92. IC 6-1.1-17-21, AS ADDED BY P.L.227-2005,
26 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 APRIL 1, 2022]: Sec. 21. Notwithstanding any other law, in ~~a county~~
28 **having a consolidated city, Marion County**, the city controller of the
29 consolidated city has all the powers and shall perform all the duties
30 assigned to county auditors under this chapter related to the fixing and
31 reviewing of budgets, tax rates, and tax levies.

32 SECTION 93. IC 6-1.1-18.5-9.5, AS AMENDED BY P.L.119-2012,
33 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 APRIL 1, 2022]: Sec. 9.5. (a) This section applies to civil taxing units
35 located in ~~a county having a population of more than one hundred~~
36 ~~eleven thousand (11,000) but less than one hundred fifteen thousand~~
37 ~~(15,000):~~ **LaPorte County**.

38 (b) The ad valorem property tax levy limits imposed by section 3 of
39 this chapter do not apply to ad valorem property taxes imposed by a
40 civil taxing unit under IC 8-10-5-17. For purposes of computing the ad
41 valorem property tax levy limit imposed on a civil taxing unit under
42 section 3 of this chapter, the civil taxing unit's ad valorem property tax



1 levy for a particular calendar year does not include that part of the levy
2 imposed under IC 8-10-5-17.

3 SECTION 94. IC 6-1.1-21.2-12, AS AMENDED BY
4 P.L.182-2009(ss), SECTION 154, IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 12. (a) This section
6 applies if the tax increment replacement amount for an allocation area
7 in a district is greater than zero (0).

8 (b) A governing body may, after a public hearing, do the following:

9 (1) Impose a special assessment on the owners of property that is
10 located in an allocation area to raise an amount not to exceed the
11 tax increment replacement amount.

12 (2) Impose a tax on all taxable property in the district in which the
13 governing body exercises jurisdiction to raise an amount not to
14 exceed the tax increment replacement amount.

15 (3) Reduce the base assessed value of property in the allocation
16 area to an amount that is sufficient to increase the tax increment
17 revenues in the allocation area by an amount that does not exceed
18 the tax increment replacement amount.

19 (c) The governing body shall submit a proposed special assessment
20 or tax levy under this section to the legislative body of the unit that
21 established the district. The legislative body may:

22 (1) reduce the amount of the special assessment or tax to be levied
23 under this section;

24 (2) determine that no special assessment or property tax should be
25 levied under this section; or

26 (3) increase the special assessment or tax to the amount necessary
27 to fully fund the tax increment replacement amount.

28 (d) Before a public hearing under subsection (b) may be held, the
29 governing body must publish notice of the hearing under IC 5-3-1. The
30 notice must also be sent to the fiscal officer of each political
31 subdivision that is located in any part of the district. The notice must
32 state that the governing body will meet to consider whether a special
33 assessment or tax should be imposed under this chapter and whether
34 the special assessment or tax will help the governing body realize the
35 redevelopment or economic development objectives for the allocation
36 area or honor its obligations related to the allocation area. The notice
37 must also specify a date when the governing body will receive and hear
38 remonstrances and objections from persons affected by the special
39 assessment. All persons affected by the hearing, including all taxpayers
40 within the allocation area, shall be considered notified of the pendency
41 of the hearing and of subsequent acts, hearings, and orders of the
42 governing body by the notice. At the hearing, which may be adjourned



1 from time to time, the governing body shall hear all persons affected by
 2 the proceedings and shall consider all written remonstrances and
 3 objections that have been filed. The only grounds for remonstrance or
 4 objection are that the special assessment or tax will not help the
 5 governing body realize the redevelopment or economic development
 6 objectives for the allocation area or honor its obligations related to the
 7 allocation area. After considering the evidence presented, the
 8 governing body shall take final action concerning the proposed special
 9 assessment or tax. The final action taken by the governing body shall
 10 be recorded and is final and conclusive, except that an appeal may be
 11 taken in the manner prescribed by subsection (e).

12 (e) A person who filed a written remonstrance with a governing
 13 body under subsection (d) and is aggrieved by the final action taken
 14 may, within ten (10) days after that final action, file in the office of the
 15 clerk of the circuit or superior court a copy of the order of the
 16 governing body and the person's remonstrance or objection against that
 17 final action, together with a bond conditioned to pay the costs of appeal
 18 if the appeal is determined against the person. The only ground of
 19 remonstrance or objection that the court may hear is whether the
 20 proposed special assessment or tax will help achieve the redevelopment
 21 of economic development objectives for the allocation area or honor its
 22 obligations related to the allocation area. An appeal under this
 23 subsection shall be promptly heard by the court without a jury. All
 24 remonstrances or objections upon which an appeal has been taken must
 25 be consolidated, heard, and determined within thirty (30) days after the
 26 time of the filing of the appeal. The court shall hear evidence on the
 27 remonstrances or objections and may confirm the final action of the
 28 governing body or sustain the remonstrances or objections. The
 29 judgment of the court is final and conclusive, unless an appeal is taken
 30 as in other civil actions.

31 (f) This section applies to a governing body that:

- 32 (1) is the metropolitan development commission for ~~a county~~
 33 ~~having a consolidated city; Marion County;~~ and
- 34 (2) has established an allocation area and pledged tax increment
 35 revenues from the area to the payment of bonds, leases, or other
 36 obligations before May 8, 1989.

37 Notwithstanding subsections (a) through (e), the governing body may
 38 determine to fund that part of the tax increment replacement amount
 39 attributable to the repeal of IC 36-7-15.1-26.5, IC 36-7-15.1-26.7, and
 40 IC 36-7-15.1-26.9 from property taxes on personal property (as defined
 41 in IC 6-1.1-11). If the governing body makes such a determination,
 42 the property taxes on personal property in the amount determined under



1 this subsection shall be allocated to the redevelopment district, paid
 2 into the special fund for the allocation area, and used for the purposes
 3 specified in IC 36-7-15.1-26.

4 SECTION 95. IC 6-1.1-21.5-1, AS AMENDED BY P.L.119-2012,
 5 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 APRIL 1, 2022]: Sec. 1. As used in this chapter, "qualified taxing unit"
 7 means each of the following:

8 (1) ~~A city having a population of more than twenty-nine thousand~~
 9 ~~six hundred (29,600) but less than twenty-nine thousand nine~~
 10 ~~hundred (29,900).~~ **The city of East Chicago.**

11 (2) The sanitary district of a city described in subdivision (1): **the**
 12 **city of East Chicago.**

13 (3) The library district of a city described in subdivision (1): **the**
 14 **city of East Chicago.**

15 (4) The school corporation located in a city described in
 16 subdivision (1): **the city of East Chicago.**

17 SECTION 96. IC 6-1.1-21.8-2, AS AMENDED BY P.L.119-2012,
 18 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 APRIL 1, 2022]: Sec. 2. As used in this chapter, "qualified taxing unit"
 20 means a taxing unit located in a county having a population of more
 21 than one hundred fifty thousand (150,000) but less than one hundred
 22 seventy thousand (170,000). **Porter County.**

23 SECTION 97. IC 6-1.1-22-8.2 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 8.2. (a) This section
 25 applies to a county containing a consolidated city: **Marion County.**

26 (b) The legislative body of a county may adopt an ordinance:

27 (1) allowing a taxpayer to include a donation of money to the
 28 county with a payment under section 9 of this chapter;

29 (2) establishing a separate fund to receive donations under this
 30 section; and

31 (3) establishing a board of at least five (5) members to determine
 32 permissible expenditures by the county from the fund established
 33 under subdivision (2).

34 (c) If an ordinance is adopted under subsection (b), the **county**
 35 ~~treasurer of the adopting county~~ shall transfer donations received under
 36 this section to the fund established under subsection (b)(2). Money in
 37 the fund at the end of a fiscal year does not revert to the county's
 38 general fund.

39 SECTION 98. IC 6-1.1-23.5-2, AS ADDED BY P.L.235-2017,
 40 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 APRIL 1, 2022]: Sec. 2. The following definitions apply throughout
 42 this chapter:



- 1 (1) "County executive" means the following:
- 2 (A) In a county ~~not containing a consolidated city, other than~~
- 3 **Marion County**, the county executive or the county
- 4 executive's designee.
- 5 (B) In a ~~county containing a consolidated city;~~ **Marion**
- 6 **County**, the executive of the consolidated city.
- 7 (2) "Substantial property interest of record" means title to or an
- 8 interest in a mobile home possessed by a person as evidenced by
- 9 the certificate of title issued by the bureau of motor vehicles.
- 10 (3) "Tentative auction list" refers to a list prepared by a county
- 11 treasurer under section 4 of this chapter and amended from time
- 12 to time in the manner prescribed by this chapter.
- 13 SECTION 99. IC 6-1.1-23.9-1, AS ADDED BY P.L.99-2018,
- 14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 APRIL 1, 2022]: Sec. 1. "County executive" means the following:
- 16 (1) In a county ~~not containing a consolidated city, other than~~
- 17 **Marion County**, the county executive or the county executive's
- 18 designee.
- 19 (2) In a ~~county containing a consolidated city;~~ **Marion County**,
- 20 the executive of the consolidated city.
- 21 SECTION 100. IC 6-1.1-24-4.5, AS AMENDED BY P.L.203-2013,
- 22 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 APRIL 1, 2022]: Sec. 4.5. (a) The county auditor shall also provide
- 24 those agencies under IC 36-7-17 or IC 36-7-17.1, in that county, with
- 25 a list of tracts or items of real property on which one (1) or more
- 26 installments of taxes is delinquent by June 15 of the year following the
- 27 date the delinquency occurred.
- 28 (b) This subsection applies to a ~~county having a consolidated city;~~
- 29 **Marion County**. The county auditor shall prepare a list of tracts or
- 30 items of real properties for which at least one (1) installment of taxes
- 31 is delinquent at least ten (10) months. The auditor shall submit a copy
- 32 of this list to the metropolitan development commission not later than
- 33 one hundred six (106) days before the date on which application for
- 34 judgment and order for sale is made.
- 35 (c) This subsection applies to a county ~~not having a consolidated~~
- 36 ~~city. other than Marion County.~~ The county auditor shall prepare a
- 37 list of tracts or items of real property located in the county for which
- 38 the fall installment of taxes for the most recent previous year is
- 39 delinquent. The auditor shall submit a copy of the list prepared under
- 40 this subsection to each city or town within the county or make the list
- 41 available on the county's Internet web site not later than one hundred
- 42 six (106) days before the date on which application for judgment and



1 order for sale is made.

2 SECTION 101. IC 6-1.1-24-6.7, AS AMENDED BY P.L.187-2016,
3 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 APRIL 1, 2022]: Sec. 6.7. (a) For purposes of this section, in ~~a county~~
5 ~~containing a consolidated city~~ **Marion County**, "county executive"
6 refers to the board of commissioners of the county as provided in
7 IC 36-3-3-10.

8 (b) A county executive may transfer to a nonprofit entity:

- 9 (1) property under this section; or
10 (2) a tax sale certificate under section 17 of this chapter.

11 (c) As used in this section, "nonprofit entity" means an organization
12 exempt from federal income taxation under 26 U.S.C. 501(c)(3).

13 (d) The county executive may:

- 14 (1) by resolution, identify the property described under section 6
15 of this chapter that the county executive desires to transfer to
16 nonprofit entities for use for the public good; and
17 (2) set a date, time, and place for a public hearing to consider the
18 transfer of the property to nonprofit entities.

19 (e) Except as otherwise provided in subsection (f), notice of the
20 property identified under subsection (d) and the date, time, and place
21 for the hearing on the proposed transfer of the property on the list shall
22 be published in accordance with IC 5-3-1. The notice must include a
23 description of the property by:

- 24 (1) legal description; and
25 (2) parcel number or street address, or both.

26 The notice must specify that the county executive will accept
27 applications submitted by nonprofit entities as provided in subsection
28 (h) and hear any opposition to a proposed transfer.

29 (f) For properties or tax sale certificates that are not transferred
30 when initially identified for transfer under this section, the county
31 executive may omit from the notice the descriptions of the properties
32 identified under subsection (d) if:

- 33 (1) the county executive includes in the notice a statement that
34 descriptions of those tracts or items of real property are available
35 on the Internet web site of the county government or the county
36 government's contractor and the information may be obtained in
37 an alternative form from the county executive upon request; and
38 (2) the descriptions of those tracts or items of real property
39 eligible for transfer under this section are made available on the
40 Internet web site of the county government or the county
41 government's contractor and may be obtained from the county
42 executive in an alternative form upon request in accordance with



1 section 3.4 of this chapter.

2 (g) After the hearing set under subsection (d), the county executive
3 shall by resolution make a final determination concerning:

- 4 (1) the properties that are to be transferred to a nonprofit entity;
5 (2) the nonprofit entity to which each property is to be transferred;
6 and
7 (3) the terms and conditions of the transfer.

8 (h) To be eligible to receive property under this section, a nonprofit
9 entity must file an application with the county executive. The
10 application must state the property that the nonprofit entity desires to
11 acquire, the use to be made of the property, and the time period
12 anticipated for implementation of the use. The application must be
13 accompanied by documentation verifying the nonprofit status of the
14 entity and be signed by an officer of the nonprofit entity. If more than
15 one (1) application for a single property is filed, the county executive
16 shall determine which application is to be accepted based on the
17 benefit to be provided to the public and the neighborhood and the
18 suitability of the stated use for the property and the surrounding area.

19 (i) After the hearing set under subsection (d) and the final
20 determination of properties to be transferred under subsection (g), the
21 county executive, on behalf of the county, shall cause all delinquent
22 taxes, special assessments, penalties, interest, and costs of sale to be
23 removed from the tax duplicate and the nonprofit entity is entitled to a
24 tax deed prepared by the county auditor, if the conditions of
25 IC 6-1.1-25-4.5 and IC 6-1.1-25-4.6 are satisfied. The deed shall
26 provide for:

- 27 (1) the use to be made of the property;
28 (2) the time within which the use must be implemented and
29 maintained;
30 (3) any other terms and conditions that are established by the
31 county executive; and
32 (4) the reversion of the property to the county executive if the
33 grantee nonprofit entity fails to comply with the terms and
34 conditions.

35 If the grantee nonprofit entity fails to comply with the terms and
36 conditions of the transfer and title to the property reverts to the county
37 executive, the property may be retained by the county executive or
38 disposed of under any of the provisions of this chapter or IC 6-1.1-25,
39 or both.

40 SECTION 102. IC 6-1.1-24-6.8, AS AMENDED BY P.L.251-2015,
41 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 APRIL 1, 2022]: Sec. 6.8. (a) For purposes of this section, in a county



1 containing a consolidated city Marion County, "county executive"
 2 refers to the board of commissioners of the county as provided in
 3 IC 36-3-3-10.

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

6 (1) A lien has been acquired on the parcel under section 6(a) of
 7 this chapter.

8 (2) If the parcel is improved on the date the certificate of sale for
 9 the parcel or the vacant parcel is offered for sale under this
 10 chapter, the following apply:

11 (A) One (1) or more of the following are located on the parcel:

12 (i) A structure that may be lawfully occupied for residential
 13 use.

14 (ii) A structure used in conjunction with a structure that may
 15 be lawfully occupied for residential use.

16 (B) The parcel is:

17 (i) on the list of vacant or abandoned properties designated
 18 under section 1.5 of this chapter; or

19 (ii) not occupied by a tenant or a person having a substantial
 20 property interest of public record in the parcel.

21 (3) On the date the certificate of sale for the parcel or the vacant
 22 parcel is offered for sale under this chapter, the parcel is
 23 contiguous to one (1) or more parcels that satisfy the following:

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

26 (i) A structure occupied for residential use.

27 (ii) A structure used in conjunction with a structure
 28 occupied for residential use.

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

31 (c) A county legislative body may adopt an ordinance authorizing
 32 the sale of vacant parcels and certificates of sale for vacant parcels in
 33 the county under this section. The ordinance may establish criteria for
 34 the identification of vacant parcels and certificates of sale for vacant
 35 parcels to be offered for sale under this section. The criteria may
 36 include the following:

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

39 (2) If the parcel is unimproved, the minimum parcel area
 40 sufficient for construction of improvements.

41 (3) Any other factor considered appropriate by the county
 42 legislative body.



1 In a county containing a consolidated city, **Marion County**, the county
 2 legislative body may adopt an ordinance under this subsection only
 3 upon recommendation by the board of commissioners provided in
 4 IC 36-3-3-10.

5 (d) If the county legislative body adopts an ordinance under
 6 subsection (c), the county executive shall for each sale under this
 7 section:

- 8 (1) by resolution, and subject to the criteria adopted by the county
 9 legislative body under subsection (c), identify each vacant parcel
 10 for which the county executive desires to sell the vacant parcel or
 11 the certificate of sale for the vacant parcel under this section; and
 12 (2) subject to subsection (e), give written notice to the owner of
 13 record of each parcel referred to in subsection (b)(3) that is
 14 contiguous to the vacant parcel.

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

- 17 (1) A description of the vacant parcel by:
 18 (A) legal description; and
 19 (B) parcel number or street address, or both.
 20 (2) Notice that the county executive will accept written
 21 applications from owners of parcels described in subsection (b)(3)
 22 as provided in subsection (f).
 23 (3) Notice of the deadline for applications referred to in
 24 subdivision (2) and of the information to be included in the
 25 applications.
 26 (4) Notice that the vacant parcel or certificate of sale for the
 27 vacant parcel will be sold to the successful applicant for:
 28 (A) one dollar (\$1); plus
 29 (B) the amounts described in section 5(e)(4) through 5(e)(6)
 30 of this chapter.

31 (f) To be eligible to purchase a vacant parcel or the certificate of
 32 sale for a vacant parcel under this section, the owner of a contiguous
 33 parcel referred to in subsection (b)(3) must file a written application
 34 with the county executive. The application must:

- 35 (1) identify the vacant parcel or certificate of sale that the
 36 applicant desires to purchase; and
 37 (2) include any other information required by the county
 38 executive.

39 (g) If more than one (1) application to purchase a single vacant
 40 parcel or the certificate of sale for a single vacant parcel is filed with
 41 the county executive, the county executive shall conduct a drawing
 42 between or among the applicants in which each applicant has an equal



1 chance to be selected as the transferee of the vacant parcel or certificate
2 of sale for the vacant parcel.

3 (h) The county executive shall by resolution make a final
4 determination concerning the vacant parcels or certificates of sale for
5 vacant parcels that are to be sold under this section.

6 (i) After the final determination of the vacant parcels and
7 certificates of sale for vacant parcels to be sold under subsection (h),
8 the county executive shall:

9 (1) on behalf of the county, cause all delinquent taxes, special
10 assessments, penalties, and interest with respect to the vacant
11 parcels to be removed from the tax duplicate; and

12 (2) give notice of the final determination to:

13 (A) the successful applicant;

14 (B) the county auditor; and

15 (C) the township assessor, or the county assessor if there is no
16 township assessor for the township.

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

18 (1) the county auditor shall:

19 (A) collect the purchase price from each successful applicant;
20 and

21 (B) subject to subsection (k), prepare a tax deed transferring
22 each vacant parcel to the successful applicant, if the conditions
23 of IC 6-1.1-25-4.5 and IC 6-1.1-25-4.6 are satisfied; and

24 (2) if the vacant parcel is unimproved, the township assessor or
25 county assessor shall consolidate each unimproved parcel sold
26 and the contiguous parcel owned by the successful applicant into
27 a single parcel.

28 (k) For a deed issued under subsection (j)(1)(B) before July 1, 2013,
29 a county auditor shall include in the deed prepared under subsection
30 (j)(1)(B) reference to the exemption under subsection (l).

31 (l) This subsection applies only to a vacant parcel consolidated with
32 a successful applicant's contiguous parcel under this section before July
33 1, 2013. Subject to subsection (m), each consolidated parcel to which
34 this subsection applies is exempt from property taxation for the period
35 beginning on the assessment date that next succeeds the consolidation
36 in the amount of the assessed value at the time of consolidation of the
37 vacant parcel that was subject to the consolidation.

38 (m) This subsection applies only to a vacant parcel consolidated
39 with a successful applicant's contiguous parcel under this section
40 before July 1, 2013. The exemption under subsection (l) is terminated
41 as of the assessment date that next succeeds the earlier of the
42 following:



- 1 (1) Five (5) years after the transfer of title to the successful
- 2 applicant.
- 3 (2) The first transfer of title to the consolidated parcel that occurs
- 4 after the consolidation.
- 5 (n) If a tax deed is issued for an improved vacant parcel after June
- 6 30, 2013, under this section or under IC 6-1.1-25-4.6 following the
- 7 purchase of a certificate of sale under this section, the successful
- 8 applicant may not sell the improved vacant parcel until after the first
- 9 anniversary of the date on which the tax deed for the improved vacant
- 10 parcel is issued to the successful applicant.
- 11 SECTION 103. IC 6-1.1-24-6.9, AS AMENDED BY P.L.187-2016,
- 12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 APRIL 1, 2022]: Sec. 6.9. (a) For purposes of this section, in a ~~county~~
- 14 ~~having a consolidated city;~~ **Marion County**, "county executive" refers
- 15 to the board of commissioners of the county as provided in
- 16 IC 36-3-3-10.
- 17 (b) The county executive may:
- 18 (1) by resolution, identify the property described in section 6 of
- 19 this chapter that the county executive desires to transfer to a
- 20 person able to satisfactorily repair and maintain the property, if
- 21 repair and maintenance of the property are in the public interest;
- 22 and
- 23 (2) set a date, time, and place for a public hearing to consider the
- 24 transfer of the property.
- 25 (c) Notice of the property identified under subsection (b) and the
- 26 date, time, and place for the hearing on the proposed transfer of the
- 27 property shall be published in accordance with IC 5-3-1. The notice
- 28 must include a description of the property by:
- 29 (1) legal description; and
- 30 (2) parcel number or street address, or both.
- 31 The notice must specify that the county executive will accept
- 32 applications submitted by persons able to satisfactorily repair and
- 33 maintain the property as provided in subsection (f) and hear any
- 34 opposition to a proposed transfer.
- 35 (d) For properties that are not transferred when initially identified
- 36 for transfer under this section, the county executive may omit from the
- 37 notice the descriptions of the properties identified under subsection (b)
- 38 if:
- 39 (1) the county executive includes in the notice a statement that
- 40 descriptions of those tracts or items of real property are available
- 41 on the Internet web site of the county government or the county
- 42 government's contractor and the information may be obtained in



1 an alternative form from the county executive upon request; and
 2 (2) the descriptions of those tracts or items of real property
 3 eligible for transfer under this section are made available on the
 4 Internet web site of the county government or the county
 5 government's contractor and may be obtained from the county
 6 executive in an alternative form upon request in accordance with
 7 section 3.4 of this chapter.

8 (e) After the hearing set under subsection (b), the county executive
 9 shall by resolution make a final determination concerning:

- 10 (1) the properties that are to be transferred;
 11 (2) the person to which each property is to be transferred; and
 12 (3) the terms and conditions of the transfer.

13 (f) To be eligible to receive a property under this section, a person
 14 must file an application with the county executive. The application
 15 must identify the property that the person desires to acquire, the use to
 16 be made of the property, and the time anticipated for implementation
 17 of the use. The application must be accompanied by documentation
 18 demonstrating the person's ability to satisfactorily repair and maintain
 19 the property, including evidence of the person's:

- 20 (1) ability to repair and maintain the property personally, if
 21 applicable;
 22 (2) financial resources, if the services of a contractor may be
 23 required to satisfactorily repair or maintain the property; and
 24 (3) previous experience in repairing or maintaining property, if
 25 applicable.

26 The application must be signed by the person. If more than one (1)
 27 application for a single property is filed, the county executive shall
 28 determine which application is to be accepted based on the benefit to
 29 be provided to the public and the neighborhood, the suitability of the
 30 stated use for the property and the surrounding area, and the likelihood
 31 that the person will satisfactorily repair and maintain the property. The
 32 county executive may require the person to pay a reasonable deposit or
 33 post a performance bond to be forfeited if the person does not
 34 satisfactorily repair and maintain the property.

35 (g) After the hearing set under subsection (b) and the final
 36 determination of the properties to be transferred under subsection (e),
 37 the county executive, on behalf of the county, shall cause all delinquent
 38 taxes, special assessments, penalties, interest, and costs of sale to be
 39 removed from the tax duplicate and the person is entitled to a tax deed
 40 if the conditions of IC 6-1.1-25-4.5 and IC 6-1.1-25-4.6 are satisfied.
 41 The deed must provide for:

- 42 (1) the use to be made of the property;



- 1 (2) the time within which the use must be implemented and
- 2 maintained;
- 3 (3) any other terms and conditions that are established by the
- 4 county executive;
- 5 (4) the reversion of the property to the county executive if the
- 6 grantee fails to comply with the terms and conditions; and
- 7 (5) the forfeiture of any bond or deposit to the county executive
- 8 if the grantee fails to comply with the terms and conditions.

9 If the grantee fails to comply with the terms and conditions of the
 10 transfer and title to the property reverts to the county executive, the
 11 property may be retained by the county executive or disposed of under
 12 any of the provisions of this chapter or IC 6-1.1-25, or both.

13 SECTION 104. IC 6-1.1-24-7, AS AMENDED BY P.L.66-2021,
 14 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 APRIL 1, 2022]: Sec. 7. (a) When real property is sold under this
 16 chapter, the purchaser at the sale shall immediately pay the amount of
 17 the bid to the county treasurer. The county treasurer shall apply the
 18 payment in the following manner:

- 19 (1) First, to the taxes, special assessments, penalties, and costs
- 20 described in section 5(e) of this chapter.
- 21 (2) Second, to other delinquent property taxes in the manner
- 22 provided in IC 6-1.1-23-5(b).
- 23 (3) Third, to a separate "tax sale surplus fund".

24 (b) A county treasurer shall pay taxes or special assessments, or
 25 both, as follows:

- 26 (1) For any tract or item of real property located in a ~~county~~
- 27 ~~containing a consolidated city~~ **Marion County** for which a tax
- 28 sale certificate is sold under this chapter, if taxes or special
- 29 assessments, or both, become due on the tract or item of real
- 30 property during the period of redemption specified under
- 31 IC 6-1.1-25-4, the county treasurer may pay the taxes or special
- 32 assessments, or both, on the tract or item of real property from the
- 33 tax sale surplus held in the name of the taxpayer, if any, after the
- 34 taxes or special assessments become due.
- 35 (2) For any tract or item of real property ~~not~~ located in a county
- 36 ~~containing a consolidated city~~ **other than Marion County** for
- 37 which a tax sale certificate is sold under this chapter, if taxes or
- 38 special assessments, or both, accrue on the tract or item of real
- 39 property through and including the year in which the owner of
- 40 record is divested of title to the real property, the county treasurer
- 41 shall pay all taxes or special assessments, or both, on the tract or
- 42 item of real property from the tax sale surplus held in the name of



1 the taxpayer, if any, after the tax bills are mailed. The county
 2 auditor must freeze the tax sale surplus until all payments
 3 required under this subdivision are paid.

4 (c) The:

5 (1) owner of record of the real property at the time the real
 6 property was certified for sale under this chapter and before the
 7 issuance of a tax deed; or

8 (2) tax sale purchaser or purchaser's assignee, upon redemption
 9 of the tract or item of real property;

10 may file a verified claim for money which is deposited in the tax sale
 11 surplus fund. If the claim is approved by the county auditor and the
 12 county treasurer, the county auditor shall issue a warrant to the
 13 claimant for the amount due.

14 (d) If the person who claims money deposited in the tax sale surplus
 15 fund under subsection (c) is:

16 (1) a person who has a contract or agreement described under
 17 section 7.5 of this chapter with a person described in subsection
 18 (c)(1); or

19 (2) a person who acts as an executor, attorney-in-fact, or legal
 20 guardian of a person described in subsection (c)(1);

21 the county auditor may issue a warrant to the person only as directed
 22 by the court having jurisdiction over the tax sale of the parcel for which
 23 the surplus claim is made.

24 (e) A court may direct the issuance of a warrant only:

25 (1) on petition by the claimant;

26 (2) within three (3) years after the date of sale of the parcel in the
 27 tax sale; and

28 (3) in the case of a petitioner to whom subsection (d)(1) applies,
 29 if the petitioner has satisfied the requirements of section 7.5 of
 30 this chapter.

31 (f) Unless the redemption period specified under IC 6-1.1-25 has
 32 been extended under federal bankruptcy law, an amount deposited in
 33 the tax sale surplus fund shall be transferred by the county auditor to
 34 the county general fund and may not be disbursed under subsection (c)
 35 if it is not claimed within the three (3) year period after the date of its
 36 receipt.

37 (g) If an amount applied to taxes under this section is later paid out
 38 of the county general fund to the purchaser or the purchaser's successor
 39 due to the invalidity of the sale, all the taxes shall be reinstated and
 40 recharged to the tax duplicate and collected in the same manner as if
 41 the property had not been offered for sale.

42 (h) When a refund is made to any purchaser or purchaser's successor



1 by reason of the invalidity of a sale, the county auditor shall, at the
 2 December settlement immediately following the refund, deduct the
 3 amount of the refund from the gross collections in the taxing district in
 4 which the land lies and shall pay that amount into the county general
 5 fund.

6 SECTION 105. IC 6-1.1-24-17, AS AMENDED BY P.L.85-2017,
 7 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 APRIL 1, 2022]: Sec. 17. (a) For purposes of this section, in a ~~county~~
 9 ~~containing a consolidated city~~, **Marion County**, "county executive"
 10 refers to the board of commissioners of the county as provided in
 11 IC 36-3-3-10.

12 (b) As used in this section, "nonprofit entity" means an organization
 13 exempt from federal income taxation under 26 U.S.C. 501(c)(3).

14 (c) The county executive may by resolution:

- 15 (1) identify tax sale certificates issued under section 6 of this
 16 chapter that the county executive desires to assign to one (1) or
 17 more nonprofit entities; and
 18 (2) set a date, time, and place for a public hearing to consider the
 19 assignment of the tax sale certificates to the nonprofit entities.

20 (d) Except as otherwise provided in subsection (e), notice of the tax
 21 sale certificates identified under subsection (c) and the date, time, and
 22 place for the hearing on the proposed transfer of the tax sale certificates
 23 on the list shall be published in accordance with IC 5-3-1. The notice
 24 must include a description of the properties associated with the tax sale
 25 certificates being considered for assignment by:

- 26 (1) parcel number;
 27 (2) legal description; and
 28 (3) street address or other common description.

29 The notice must specify that the county executive will hear any
 30 opposition to the proposed assignments.

31 (e) For tax sale certificates that are not assigned when initially
 32 identified for assignment under this section, the county executive may
 33 omit from the notice the descriptions of the tax sale certificates and the
 34 properties associated with the tax sale certificates identified under
 35 subsection (c) if:

- 36 (1) the county executive includes in the notice a statement that the
 37 descriptions of those tax sale certificates and the tracts or items of
 38 real property associated with the tax sale certificates are available
 39 on the Internet web site of the county government or the county
 40 government's contractor and the information may be obtained
 41 from the county executive in an alternative form upon request in
 42 accordance with section 3.4 of this chapter; and



1 (2) the descriptions of those tax sale certificates and the tracts or
2 items of real property associated with the tax sale certificates are
3 made available on the Internet web site of the county government
4 or the county government's contractor and may be obtained from
5 the county executive in an alternative form upon request in
6 accordance with section 3.4 of this chapter.

7 (f) After the hearing set under subsection (c), the county executive
8 shall by resolution make a final determination concerning:

9 (1) the tax sale certificates that are to be assigned to a nonprofit
10 entity;

11 (2) the nonprofit entity to which each tax sale certificate is to be
12 assigned; and

13 (3) the terms and conditions of the assignment.

14 (g) If a county executive assigns a tax sale certificate to a nonprofit
15 entity under this section, the period of redemption of the real property
16 under IC 6-1.1-25 expires one hundred twenty (120) days after the date
17 of the assignment to the nonprofit entity. If a nonprofit entity takes
18 assignment of a tax sale certificate under this section, the nonprofit
19 entity acquires the same rights and obligations as a purchaser of a tax
20 sale certificate under section 6.1 of this chapter.

21 SECTION 106. IC 6-1.1-25-7.5, AS AMENDED BY P.L.118-2013,
22 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 APRIL 1, 2022]: Sec. 7.5. (a) This section applies to a ~~county having~~
24 a ~~consolidated city~~ **Marion County**.

25 (b) The county auditor shall provide the metropolitan development
26 commission with a list of real property:

27 (1) included on the list prepared under IC 6-1.1-24-1.5;

28 (2) for which a certificate of sale has been issued; and

29 (3) for which the holder of the certificate has not requested the
30 county auditor to execute and deliver a deed.

31 (c) The metropolitan development commission shall, within a
32 reasonable time after receiving a list under subsection (b), identify any
33 property described under subsection (b) that the metropolitan
34 development commission desires to acquire for urban homesteading
35 under IC 36-7-17 or IC 36-7-17.1 or for redevelopment purposes under
36 IC 36-7-15.1. The metropolitan development commission shall then
37 provide the county auditor with a list of the properties identified under
38 this subsection.

39 (d) The county auditor shall execute and deliver a deed for any
40 property identified under subsection (c) to the metropolitan
41 development commission.

42 (e) The county auditor shall execute and deliver a deed to the county



1 for any property:

2 (1) included in the notice prepared under subsection (b); and

3 (2) not identified under subsection (c).

4 (f) The metropolitan development commission and the county may
5 not pay for any property acquired under subsection (d) or (e). However,
6 a taxing unit having an interest in the taxes on the real property shall
7 be credited with the full amount of the delinquent tax due to that unit.

8 SECTION 107. IC 6-1.1-36-7, AS AMENDED BY P.L.257-2019,
9 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 APRIL 1, 2022]: Sec. 7. (a) The county executive may cancel any
11 property taxes, delinquencies, fees, special assessments, and penalties
12 assessed against real property owned by a county, a township, a city, a
13 town, or a body corporate and politic established under IC 8-10-5-2(a),
14 regardless of whether the county, township, city, town, or body
15 corporate and politic established under IC 8-10-5-2(a) owned the
16 property on the assessment date for which the property taxes,
17 delinquencies, fees, special assessments, or penalties are imposed and
18 regardless of when the county, township, city, town, or body corporate
19 and politic established under IC 8-10-5-2(a) acquired the property, if
20 a petition requesting that the county executive cancel the taxes is
21 submitted by the auditor, assessor, and treasurer of the county in which
22 the real property is located. However, the cancellation of any property
23 taxes, delinquencies, fees, special assessments, or penalties under this
24 subsection does not affect the liability of any person that is personally
25 liable for the property taxes before the date the county, township, city,
26 town, or body corporate and politic established under IC 8-10-5-2(a)
27 acquired the property. For purposes of this subsection, in a ~~county~~
28 **containing a consolidated city, Marion County**, "county executive"
29 refers to the board of commissioners of the county as provided in
30 IC 36-3-3-10.

31 (b) The department of local government finance may cancel any
32 property taxes, delinquencies, fees, special assessments, and penalties
33 assessed against real property owned by this state, regardless of
34 whether the state owned the property on the assessment date for which
35 the property taxes, delinquencies, fees, special assessments, or
36 penalties are imposed and regardless of when the state acquired the
37 property, if a petition requesting that the department cancel the taxes
38 is submitted by:

39 (1) the governor; or

40 (2) the chief administrative officer of the state agency which
41 supervises the real property.

42 However, if the petition is submitted by the chief administrative officer



1 of a state agency, the governor must approve the petition. In addition,
 2 the cancellation of any property taxes, delinquencies, fees, special
 3 assessments, or penalties under this subsection does not affect the
 4 liability of any person that is personally liable for the property taxes
 5 before the date the state acquired the property.

6 (c) If property taxes are canceled under subsection (a) or (b), any
 7 lien on the real property shall be released and canceled to the extent the
 8 lien covers any property taxes, delinquencies, fees, special assessments,
 9 or penalties that were assessed against the real property before or after
 10 the county, township, city, town, body corporate and politic established
 11 under IC 8-10-5-2(a), or state became the owner of the real property.

12 (d) The department of local government finance may compromise
 13 the amount of property taxes, together with any interest or penalties on
 14 those taxes, assessed against the fixed or distributable property owned
 15 by a bankrupt railroad, which is under the jurisdiction of:

- 16 (1) a federal court under 11 U.S.C. 1163;
- 17 (2) Chapter X of the Acts of Congress Relating to Bankruptcy (11
 18 U.S.C. 701-799); or
- 19 (3) a comparable bankruptcy law.

20 (e) After making a compromise under subsection (d) and after
 21 receiving payment of the compromised amount, the department of local
 22 government finance shall distribute to each county treasurer an amount
 23 equal to the product of:

- 24 (1) the compromised amount; multiplied by
- 25 (2) a fraction, the numerator of which is the total of the particular
 26 county's property tax levies against the railroad for the
 27 compromised years, and the denominator of which is the total of
 28 all property tax levies against the railroad for the compromised
 29 years.

30 (f) After making the distribution under subsection (e), the
 31 department of local government finance shall direct the auditors of
 32 each county to remove from the tax rolls the amount of all property
 33 taxes assessed against the bankrupt railroad for the compromised years.

34 (g) The county auditor of each county receiving money under
 35 subsection (e) shall allocate that money among the county's taxing
 36 districts. The auditor shall allocate to each taxing district an amount
 37 equal to the product of:

- 38 (1) the amount of money received by the county under subsection
 39 (e); multiplied by
- 40 (2) a fraction, the numerator of which is the total of the taxing
 41 district's property tax levies against the railroad for the
 42 compromised years, and the denominator of which is the total of



- 1 all property tax levies against the railroad in that county for the
2 compromised years.
- 3 (h) The money allocated to each taxing district shall be apportioned
4 and distributed among the taxing units of that taxing district in the
5 same manner and at the same time that property taxes are apportioned
6 and distributed.
- 7 (i) The department of local government finance may, with the
8 approval of the attorney general, compromise the amount of property
9 taxes, together with any interest or penalties on those taxes, assessed
10 against property owned by a person that has a case pending under state
11 or federal bankruptcy law. Property taxes that are compromised under
12 this section shall be distributed and allocated at the same time and in
13 the same manner as regularly collected property taxes. The department
14 of local government finance may compromise property taxes under this
15 subsection only if:
- 16 (1) a petition is filed with the department of local government
17 finance that requests the compromise and is signed and approved
18 by the assessor, auditor, and treasurer of each county and the
19 assessor of each township (if any) that is entitled to receive any
20 part of the compromised taxes;
- 21 (2) the compromise significantly advances the time of payment of
22 the taxes; and
- 23 (3) the compromise is in the best interest of the state and the
24 taxing units that are entitled to receive any part of the
25 compromised taxes.
- 26 (j) A taxing unit that receives funds under this section is not
27 required to include the funds in its budget estimate for any budget year
28 which begins after the budget year in which it receives the funds.
- 29 (k) A county treasurer, with the consent of the county auditor and
30 the county assessor, may compromise the amount of property taxes,
31 interest, or penalties owed in a county by an entity that has a case
32 pending under Title 11 of the United States Code (Bankruptcy Code)
33 by accepting a single payment that must be at least seventy-five percent
34 (75%) of the total amount owed in the county.
- 35 SECTION 108. IC 6-1.1-36-17, AS AMENDED BY P.L.85-2017,
36 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 APRIL 1, 2022]: Sec. 17. (a) As used in this section, "nonreverting
38 fund" refers to a nonreverting fund established under subsection (d).
- 39 (b) If a county auditor makes a determination that property was not
40 eligible for a standard deduction under IC 6-1.1-12-37 in a particular
41 year within three (3) years after the date on which taxes for the
42 particular year are first due, the county auditor may issue a notice of



1 taxes, interest, and penalties due to the owner that improperly received
 2 the standard deduction and include a statement that the payment is to
 3 be made payable to the county auditor. The additional taxes and civil
 4 penalties that result from the removal of the deduction, if any, are
 5 imposed for property taxes first due and payable for an assessment date
 6 occurring before the earlier of the date of the notation made under
 7 subsection (c)(2)(A) or the date a notice of an ineligible homestead lien
 8 is recorded under subsection (e)(2) in the office of the county recorder.
 9 The notice must require full payment of the amount owed within:

- 10 (1) one (1) year with no penalties and interest, if:
 11 (A) the taxpayer did not comply with the requirement to return
 12 the homestead verification form under IC 6-1.1-22-8.1(b)(9)
 13 (expired January 1, 2015); and
 14 (B) the county auditor allowed the taxpayer to receive the
 15 standard deduction in error; or
 16 (2) thirty (30) days, if subdivision (1) does not apply.

17 With respect to property subject to a determination made under this
 18 subsection that is owned by a bona fide purchaser without knowledge
 19 of the determination, no lien attaches for any additional taxes and civil
 20 penalties that result from the removal of the deduction.

21 (c) If a county auditor issues a notice of taxes, interest, and penalties
 22 due to an owner under subsection (b), the county auditor shall:

- 23 (1) notify the county treasurer of the determination; and
 24 (2) do one (1) or more of the following:
 25 (A) Make a notation on the tax duplicate that the property is
 26 ineligible for the standard deduction and indicate the date the
 27 notation is made.
 28 (B) Record a notice of an ineligible homestead lien under
 29 subsection (e)(2).

30 (d) Each county auditor shall establish a nonreverting fund. Upon
 31 collection of the adjustment in tax due (and any interest and penalties
 32 on that amount) after the termination of a deduction or credit as
 33 specified in subsection (b), the county treasurer shall deposit that
 34 amount:

- 35 (1) in the nonreverting fund, if the county ~~contains a consolidated~~
 36 ~~city; is Marion County;~~ **is Marion County;** or
 37 (2) if the county ~~does not contain a consolidated city; is a county~~
 38 **other than Marion County:**
 39 (A) in the nonreverting fund, to the extent that the amount
 40 collected, after deducting the direct cost of any contract,
 41 including contract related expenses, under which the
 42 contractor is required to identify homestead deduction



1 eligibility, does not cause the total amount deposited in the
 2 nonreverting fund under this subsection for the year during
 3 which the amount is collected to exceed one hundred thousand
 4 dollars (\$100,000); or
 5 (B) in the county general fund, to the extent that the amount
 6 collected exceeds the amount that may be deposited in the
 7 nonreverting fund under clause (A).

8 (e) Any part of the amount due under subsection (b) that is not
 9 collected by the due date is subject to collection under one (1) or more
 10 of the following:

- 11 (1) After being placed on the tax duplicate for the affected
 12 property and collected in the same manner as other property taxes.
- 13 (2) Through a notice of an ineligible homestead lien recorded in
 14 the county recorder's office without charge.

15 The adjustment in tax due (and any interest and penalties on that
 16 amount) after the termination of a deduction or credit as specified in
 17 subsection (b) shall be deposited as specified in subsection (d) only in
 18 the first year in which that amount is collected. Upon the collection of
 19 the amount due under subsection (b) or the release of a lien recorded
 20 under subdivision (2), the county auditor shall submit the appropriate
 21 documentation to the county recorder, who shall amend the information
 22 recorded under subdivision (2) without charge to indicate that the lien
 23 has been released or the amount has been paid in full.

24 (f) The amount to be deposited in the nonreverting fund or the
 25 county general fund under subsection (d) includes adjustments in the
 26 tax due as a result of the termination of deductions or credits available
 27 only for property that satisfies the eligibility for a standard deduction
 28 under IC 6-1.1-12-37, including the following:

- 29 (1) Supplemental deductions under IC 6-1.1-12-37.5.
- 30 (2) Homestead credits under IC 6-1.1-20.4, IC 6-3.6-5,
 31 IC 6-3.6-11-3, or any other law.
- 32 (3) Credit for excessive property taxes under IC 6-1.1-20.6-7.5 or
 33 IC 6-1.1-20.6-8.5.

34 Any amount paid that exceeds the amount required to be deposited
 35 under subsection (d)(1) or (d)(2) shall be distributed as property taxes.

36 (g) Money deposited under subsection (d)(1) or (d)(2) shall be
 37 treated as miscellaneous revenue. Distributions shall be made from the
 38 nonreverting fund established under this section upon appropriation by
 39 the county fiscal body and shall be made only for the following
 40 purposes:

- 41 (1) Fees and other costs incurred by the county auditor to discover
 42 property that is eligible for a standard deduction under



1 IC 6-1.1-12-37.
 2 (2) Other expenses of the office of the county auditor.
 3 The amount of deposits in a reverting fund, the balance of a
 4 nonreverting fund, and expenditures from a reverting fund may not be
 5 considered in establishing the budget of the office of the county auditor
 6 or in setting property tax levies that will be used in any part to fund the
 7 office of the county auditor.
 8 SECTION 109. IC 6-1.1-42-2 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. As used in this
 10 chapter, "designating body" means the following:
 11 (1) For an area located in an unincorporated area in a county ~~that~~
 12 ~~does not contain a consolidated city; other than Marion County,~~
 13 the county fiscal body.
 14 (2) For an area located in a city or town in a county ~~that does not~~
 15 ~~contain a consolidated city; other than Marion County,~~ the city
 16 or town fiscal body.
 17 (3) For an area located in ~~a county containing a consolidated city;~~
 18 **Marion County**, the metropolitan development commission.
 19 SECTION 110. IC 6-1.1-45-12, AS AMENDED BY P.L.238-2017,
 20 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 APRIL 1, 2022]: Sec. 12. (a) Subject to subsection (b), a taxpayer may
 22 claim a deduction under this chapter for property other than property
 23 located in ~~a~~ **the** consolidated city for an assessment date that occurs
 24 after:
 25 (1) the expiration of the enterprise zone in which the enterprise
 26 zone property for which the taxpayer made the qualified
 27 investment is located; or
 28 (2) the expiration of the entrepreneur and enterprise district in
 29 which the entrepreneur and enterprise district property for which
 30 the taxpayer made the qualified investment under IC 5-28-15.5 is
 31 located.
 32 (b) A taxpayer may not claim a deduction under this chapter for
 33 more than ten (10) years.
 34 SECTION 111. IC 6-3.1-10-4 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 4. (a) As used in this
 36 chapter, "taxpayer" means any individual that has any state tax liability.
 37 (b) Notwithstanding subsection (a), for a credit for a qualified
 38 investment in a business located in an enterprise zone in ~~a county~~
 39 ~~having a population of more than one hundred five thousand (105,000)~~
 40 ~~but less than one hundred ten thousand (110,000); Vigo County,~~
 41 "taxpayer" includes a pass through entity.
 42 SECTION 112. IC 6-3.1-20-4, AS AMENDED BY P.L.146-2020,



1 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 APRIL 1, 2022]: Sec. 4. (a) Except as provided in subsections (b) and
 3 (c), an individual is entitled to a credit under this chapter if:

- 4 (1) the individual's Indiana income for the taxable year is less than
 5 eighteen thousand six hundred dollars (\$18,600); and
- 6 (2) the individual pays property taxes in the taxable year on a
 7 homestead that:

8 (A) the individual:

- 9 (i) owns; or
- 10 (ii) is buying under a contract that requires the individual to
 11 pay property taxes on the homestead, if the contract or a
 12 memorandum of the contract is recorded in the county
 13 recorder's office; and

14 (B) is located in a county having a population of more than
 15 four hundred thousand (400,000) but less than seven hundred
 16 thousand (700,000): **Lake County.**

17 (b) An individual is not entitled to a credit under this chapter for a
 18 taxable year for property taxes paid on the individual's homestead if the
 19 individual claims the deduction under IC 6-3-1-3.5(a)(13) for the
 20 homestead for that same taxable year.

21 (c) In the case of a married individual filing a separate return, the
 22 income amount in subsection (a) shall be fifty percent (50%) of the
 23 amount listed in that subsection.

24 SECTION 113. IC 6-3.5-4-1, AS AMENDED BY P.L.256-2017,
 25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 APRIL 1, 2022]: Sec. 1. The following definitions apply throughout
 27 this chapter:

- 28 (1) "Adopting entity" means either the county council or the local
 29 income tax council established by IC 6-3.6-3-1 for the county,
 30 whichever adopts an ordinance to impose a surtax first.
- 31 (2) "County council" includes the city-county council of a county
 32 that contains a consolidated city of the first class: **Marion**
 33 **County.**
- 34 (3) "Vehicle" has the meaning set forth in IC 6-6-5-1(b).
- 35 (4) "Net vehicle excise tax" means the tax due under IC 6-6-5
 36 after the application of the adjustments and credits provided by
 37 that chapter.
- 38 (5) "Surtax" means the county vehicle excise tax imposed by an
 39 adopting entity under this chapter.
- 40 (6) "Transportation asset management plan" includes planning for
 41 drainage systems and rights-of-way that affect transportation
 42 assets.



1 SECTION 114. IC 6-3.5-4-12 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 12. In the case of a
 3 county that contains a consolidated city, **Marion County**, the
 4 city-county council may appropriate money derived from the surtax to
 5 the department of transportation established by IC 36-3-5-4 for use by
 6 the department under law. The city-county council may not appropriate
 7 money derived from the surtax for any other purpose.

8 SECTION 115. IC 6-3.5-4-13, AS AMENDED BY P.L.146-2016,
 9 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 APRIL 1, 2022]: Sec. 13. (a) In the case of a county ~~that does not~~
 11 ~~contain a consolidated city of the first class, other than Marion~~
 12 **County**, the county treasurer shall deposit the surtax revenues in a fund
 13 to be known as the "_____ County Surtax Fund".

14 (b) Before the twentieth day of each month, the county auditor shall
 15 allocate the money deposited in the county surtax fund during that
 16 month among the county and the cities and the towns in the county.
 17 The county auditor shall allocate the money to counties, cities, and
 18 towns under IC 8-14-2-4(c)(1) through IC 8-14-2-4(c)(3).

19 (c) Before the twenty-fifth day of each month, the county treasurer
 20 shall distribute to the county and the cities and towns in the county the
 21 money deposited in the county surtax fund during that month. The
 22 county treasurer shall base the distribution on allocations made by the
 23 county auditor for that month under subsection (b).

24 (d) A county, city, or town may only use the surtax revenues it
 25 receives under this section:

- 26 (1) to construct, reconstruct, repair, or maintain streets and roads
- 27 under its jurisdiction; or
- 28 (2) for the county's, city's, or town's contribution to obtain a grant
- 29 from the local road and bridge matching grant fund under
- 30 IC 8-23-30.

31 SECTION 116. IC 6-3.5-4-14, AS AMENDED BY P.L.218-2017,
 32 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 APRIL 1, 2022]: Sec. 14. (a) On or before October 1 of each year, the
 34 auditor of a county ~~that contains a consolidated city of the first class~~
 35 ~~and that Marion County, if the county~~ has adopted the surtax, shall
 36 provide the county council with an estimate of the surtax revenues to
 37 be received by the county during the next calendar year. The county
 38 shall show the estimated surtax revenues in its budget estimate for the
 39 calendar year.

40 (b) On or before October 1 of each year, the auditor of a county ~~that~~
 41 ~~does not contain a consolidated city of the first class and that other~~
 42 **than Marion County, if the county** has adopted the surtax, shall



1 provide the county and each city and town in the county with an
 2 estimate of the surtax revenues to be distributed to that unit during the
 3 next calendar year. The county, city, or town shall show the estimated
 4 surtax revenues in its budget estimate for the calendar year.

5 SECTION 117. IC 6-3.5-5-1, AS AMENDED BY P.L.256-2017,
 6 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 APRIL 1, 2022]: Sec. 1. The following definitions apply throughout
 8 this chapter:

9 (1) "Adopting entity" means either the county council or the local
 10 income tax council established by IC 6-3.6-3-1 for the county,
 11 whichever adopts an ordinance to impose a wheel tax first.

12 (2) "Bus" has the meaning set forth in IC 9-13-2-17.

13 (3) "Commercial vehicle" has the meaning set forth in
 14 IC 6-6-5.5-1(b).

15 (4) "County council" includes the city-county council of a county
 16 that contains a consolidated city of the first class. **Marion**
 17 **County.**

18 (5) "In-state miles" has the meaning set forth in IC 6-6-5.5-1(b).

19 (6) "Political subdivision" has the meaning set forth in
 20 IC 34-6-2-110.

21 (7) "Recreational vehicle" has the meaning set forth in
 22 IC 9-13-2-150.

23 (8) "School bus" has the meaning set forth in IC 9-13-2-161(a).

24 (9) "Semitrailer" has the meaning set forth in IC 9-13-2-164(a).

25 (10) "State agency" has the meaning set forth in IC 34-6-2-141.

26 (11) "Tractor" has the meaning set forth in IC 9-13-2-180.

27 (12) "Trailer" has the meaning set forth in IC 9-13-2-184(a).

28 (13) "Transportation asset management plan" includes planning
 29 for drainage systems and rights-of-way that affect transportation
 30 assets.

31 (14) "Truck" has the meaning set forth in IC 9-13-2-188(a).

32 (15) "Wheel tax" means the tax imposed under this chapter.

33 SECTION 118. IC 6-3.5-5-14 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 14. (a) In the case of
 35 a county that contains a consolidated city, **Marion County**, the
 36 city-county council may appropriate money derived from the wheel tax
 37 to:

38 (1) the department of transportation established by IC 36-3-5-4
 39 for use by the department under law; or

40 (2) an authority established under IC 36-7-23.

41 (b) The city-county council may not appropriate money derived
 42 from the wheel tax for any other purpose.



1 SECTION 119. IC 6-3.5-5-15, AS AMENDED BY P.L.146-2016,
 2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 APRIL 1, 2022]: Sec. 15. (a) In the case of a county ~~that does not~~
 4 ~~contain a consolidated city~~; **other than Marion County**, the county
 5 treasurer shall deposit the wheel tax revenues in a fund to be known as
 6 the "County Wheel Tax Fund".

7 (b) Before the twentieth day of each month, the county auditor shall
 8 allocate the money deposited in the county wheel tax fund during that
 9 month among the county and the cities and the towns in the county.
 10 The county auditor shall allocate the money to counties, cities, and
 11 towns under IC 8-14-2-4(c)(1) through IC 8-14-2-4(c)(3).

12 (c) Before the twenty-fifth day of each month, the county treasurer
 13 shall distribute to the county and the cities and towns in the county the
 14 money deposited in the county wheel tax fund during that month. The
 15 county treasurer shall base the distribution on allocations made by the
 16 county auditor for that month under subsection (b).

17 (d) A county, city, or town may only use the wheel tax revenues it
 18 receives under this section:

19 (1) to construct, reconstruct, repair, or maintain streets and roads
 20 under its jurisdiction;

21 (2) as a contribution to an authority established under IC 36-7-23;
 22 or

23 (3) for the county's, city's, or town's contribution to obtain a grant
 24 from the local road and bridge matching grant fund under
 25 IC 8-23-30.

26 SECTION 120. IC 6-3.5-5-16, AS AMENDED BY P.L.218-2017,
 27 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 APRIL 1, 2022]: Sec. 16. (a) On or before October 1 of each year, the
 29 auditor of a county ~~that contains a consolidated city of the first class~~
 30 ~~and that Marion County~~, **if the county** has adopted the wheel tax shall
 31 provide the county council with an estimate of the wheel tax revenues
 32 to be received by the county during the next calendar year. The county
 33 shall show the estimated wheel tax revenues in its budget estimate for
 34 the calendar year.

35 (b) On or before October 1 of each year, the auditor of a county ~~that~~
 36 ~~does not contain a consolidated city of the first class and that other~~
 37 ~~than Marion County~~, **if the county** has adopted the wheel tax shall
 38 provide the county and each city and town in the county with an
 39 estimate of the wheel tax revenues to be distributed to that unit during
 40 the next calendar year. The county, city, or town shall show the
 41 estimated wheel tax revenues in its budget estimate for the calendar
 42 year.



1 SECTION 121. IC 6-3.6-2-7, AS ADDED BY P.L.243-2015,
 2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 APRIL 1, 2022]: Sec. 7. "Civil taxing unit" means any entity having the
 4 power to impose ad valorem property taxes except a school
 5 corporation. The term does not include a solid waste management
 6 district that is not entitled to a distribution under IC 6-3.6-6. However,
 7 in the case of a **the** consolidated city, the term "civil taxing unit"
 8 includes the consolidated city and **Marion County**, all special taxing
 9 districts, all special service districts, and all entities whose budgets and
 10 property tax levies are subject to review under IC 36-3-6-9.

11 SECTION 122. IC 6-3.6-6-8, AS AMENDED BY P.L.247-2017,
 12 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 APRIL 1, 2022]: Sec. 8. (a) This section applies to the allocation of
 14 additional revenue from a tax under this chapter to public safety
 15 purposes. Funding dedicated for a PSAP under a former tax continues
 16 to apply under this chapter until it is rescinded or modified. If funding
 17 was not dedicated for a PSAP under a former tax, the adopting body
 18 may adopt a resolution providing that all or part of the additional
 19 revenue allocated to public safety is to be dedicated for a PSAP. The
 20 resolution first applies in the following year and then thereafter until it
 21 is rescinded or modified. Funding dedicated for a PSAP shall be
 22 allocated and distributed as provided in IC 6-3.6-11-4.

23 (b) Except as provided in subsection (c), the amount of the certified
 24 distribution that is allocated to public safety purposes, and after making
 25 allocations under IC 6-3.6-11, shall be allocated to the county and to
 26 each municipality in the county that is carrying out or providing at least
 27 one (1) public safety purpose. For purposes of this subsection, in the
 28 case of a **the** consolidated city, the total property taxes imposed by the
 29 consolidated city include the property taxes imposed by the
 30 consolidated city and all special taxing districts (except for a public
 31 library district, a public transportation corporation, and a health and
 32 hospital corporation), and all special service districts. The amount
 33 allocated under this subsection to a county or municipality is equal to
 34 the result of:

35 (1) the amount of the remaining certified distribution that is
 36 allocated to public safety purposes; multiplied by

37 (2) a fraction equal to:

38 (A) in the case of a county that initially imposed a rate for
 39 public safety under IC 6-3.5-6 (repealed), the result of the total
 40 property taxes imposed in the county by the county or
 41 municipality for the calendar year preceding the distribution
 42 year, divided by the sum of the total property taxes imposed in



1 the county by the county and each municipality in the county
 2 that is entitled to a distribution under this section for that
 3 calendar year; or
 4 (B) in the case of a county that initially imposed a rate for
 5 public safety under IC 6-3.5-1.1 (repealed) or a county that did
 6 not impose a rate for public safety under either IC 6-3.5-1.1
 7 (repealed) or IC 6-3.5-6 (repealed), the result of the attributed
 8 allocation amount of the county or municipality for the
 9 calendar year preceding the distribution year, divided by the
 10 sum of the attributed allocation amounts of the county and
 11 each municipality in the county that is entitled to a distribution
 12 under this section for that calendar year.

13 (c) A fire department, volunteer fire department, or emergency
 14 medical services provider that:

15 (1) provides fire protection or emergency medical services within
 16 the county; and

17 (2) is operated by or serves a political subdivision that is not
 18 otherwise entitled to receive a distribution of tax revenue under
 19 this section;

20 may, before July 1 of a year, apply to the adopting body for a
 21 distribution of tax revenue under this section during the following
 22 calendar year. The adopting body shall review an application submitted
 23 under this subsection and may, before September 1 of a year, adopt a
 24 resolution requiring that one (1) or more of the applicants shall receive
 25 a specified amount of the tax revenue to be distributed under this
 26 section during the following calendar year. The adopting body shall
 27 provide a copy of the resolution to the county auditor and the
 28 department of local government finance not more than fifteen (15) days
 29 after the resolution is adopted. A resolution adopted under this
 30 subsection and provided in a timely manner to the county auditor and
 31 the department applies only to distributions in the following calendar
 32 year. Any amount of tax revenue distributed under this subsection to a
 33 fire department, volunteer fire department, or emergency medical
 34 services provider shall be distributed before the remainder of the tax
 35 revenue is allocated under subsection (b).

36 SECTION 123. IC 6-3.6-6-8.5, AS AMENDED BY P.L.247-2017,
 37 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 APRIL 1, 2022]: Sec. 8.5. (a) This section applies only to Marion
 39 County.

40 (b) The adopting body may allocate additional revenue to fund the
 41 operation of a public library in a ~~county containing a consolidated city~~
 42 **Marion County** as provided in an election, if any, made by the county



1 fiscal body under IC 36-3-7-6. An allocation under this section shall be
 2 made from the part of the additional revenue that would otherwise be
 3 allocated as certified shares.

4 (c) The adopting body may allocate additional revenue to fund the
 5 operation of a public transportation corporation as provided in an
 6 election, if any, made by the county fiscal body under IC 36-9-4-42. An
 7 allocation under this section shall be made from the part of the
 8 additional revenue that would otherwise be allocated as certified
 9 shares.

10 (d) The adopting body may allocate additional revenue to fund the
 11 operation of a public communications systems and computer facilities
 12 district as provided in an election, if any, made by the county fiscal
 13 body under IC 36-8-15-19(b). The additional revenue shall be allocated
 14 and distributed before the allocation and distribution of the remaining
 15 tax revenue under this chapter.

16 SECTION 124. IC 6-3.6-6-9, AS AMENDED BY P.L.247-2017,
 17 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 APRIL 1, 2022]: Sec. 9. (a) This section applies to the allocation of
 19 additional revenue from a tax under this chapter for economic
 20 development purposes.

21 (b) Money designated for economic development purposes shall be
 22 allocated to the county, cities, and towns for use by the taxing unit's
 23 fiscal body for any of the purposes described in IC 6-3.6-10. Except as
 24 provided in subsections (c) and (d) and IC 6-3.6-11, and subject to
 25 adjustment as provided in IC 36-8-19-7.5, the amount of the certified
 26 distribution allocated to economic development purposes that the
 27 county and each city or town in a county is entitled to receive each
 28 month of each year equals the amount determined using the following
 29 formula:

30 STEP ONE: Determine the sum of:

- 31 (A) the total property taxes being imposed by the county, city,
 32 or town during the calendar year preceding the distribution
 33 year; plus
- 34 (B) for a county, the welfare allocation amount.

35 STEP TWO: Determine the quotient of:

- 36 (A) the STEP ONE amount; divided by
- 37 (B) the sum of the total property taxes that are first due and
 38 payable to the county and all cities and towns of the county
 39 during the calendar year preceding the distribution year plus
 40 the welfare allocation amount.

41 STEP THREE: Determine the product of:

- 42 (A) the amount of the certified distribution allocated to



1 economic development purposes for that month; multiplied by
 2 (B) the STEP TWO amount.
 3 (c) The body imposing the tax may adopt an ordinance before
 4 August 2 of a year to provide for a distribution of the amount allocated
 5 to economic development purposes based on population instead of a
 6 distribution under subsection (b). The following apply if an ordinance
 7 is adopted under this subsection:
 8 (1) The ordinance is effective January 1 of the following year.
 9 (2) The amount of the certified distribution allocated to economic
 10 development purposes that the county and each city and town in
 11 the county are entitled to receive during each month of each year
 12 equals the product of:
 13 (A) the amount of the certified distribution that is allocated to
 14 economic development purposes for the month; multiplied by
 15 (B) the quotient of:
 16 (i) for a city or town, the population of the city or the town
 17 that is located in the county and for a county, the population
 18 of the part of the county that is not located in a city or town;
 19 divided by
 20 (ii) the population of the entire county.
 21 (3) The ordinance may be made irrevocable for the duration of
 22 specified lease rental or debt service payments.
 23 (d) ~~In a county having a consolidated city, Marion County,~~ only the
 24 consolidated city is entitled to the amount of the certified distribution
 25 that is allocated to economic development purposes.
 26 SECTION 125. IC 6-4.1-9-6, AS AMENDED BY P.L.79-2017,
 27 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 APRIL 1, 2022]: Sec. 6. (a) The department of state revenue shall
 29 distribute inheritance taxes collected as the result of the death of a
 30 resident decedent as follows:
 31 (1) The department shall retain ninety-two percent (92%) of the
 32 taxes collected for deposit in the state general fund.
 33 (2) The department shall retain any interest or penalties collected
 34 by the department for deposit in the state general fund.
 35 (3) Subject to subsection (b), the department shall distribute eight
 36 percent (8%) of the taxes collected to the county treasurer of the
 37 county in which the resident decedent lived at the time of the
 38 resident decedent's death for deposit in the county general fund.
 39 (b) ~~In a county having a consolidated city, Marion County,~~ the
 40 amount due the county under this section shall be transferred to the
 41 general fund of the consolidated city.
 42 SECTION 126. IC 6-6-9.7-7, AS AMENDED BY P.L.156-2020,



1 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 APRIL 1, 2022]: Sec. 7. (a) The city-county council of a county that
 3 contains a consolidated city **Marion County** may adopt an ordinance
 4 to impose an excise tax, known as the county supplemental auto rental
 5 excise tax, upon the rental of passenger motor vehicles and trucks in
 6 the county for periods of less than thirty (30) days. The ordinance must
 7 specify that the tax expires December 31, 2027.

8 (b) Except as provided in subsections (c) and (f), the county
 9 supplemental auto rental excise tax that may be imposed upon the
 10 rental of a passenger motor vehicle or truck equals two percent (2%) of
 11 the gross retail income received by the retail merchant for the rental.

12 (c) On or before June 30, 2005, the city-county council may, by
 13 ordinance adopted by a majority of the members elected to the
 14 city-county council, increase the tax imposed under subsection (a) from
 15 two percent (2%) to four percent (4%). The ordinance must specify
 16 that:

17 (1) if on December 31, 2027, there are obligations owed by the
 18 capital improvement board of managers to the Indiana stadium
 19 and convention building authority or any state agency under
 20 IC 5-1-17-26, the original two percent (2%) rate imposed under
 21 subsection (a) continues to be levied after its original expiration
 22 date set forth in subsection (a) and through December 31, 2040;
 23 and

24 (2) the additional rate authorized under this subsection expires on:

25 (A) January 1, 2041;

26 (B) January 1, 2010, if on that date there are no obligations
 27 owed by the capital improvement board of managers to the
 28 Indiana stadium and convention building authority or to any
 29 state agency under IC 5-1-17-26; or

30 (C) October 1, 2005, if on that date there are no obligations
 31 owed by the capital improvement board of managers to the
 32 Indiana stadium and convention building authority or to any
 33 state agency under a lease or a sublease of an existing capital
 34 improvement entered into under IC 5-1-17, unless waived by
 35 the budget director.

36 (d) The amount collected from that portion of county supplemental
 37 auto rental excise tax imposed under:

38 (1) subsection (b) and collected after December 31, 2027;

39 (2) subsection (c); and

40 (3) subsection (f);

41 shall, in the manner provided by section 11 of this chapter, be
 42 distributed to the capital improvement board of managers operating in



1 **a the** consolidated city or its designee. So long as there are any current
 2 or future obligations owed by the capital improvement board of
 3 managers to the Indiana stadium and convention building authority
 4 created by IC 5-1-17 or any state agency pursuant to a lease or other
 5 agreement entered into between the capital improvement board of
 6 managers and the Indiana stadium and convention building authority
 7 or any state agency under IC 5-1-17-26, the capital improvement board
 8 of managers or its designee shall deposit the revenues received under
 9 this subsection in a special fund, which may be used only for the
 10 payment of the obligations described in this subsection.

11 (e) After January 1, 2013, and before March 1, 2013, the city-county
 12 council may, by ordinance adopted by a majority of the members
 13 elected to the city-county council, increase the tax rate imposed under
 14 subsection (a) by not more than two percent (2%). The amount
 15 collected from an increase adopted under this subsection shall be
 16 deposited in the sports and convention facilities operating fund
 17 established by IC 36-7-31-16. An increase in the tax rate under this
 18 subsection continues in effect unless the increase is rescinded.
 19 However, any increase in the tax rate under this subsection may not
 20 continue in effect after December 31, 2040.

21 (f) The county supplemental auto rental excise tax does not apply to
 22 the sharing of passenger motor vehicles or trucks through a peer to peer
 23 vehicle sharing program (as defined in IC 24-4-9.2-4) in the county
 24 unless the city-county council adopts an ordinance, by a majority of the
 25 members elected to the city-county council, to impose the tax as
 26 provided in this section. The city-county council may adopt an
 27 ordinance to impose the county supplemental auto rental excise tax on
 28 the sharing of passenger motor vehicles or trucks registered in the
 29 county for purposes of IC 6-6-5 through a peer to peer vehicle sharing
 30 program. The amount of the tax is equal to:

- 31 (1) the gross retail income received by the peer to peer vehicle
 32 sharing program (as defined in IC 24-4-9.2-4) for the sharing of
 33 the passenger motor vehicle or truck; multiplied by
 34 (2) one percent (1%).

35 The ordinance must specify that the ordinance expires December 31,
 36 2027.

37 (g) If **a the** city-county council adopts an ordinance under
 38 subsection (a), (c), (e), or (f), the city-county council shall immediately
 39 send a certified copy of the ordinance to the commissioner of the
 40 department of state revenue.

41 (h) If **a the** city-county council adopts an ordinance under
 42 subsection (a), (c), (e), or (f) on or before the fifteenth day of a month,



1 the county supplemental auto rental excise tax applies to auto rentals
 2 after the last day of the month in which the ordinance is adopted. If the
 3 city-county council adopts an ordinance under subsection (a), (c), (e),
 4 or (f) after the fifteenth day of a month, the county supplemental auto
 5 rental excise tax applies to auto rentals after the last day of the month
 6 following the month in which the ordinance is adopted.

7 SECTION 127. IC 6-6-9.7-10 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 10. (a) Except as
 9 otherwise provided in this section, the county supplemental auto rental
 10 excise tax shall be imposed, paid, and collected in the same manner
 11 that the state gross retail tax is imposed, paid, and collected under
 12 IC 6-2.5.

13 (b) Each retail merchant filing a return for the auto rental excise tax
 14 shall indicate in the return:

- 15 (1) all locations in ~~the county containing a consolidated city~~
 16 **Marion County** where the retail merchant collected county
 17 supplemental auto rental excise taxes; and
 18 (2) the amount of auto rental excise taxes collected at each
 19 location.

20 (c) The return to be filed for the payment of the county
 21 supplemental auto rental excise tax may be a separate return, combined
 22 with the return filed for the payment of the auto rental excise tax under
 23 IC 6-6-9, or may be combined with the return filed for the payment of
 24 the state gross retail tax, as prescribed by the department.

25 SECTION 128. IC 6-6-9.7-11 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 11. (a) All revenues
 27 collected from the county supplemental auto rental excise tax shall be
 28 deposited in a special account of the state general fund called the
 29 county supplemental auto rental excise tax account.

30 (b) On or before the twentieth day of each month, all amounts held
 31 in the county supplemental auto rental excise tax account shall be
 32 distributed to the capital improvement board of managers operating in
 33 ~~a the~~ consolidated city.

34 (c) The amount to be distributed to the capital improvement board
 35 of managers operating in ~~a the~~ consolidated city equals the total county
 36 supplemental auto rental excise taxes that were initially imposed and
 37 collected from within ~~the county in which the consolidated city is~~
 38 ~~located:~~ **Marion County**. The department shall notify the county
 39 auditor of the amount of taxes to be distributed to the board.

40 (d) All distributions from the county supplemental auto rental excise
 41 tax account shall be made by warrants issued by the auditor of state to
 42 the treasurer of state ordering those payments to the capital



1 improvement board of managers operating in ~~a~~ **the** consolidated city.
 2 SECTION 129. IC 6-7-1-30.1 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 30.1. (a) Two-thirds
 4 (2/3) of the money in the cigarette tax fund is annually appropriated to
 5 the cities and towns of this state and to certain local governmental
 6 entities.

7 (b) The amount which is allocated to each city or town under this
 8 section equals the product of:

9 (1) the total amount appropriated under subsection (a); multiplied
 10 by

11 (2) a fraction, the numerator of which is the population of the city
 12 or town, and the denominator of which is the total population of
 13 all the cities and towns of Indiana.

14 (c) The auditor of state shall calculate and distribute the amount
 15 allocated to each city or town under this section on or before June 1
 16 and December 1 of each year. To make these semiannual distributions,
 17 the auditor of state shall issue warrants drawn on the cigarette tax fund
 18 to the officials designated in subsection (d) or (e).

19 (d) For ~~a~~ **the** consolidated city, or a city or town ~~which is~~ located in
 20 ~~the same county as the consolidated city,~~ **Marion County**, the auditor
 21 of state shall issue a warrant for:

22 (1) three-fourteenths (3/14) of the money allocated to the city or
 23 town under subsection (b) to the fiscal officer of the city or town;
 24 and

25 (2) the remaining eleven-fourteenths (11/14) of the money to the
 26 **Marion County** treasurer. ~~of that county.~~

27 The fiscal officer of the city or town shall deposit the money distributed
 28 ~~to him~~ under this subsection in the city's or town's general fund. The
 29 county treasurer shall annually deposit three hundred fifty thousand
 30 dollars (\$350,000) ~~which he receives~~ **received** under this subsection in
 31 the capital improvement bond fund of the county. The remainder of the
 32 money which the county treasurer receives under this subsection is
 33 appropriated to the department of transportation of the consolidated
 34 city. The county treasurer shall serve as custodian of the money so
 35 appropriated to the department.

36 (e) For a city or town ~~which is~~ not located in ~~the same county as a~~
 37 ~~consolidated city,~~ **Marion County**, the auditor of state shall issue a
 38 warrant for the total amount allocated to the city or town under
 39 subsection (b) to the fiscal officer of the city or town. The fiscal officer
 40 shall deposit three-fourteenths (3/14) of the money in the city's or
 41 town's general fund, and ~~he~~ shall deposit the remaining
 42 eleven-fourteenths (11/14) of the money in the city's or town's



1 cumulative capital improvement fund.

2 SECTION 130. IC 6-8.1-8-3, AS AMENDED BY P.L.234-2019,
3 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 APRIL 1, 2022]: Sec. 3. (a) The county sheriff of a county shall attempt
5 to levy on and collect a judgment arising from a tax warrant in that
6 county for a period of one hundred twenty (120) days from the date the
7 judgment lien is entered, unless the sheriff is relieved of that duty at an
8 earlier time by the department. The sheriff shall also have authority to
9 attempt to levy on and collect the outstanding tax liability if the
10 taxpayer does not pay the amount demanded under section 2(b) of this
11 chapter and the taxpayer has taken an action under section 2(n) of this
12 chapter to foreclose the lien. The sheriff's authority to collect the
13 warrant exists only while the sheriff holds the tax warrant, and if the
14 sheriff surrenders the warrant to the department for any reason the
15 sheriff's authority to collect that tax warrant ceases. During the period
16 that the sheriff has the duty to collect a tax warrant, the sheriff shall
17 collect from the person owing the tax, an amount equal to the amount
18 of the judgment lien plus the accrued interest to the date of the
19 payment. Subject to subsection (b), the sheriff shall make the collection
20 by garnisheeing the person's wages and by levying on and selling any
21 interest in property or rights in any chose in action that the person has
22 in the county. The Indiana laws which provide relief for debtors by
23 exempting certain property from levy by creditors do not apply to levy
24 and sale proceedings for judgments arising from tax warrants.

25 (b) A sheriff shall sell property to satisfy a tax warrant in a manner
26 that is reasonably likely to bring the highest net proceeds from the sale
27 after deducting the expenses of the offer to sell and sale. A sheriff may
28 engage an auctioneer to advertise a sale and to conduct a public
29 auction, unless the person being levied files an objection with the clerk
30 of the circuit or superior court having the tax warrant within five (5)
31 days of the day that the sheriff informs the person of the person's right
32 to object. The advertising conducted by the auctioneer is in addition to
33 any other notice required by law, and shall include a detailed
34 description of the property to be sold. When an auctioneer is engaged
35 under this subsection and the auctioneer files a verified claim with the
36 clerk of the circuit or superior court with whom the tax warrant is filed,
37 the sheriff may pay the reasonable fee and reasonable expenses of the
38 auctioneer from the gross proceeds of the sale before other expenses
39 and the judgment arising from the tax warrant are paid. As used in this
40 section, "auctioneer" means an auctioneer licensed under IC 25-6.1.

41 (c) The sheriff shall deposit all amounts that the sheriff collects
42 under this section, including partial payments, into a special trust



1 account for judgments collected that arose from tax warrants. The
 2 sheriff shall notify the department, in a manner specified by the
 3 department, of the name of the taxpayer and the amount of the payment
 4 within seven (7) days of receipt. In the event of an emergency, a
 5 taxpayer may direct the sheriff to make a payment on the taxpayer's
 6 behalf using the department's electronic payment portal when certified
 7 funds have been received by the sheriff. On or before the fifth day of
 8 each month, the sheriff shall disburse the money in the tax warrant
 9 judgment lien trust account in the following order:

10 (1) The sheriff shall pay the department the part of the collections
 11 that represents taxes, interest, and penalties.

12 (2) The sheriff shall pay the county treasurer and the clerk of the
 13 circuit or superior court the part of the collections that represents
 14 their assessed costs.

15 (3) Except as provided in subdivisions (4) and (5), the sheriff
 16 shall keep the part of the collections that represents the ten
 17 percent (10%) collection fee added under section 2(b) of this
 18 chapter.

19 (4) If the sheriff has entered a salary contract under
 20 IC 36-2-13-2.5, the sheriff shall deposit in the county general fund
 21 the part of the collections that represents the ten percent (10%)
 22 collection fee added under section 2(b) of this chapter.

23 (5) If the sheriff has not entered into a salary contract under
 24 IC 36-2-13-2.5, the sheriff shall deposit in the county general fund
 25 the part of the collections that:

26 (A) represents the ten percent (10%) collection fee added
 27 under section 2(b) of this chapter; and

28 (B) would, if kept by the sheriff, result in the total amount of
 29 the sheriff's annual compensation exceeding the maximum
 30 amount allowed under IC 36-2-13-17.

31 The department shall establish the procedure for the disbursement of
 32 partial payments so that the intent of this section is carried out.

33 (d) After the period described in subsection (a) has passed, the
 34 sheriff shall return the tax warrant to the department. However, if the
 35 department determines that:

36 (1) at the end of this period the sheriff is in the process of
 37 collecting the judgment arising from a tax warrant in periodic
 38 payments of sufficient size that the judgment will be fully paid
 39 within one (1) year after the date the judgment was filed; and

40 (2) the sheriff's electronic data base regarding tax warrants is
 41 compatible with the department's data base;

42 the sheriff may keep the tax warrant and continue collections.



1 (e) Notwithstanding any other provision of this chapter, the
2 department may order a sheriff to return a tax warrant at any time, if the
3 department feels that action is necessary to protect the interests of the
4 state.

5 (f) This subsection applies only to the **Marion County** sheriff or
6 **the sheriff** of a county having a ~~consolidated city~~ or a second class city.
7 In such a county, the ten percent (10%) collection fee added under
8 section 2(b) of this chapter shall be divided as follows:

9 (1) Subject to subsection (g), the sheriff may retain forty thousand
10 dollars (\$40,000), plus one-fifth (1/5) of any fees exceeding that
11 forty thousand dollar (\$40,000) amount.

12 (2) Two-fifths (2/5) of any fees exceeding that forty thousand
13 dollar (\$40,000) amount shall be deposited in the sheriff's
14 department's pension trust fund.

15 (3) Two-fifths (2/5) of any fees exceeding that forty thousand
16 dollar (\$40,000) amount shall be deposited in the county general
17 fund.

18 (g) If an amount of the collection fee added under section 2(b) of
19 this chapter would, if retained by the sheriff under subsection (f)(1),
20 cause the total amount of the sheriff's annual compensation to exceed
21 the maximum amount allowed under IC 36-2-13-17, the sheriff shall
22 instead deposit the amount in the county general fund.

23 (h) Money deposited into a county general fund under subsections
24 (c)(5) and (g) must be used as follows:

25 (1) To reduce any unfunded liability of a sheriff's pension trust
26 plan established for the county's sheriff's department.

27 (2) Any amounts remaining after complying with subdivision (1)
28 must be applied to the costs incurred to operate the county's
29 sheriff's department.

30 SECTION 131. IC 6-9-1-2, AS AMENDED BY P.L.119-2012,
31 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 APRIL 1, 2022]: Sec. 2. (a) In a county having a population of more
33 than two hundred fifty thousand (250,000) but less than two hundred
34 seventy thousand (270,000), **St. Joseph County**, there is hereby
35 created on and after January 1, 1973, a special funds board of
36 managers.

37 (b) The board of managers shall be composed of eleven (11)
38 members as follows:

39 (1) Six (6) appointed by the mayor of the city ~~having the largest~~
40 ~~population in the county~~, **of South Bend**, one (1) of whom shall
41 be from the hotel motel industry.

42 (2) Three (3) appointed by the mayor of the city ~~having the~~



- 1 ~~second largest population in the county, of Mishawaka~~, one (1)
2 of whom may be from the hotel motel industry.
- 3 (3) Two (2) appointed by the board of county commissioners of
4 ~~such county, St. Joseph County~~, one (1) of whom shall be from
5 the hotel motel industry.
- 6 (c) Except for the members first appointed, each member of the
7 board of managers shall serve for a term of two (2) years commencing
8 on the fifteenth day of the January following their appointment and
9 until their successors are appointed and are qualified.
- 10 (d) The two (2) members first appointed by the board of
11 commissioners shall serve from the date of their appointment staggered
12 terms as follows:
- 13 (1) One (1) to January 15 of the year following the appointment.
14 (2) One (1) to January 15 of the second year following the
15 appointment.
- 16 (e) Three (3) of the members first appointed by the mayor of the city
17 ~~having the largest population in the county of South Bend~~ and the
18 three (3) members first appointed by the mayor of the city ~~having the~~
19 ~~second largest population in the county of Mishawaka~~ shall serve from
20 the date of their appointment as follows:
- 21 (1) One (1) appointed by each mayor to January 15 of the year
22 following the appointment.
23 (2) Two (2) appointed by each mayor to January 15 of the second
24 year following their appointment.
- 25 (f) The three (3) remaining members first appointed by the mayor
26 of the city ~~having the largest population in the county of South Bend~~
27 shall serve to January 15 of the second year following their
28 appointment.
- 29 (g) At the end of the term of any member of the board of managers,
30 the person or body making the original appointment may reappoint
31 such person whose term has expired or appoint a new member for a full
32 two (2) year term.
- 33 (h) If a vacancy occurs in the board of managers during any term, a
34 successor for the vacancy shall be appointed by the person or body
35 making the original appointment, and such successor shall serve for the
36 remainder of the vacated term.
- 37 (i) Any member of the board of managers may be removed for cause
38 by the person or body making the original appointment.
- 39 (j) ~~No~~ **Not** more than two (2) members of the board of managers
40 appointed by the mayor of the city ~~with the second largest population~~
41 ~~in the county of Mishawaka~~ shall be of the same political party. ~~No~~
42 **Not** more than three (3) of the board of managers appointed by the



1 mayor of the city ~~having the largest population in the county of South~~
 2 **Bend** shall be of the same political party.

3 (k) Each member of the board of managers, before entering upon the
 4 member's duties, shall take and subscribe an oath of office in the usual
 5 form, to be endorsed upon the member's certificate of appointment,
 6 which shall be promptly filed with the ~~county's~~ **St. Joseph County**
 7 circuit court clerk. Each member of the board of managers must be a
 8 resident of ~~the county~~ **St. Joseph County** during the member's entire
 9 term. Such member shall receive no salary, but shall be entitled to
 10 reimbursement for any expenses necessarily incurred in the
 11 performance of the member's duties.

12 SECTION 132. IC 6-9-1-5, AS AMENDED BY P.L.69-2021,
 13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 APRIL 1, 2022]: Sec. 5. (a) In a ~~county having a population of more~~
 15 ~~than two hundred fifty thousand (250,000) but less than two hundred~~
 16 ~~seventy thousand (270,000);~~ **St. Joseph County**, there shall be levied
 17 each year a tax on every person engaged in the business of renting or
 18 furnishing, for periods of less than thirty (30) days, any room or rooms,
 19 lodgings, or accommodations in any commercial hotel, motel, inn,
 20 tourist camp, or tourist cabin.

21 (b) Except as otherwise provided in this section, the tax imposed
 22 under subsection (a) is imposed at the rate of six percent (6%) on the
 23 gross income derived from lodging income only and shall be in
 24 addition to the state gross retail tax imposed on such persons by
 25 IC 6-2.5. After June 30, 2021, the county fiscal body may adopt an
 26 ordinance to increase the tax rate to not more than eight percent (8%).

27 (c) The tax shall be paid quarterly to the county treasurer not more
 28 than twenty (20) days after the end of the quarter in which the tax is
 29 collected. All provisions of IC 6-2.5 relating to rights, duties, liabilities,
 30 procedures, penalties, exemptions, and definitions apply to the
 31 imposition of the tax imposed by this section except as otherwise
 32 provided by this chapter, and except that the county treasurer, and not
 33 the department of state revenue, is responsible for administration of the
 34 tax. All provisions of IC 6-8.1 apply to the county treasurer with
 35 respect to the tax imposed by this section in the same manner that they
 36 apply to the department of state revenue with respect to the other listed
 37 taxes under IC 6-8.1-1-1.

38 (d) The tax imposed under subsection (a) does not apply to the
 39 renting or furnishing of rooms, lodgings, or accommodations to a
 40 person for a period of thirty (30) days or more.

41 (e) If the county fiscal body adopts an ordinance to increase the tax
 42 rate after June 30, 2021, under subsection (b), the county fiscal body



- 1 shall:
- 2 (1) specify the effective date of the ordinance to provide that the
- 3 ordinance takes effect:
- 4 (A) at least thirty (30) days after the adoption of the ordinance;
- 5 and
- 6 (B) on the first day of a month; and
- 7 (2) immediately send a certified copy of the ordinance to the
- 8 commissioner of the department of state revenue.
- 9 (f) If the county fiscal body does not immediately send a certified
- 10 copy of the ordinance to the commissioner of the department of state
- 11 revenue as required under subsection (e), the department of state
- 12 revenue shall treat an increase in the tax rate under this section as
- 13 having been adopted on the later of:
- 14 (1) the first day of the month that is not less than thirty (30) days
- 15 after the ordinance is sent to the department of state revenue; or
- 16 (2) on the effective date specified in the ordinance.
- 17 SECTION 133. IC 6-9-2-1, AS AMENDED BY P.L.175-2018,
- 18 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 APRIL 1, 2022]: Sec. 1. (a) ~~A county having a population of more than~~
- 20 ~~four hundred thousand (400,000) but less than seven hundred thousand~~
- 21 ~~(700,000) that~~ **If Lake County** establishes a medical center
- 22 development agency pursuant to IC 16-23.5-2, **the county** may levy
- 23 each year a tax on every person engaged in the business of renting or
- 24 furnishing, for periods of less than thirty (30) days by the same party
- 25 in the same room, any room or rooms, lodgings, or accommodations,
- 26 in any hotel, motel, inn, tourist camp, tourist cabin, or any other place
- 27 in which rooms, lodgings, or accommodations are regularly furnished
- 28 for a consideration.
- 29 (b) Such tax shall be at a rate of five percent (5%) on the gross retail
- 30 income derived therefrom and is in addition to the state gross retail tax
- 31 imposed on the retail transaction.
- 32 (c) The county fiscal body may adopt an ordinance to require that
- 33 the tax shall be paid monthly to the county treasurer. If such an
- 34 ordinance is adopted, the tax shall be paid to the county treasurer not
- 35 more than twenty (20) days after the end of the month the tax is
- 36 collected. If such an ordinance is not adopted, the tax shall be imposed,
- 37 paid, and collected in exactly the same manner as the state gross retail
- 38 tax is imposed, paid, and collected.
- 39 (d) All of the provisions of the state gross retail tax (IC 6-2.5)
- 40 relating to rights, duties, liabilities, procedures, penalties, definitions,
- 41 exemptions, and administration shall be applicable to the imposition
- 42 and administration of the tax imposed by this section except to the



1 extent such provisions are in conflict or inconsistent with the specific
 2 provisions of this chapter or the requirements of the county treasurer.
 3 Specifically and not in limitation of the foregoing sentence, the terms
 4 "person" and "gross retail income" shall have the same meaning in this
 5 section as they have in the state gross retail tax (IC 6-2.5). If the tax is
 6 paid to the department of state revenue, the returns to be filed for the
 7 payment of the tax under this section may be either a separate return or
 8 may be combined with the return filed for the payment of the state
 9 gross retail tax as the department of state revenue may, by rule,
 10 determine.

11 (e) If the tax is paid to the department of state revenue, the amounts
 12 received from the tax shall be paid by the end of the next succeeding
 13 month by the treasurer of state to the county treasurer upon warrants
 14 issued by the auditor of state. The county treasurer shall deposit the
 15 revenue received under this chapter as provided in section 2 of this
 16 chapter.

17 SECTION 134. IC 6-9-2-2, AS AMENDED BY P.L.81-2019,
 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 APRIL 1, 2022]: Sec. 2. (a) The revenue received by the county
 20 treasurer under this chapter shall be allocated to the Lake County
 21 convention and visitor bureau, Indiana University-Northwest, Purdue
 22 University Northwest, municipal public safety departments, municipal
 23 physical and economic development divisions, and the cities and towns
 24 in the county as provided in this section. Subsections (b) through (g) do
 25 not apply to the distribution of revenue received under section 1 of this
 26 chapter from hotels, motels, inns, tourist camps, tourist cabins, and
 27 other lodgings or accommodations built or refurbished after June 30,
 28 1993, that are located in the city of Gary.

29 (b) The Lake County convention and visitor bureau shall establish
 30 a convention, tourism, and visitor promotion fund (referred to in this
 31 chapter as the "promotion fund"). The county treasurer shall transfer to
 32 the Lake County convention and visitor bureau for deposit in the
 33 promotion fund thirty-five percent (35%) of the first one million two
 34 hundred thousand dollars (\$1,200,000) of revenue received from the
 35 tax imposed under this chapter in each year. The promotion fund
 36 consists of:

- 37 (1) money in the promotion fund on June 30, 2005;
- 38 (2) revenue deposited in the promotion fund under this subsection
 39 after June 30, 2005; and
- 40 (3) investment income earned on the promotion fund's assets.

41 Money in the funds established by the bureau may be expended to
 42 promote and encourage conventions, trade shows, special events,



1 recreation, and visitors. Money may be paid from the funds established
 2 by the bureau, by claim in the same manner as municipalities may pay
 3 claims under IC 5-11-10-1.6.

4 (c) This subsection applies to the first one million two hundred
 5 thousand dollars (\$1,200,000) of revenue received from the tax
 6 imposed under this chapter in each year. During each year, the county
 7 treasurer shall transfer to Indiana University-Northwest forty-four and
 8 thirty-three hundredths percent (44.33%) of the revenue received under
 9 this chapter for that year to be used as follows:

10 (1) Seventy-five percent (75%) of the revenue received under this
 11 subsection may be used only for the university's medical
 12 education programs.

13 (2) Twenty-five percent (25%) of the revenue received under this
 14 subsection may be used only for the university's allied health
 15 education programs.

16 (d) This subsection applies to the first one million two hundred
 17 thousand dollars (\$1,200,000) of revenue received from the tax
 18 imposed under this chapter in each year. During each year, the county
 19 treasurer shall allocate among the cities and towns throughout the
 20 county nine percent (9%) of the revenue received under this chapter for
 21 that year as follows:

22 (1) Ten percent (10%) of the revenue covered by this subsection
 23 shall be distributed to ~~cities having a population of more than~~
 24 ~~eighty thousand (80,000) but less than eighty thousand four~~
 25 ~~hundred (80,400): the city of Gary.~~

26 (2) Ten percent (10%) of the revenue covered by this subsection
 27 shall be distributed to ~~cities having a population of more than~~
 28 ~~eighty thousand five hundred (80,500) but less than one hundred~~
 29 ~~thousand (100,000): the city of Hammond.~~

30 (3) Ten percent (10%) of the revenue covered by this subsection
 31 shall be distributed to ~~cities having a population of more than~~
 32 ~~twenty-nine thousand six hundred (29,600) but less than~~
 33 ~~twenty-nine thousand nine hundred (29,900): the city of East~~
 34 **Chicago.**

35 (4) Seventy percent (70%) of the revenue covered by this
 36 subsection shall be distributed in equal amounts to each town and
 37 each city not receiving a distribution under subdivisions (1)
 38 through (3).

39 The money distributed under this subsection may be used only for
 40 tourism and economic development projects. The county treasurer shall
 41 make the distributions on or before December 1 of each year.

42 (e) This subsection applies to the first one million two hundred



1 thousand dollars (\$1,200,000) of revenue received from the tax
 2 imposed under this chapter in each year. During each year, the county
 3 treasurer shall transfer to Purdue University Northwest nine percent
 4 (9%) of the revenue received under this chapter for that year. The
 5 money received by Purdue University Northwest may be used by the
 6 university only for nursing education programs.

7 (f) This subsection applies to the first one million two hundred
 8 thousand dollars (\$1,200,000) of revenue received from the tax
 9 imposed under this chapter in each year. During each year, the county
 10 treasurer shall transfer two and sixty-seven hundredths percent (2.67%)
 11 of the revenue received under this chapter for that year to the following
 12 cities:

13 (1) Fifty percent (50%) of the revenue covered by this subsection
 14 shall be transferred to ~~cities having a population of more than~~
 15 ~~eighty thousand (80,000) but less than eighty thousand four~~
 16 ~~hundred (80,400): the city of Gary.~~

17 (2) Fifty percent (50%) of the revenue covered by this subsection
 18 shall be transferred to ~~cities having a population of more than~~
 19 ~~eighty thousand five hundred (80,500) but less than one hundred~~
 20 ~~thousand (100,000): the city of Hammond.~~

21 Money transferred under this subsection may be used only for
 22 convention facilities located within the city. In addition, the money may
 23 be used only for facility marketing, sales, and public relations
 24 programs. Money transferred under this subsection may not be used for
 25 salaries, facility operating costs, or capital expenditures related to the
 26 convention facilities. The county treasurer shall make the transfers on
 27 or before December 1 of each year.

28 (g) This subsection applies to the revenue received from the tax
 29 imposed under this chapter in each year that exceeds one million two
 30 hundred thousand dollars (\$1,200,000). During each year, the county
 31 treasurer shall distribute money in the promotion fund as follows:

32 (1) Eighty-five percent (85%) of the revenue covered by this
 33 subsection shall be deposited in the convention, tourism, and
 34 visitor promotion fund. The money deposited in the fund under
 35 this subdivision may be used only for the purposes for which
 36 other money in the fund may be used.

37 (2) Five percent (5%) of the revenue covered by this subsection
 38 shall be transferred to Purdue University Northwest. The money
 39 received by Purdue University Northwest under this subdivision
 40 may be used by the university only for nursing education
 41 programs.

42 (3) Five percent (5%) of the revenue covered by this subsection



1 shall be transferred to Indiana University-Northwest. The money
 2 received by Indiana University-Northwest under this subdivision
 3 may be used only for the university's medical education programs.
 4 (4) Five percent (5%) of the revenue covered by this subsection
 5 shall be transferred to Indiana University-Northwest. The money
 6 received by Indiana University-Northwest under this subdivision
 7 may be used only for the university's allied health education
 8 programs.

9 (h) This subsection applies only to the distribution of revenue
 10 received from the tax imposed under section 1 of this chapter from
 11 hotels, motels, inns, tourist camps, tourist cabins, and other lodgings or
 12 accommodations built or refurbished after June 30, 1993, that are
 13 located in the city of Gary. During each year, the county treasurer shall
 14 transfer:

15 (1) seventy-five percent (75%) of the revenues under this
 16 subsection to the department of public safety; and

17 (2) twenty-five percent (25%) of the revenues under this
 18 subsection to the division of physical and economic development;
 19 of the city of Gary.

20 (i) The Lake County convention and visitor bureau shall assist the
 21 county treasurer, as needed, with the calculation of the amounts that
 22 must be deposited and transferred under this section.

23 SECTION 135. IC 6-9-4-1, AS AMENDED BY P.L.119-2012,
 24 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a
 26 population of more than one hundred thirty-five thousand (135,000) but
 27 less than one hundred thirty-eight thousand (138,000). **Monroe**
 28 **County.**

29 SECTION 136. IC 6-9-6-1, AS AMENDED BY P.L.119-2012,
 30 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a
 32 population of more than one hundred eleven thousand (111,000) but
 33 less than one hundred fifteen thousand (115,000). **LaPorte County.**

34 SECTION 137. IC 6-9-7-1, AS AMENDED BY P.L.119-2012,
 35 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a
 37 population of more than one hundred seventy thousand (170,000) but
 38 less than one hundred seventy-five thousand (175,000). **Tippecanoe**
 39 **County.**

40 SECTION 138. IC 6-9-7-7, AS AMENDED BY P.L.122-2021,
 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 APRIL 1, 2022]: Sec. 7. (a) The county treasurer shall establish an



1 innkeeper's tax fund. The treasurer shall deposit in that fund all money
 2 received under section 6 of this chapter that is attributable to an
 3 innkeeper's tax rate that is not more than five percent (5%).

4 (b) Money in the innkeeper's tax fund shall be distributed as
 5 follows:

6 (1) Forty percent (40%) shall be distributed to the commission to
 7 carry out its purposes, including making any distributions or
 8 payments to the Lafayette - West Lafayette Convention and
 9 Visitors Bureau, Inc.

10 (2) Ten percent (10%) shall be distributed to a community
 11 development corporation that serves a metropolitan area in the
 12 county that includes:

13 (A) a city having a population of more than sixty-five thousand
 14 (~~65,000~~) but less than seventy thousand (~~70,000~~); **Lafayette**;
 15 and

16 (B) a city having a population of more than twenty-nine
 17 thousand five hundred (~~29,500~~) but less than twenty-nine
 18 thousand six hundred (~~29,600~~); **West Lafayette**;

19 for the community development corporation's use in tourism,
 20 recreation, and economic development activities.

21 (3) Ten percent (10%) shall be distributed to Historic
 22 Prophetstown to be used by Historic Prophetstown for carrying
 23 out its purposes.

24 (4) Ten percent (10%) shall be distributed to the Wabash River
 25 Enhancement Corporation to assist the Wabash River
 26 Enhancement Corporation in carrying out its purposes.

27 (5) Ten percent (10%) shall be distributed to the department of
 28 natural resources for the development of projects in the state park
 29 on the ~~county's largest river~~; **Wabash River**, including its
 30 tributaries.

31 (6) Twenty percent (20%) shall be distributed as determined by
 32 the county fiscal body.

33 (c) An advisory commission consisting of the following members is
 34 established:

35 (1) The director of the department of natural resources or the
 36 director's designee.

37 (2) The public finance director or the public finance director's
 38 designee.

39 (3) A member appointed by the Native American Indian affairs
 40 commission.

41 (4) A member appointed by Historic Prophetstown.

42 (5) A member appointed by the community development



- 1 corporation described in subsection (b)(2).
- 2 (6) A member appointed by the Wabash River Enhancement
- 3 Corporation.
- 4 (7) A member appointed by the commission.
- 5 (8) A member appointed by the county fiscal body.
- 6 (9) A member appointed by the town board of the town of
- 7 Battleground.
- 8 (10) A member appointed by the mayor of the city of Lafayette.
- 9 (11) A member appointed by the mayor of the city of West
- 10 Lafayette.
- 11 (d) The following apply to the advisory commission:
- 12 (1) The governor shall appoint a member of the advisory
- 13 commission as chairman of the advisory commission.
- 14 (2) Six (6) members of the advisory commission constitute a
- 15 quorum. The affirmative votes of at least six (6) advisory
- 16 commission members are necessary for the advisory commission
- 17 to take official action other than to adjourn or to meet to hear
- 18 reports or testimony.
- 19 (3) The advisory commission shall make recommendations
- 20 concerning the use of any proceeds of bonds issued to finance the
- 21 development of Prophetstown State Park.
- 22 (4) Members of the advisory commission who are state
- 23 employees:
- 24 (A) are not entitled to any salary per diem; and
- 25 (B) are entitled to reimbursement for traveling expenses as
- 26 provided under IC 4-13-1-4 and to reimbursement for other
- 27 expenses actually incurred in connection with the member's
- 28 duties as provided in the state policies and procedures
- 29 established by the Indiana department of administration and
- 30 approved by the budget agency.
- 31 (e) The Indiana finance authority may issue bonds for the
- 32 development of Prophetstown State Park under IC 5-1.2-6.
- 33 SECTION 139. IC 6-9-8-1 IS AMENDED TO READ AS
- 34 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
- 35 to ~~each Marion County. having a consolidated first class city.~~
- 36 SECTION 140. IC 6-9-9-1 IS AMENDED TO READ AS
- 37 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
- 38 to a county having a population of more than three hundred thousand
- 39 (300,000) but less than four hundred thousand (400,000): **Allen**
- 40 **County.**
- 41 SECTION 141. IC 6-9-10-1, AS AMENDED BY P.L.119-2012,
- 42 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a
 2 population of more than sixty-eight thousand nine hundred (68,900) but
 3 less than seventy thousand (70,000): **Wayne County.**

4 SECTION 142. IC 6-9-10.5-1, AS AMENDED BY P.L.119-2012,
 5 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a
 7 population of more than twenty-four thousand five hundred (24,500)
 8 but less than twenty-five thousand (25,000): **White County.**

9 SECTION 143. IC 6-9-11-1 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 11 to a county having a population of more than one hundred five
 12 thousand (105,000) but less than one hundred ten thousand (110,000):
 13 **Vigo County.**

14 SECTION 144. IC 6-9-12-2 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) After January 1
 16 but before June 1 of any year, the **Marion County** city-county council
 17 of a county that contains a consolidated city may adopt an ordinance to
 18 impose an excise tax, known as the county food and beverage tax, on
 19 those transactions described in section 3 of this chapter.

20 (b) If a **the** city-county council adopts an ordinance under
 21 subsection (a), it shall immediately send a certified copy of the
 22 ordinance to the commissioner of the department of state revenue.

23 (c) If a **the** city-county council adopts an ordinance under
 24 subsection (a), the county food and beverage tax applies to transactions
 25 that occur after June 30 of the year in which the ordinance is adopted.

26 SECTION 145. IC 6-9-12-3 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3. (a) Subject to
 28 section 4 of this chapter, the tax imposed under this chapter applies to
 29 any transaction in which food or beverage is furnished, prepared, or
 30 served:

31 (1) for consumption at a location, or on equipment, provided by
 32 a retail merchant;

33 (2) in a **Marion County**; ~~in which a consolidated first class city is~~
 34 ~~located~~; and

35 (3) by a retail merchant for a consideration.

36 (b) Transactions described in subsection (a)(1) include, but are not
 37 limited to transactions in which food or beverage is:

38 (1) served by a retail merchant off his premises;

39 (2) food sold in a heated state or heated by a retail merchant;

40 (3) two (2) or more food ingredients mixed or combined by a
 41 retail merchant for sale as a single item (other than food that is
 42 only cut, repackaged, or pasteurized by the seller, and eggs, fish,



1 meat, poultry, and foods containing these raw animal foods
 2 requiring cooking by the consumer as recommended by the
 3 federal Food and Drug Administration in chapter 3, subpart
 4 3-401.11 of its Food Code so as to prevent food borne illnesses);
 5 or

6 (4) food sold with eating utensils provided by a retail merchant,
 7 including plates, knives, forks, spoons, glasses, cups, napkins, or
 8 straws (for purposes of this subdivision, a plate does not include
 9 a container or packaging used to transport the food).

10 SECTION 146. IC 6-9-13-1, AS AMENDED BY P.L.109-2019,
 11 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 APRIL 1, 2022]: Sec. 1. (a) Except as provided in subsection (b), the
 13 city-county council of a **Marion** County ~~that contains a consolidated~~
 14 ~~first class city~~ may adopt an ordinance to impose an excise tax, known
 15 as the county admissions tax, for the privilege of attending, before
 16 January 1, 2041, any event and, after December 31, 2040, any
 17 professional sporting event:

18 (1) held in a facility financed in whole or in part by:

19 (A) bonds or notes issued under IC 18-4-17 (before its repeal
 20 on September 1, 1981), IC 36-10-9, or IC 36-10-9.1; or

21 (B) a lease or other agreement under IC 5-1-17 or
 22 IC 36-7-31.5; and

23 (2) to which tickets are offered for sale to the public by:

24 (A) the box office of the facility; or

25 (B) an authorized agent of the facility.

26 (b) The excise tax imposed under subsection (a) does not apply to
 27 the following:

28 (1) An event sponsored by an educational institution or an
 29 association representing an educational institution.

30 (2) An event sponsored by a religious organization.

31 (3) An event sponsored by an organization that is considered a
 32 charitable organization by the Internal Revenue Service for
 33 federal tax purposes.

34 (4) An event sponsored by a political organization.

35 (c) If a **the** city-county council adopts an ordinance under
 36 subsection (a), it shall immediately send a certified copy of the
 37 ordinance to the commissioner of the department of state revenue.

38 (d) If a **the** city-county council adopts an ordinance under
 39 subsection (a) or section 2 of this chapter prior to June 1, the county
 40 admissions tax applies to admission charges collected after June 30 of
 41 the year in which the ordinance is adopted. If the city-county council
 42 adopts an ordinance under subsection (a) or section 2 of this chapter on



1 or after June 1, the county admissions tax applies to admission charges
2 collected after the last day of the month in which the ordinance is
3 adopted.

4 SECTION 147. IC 6-9-14-1, AS AMENDED BY P.L.119-2012,
5 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a
7 population of more than fifteen thousand (15,000) but less than fifteen
8 thousand five hundred (15,500): **Brown County.**

9 SECTION 148. IC 6-9-15-1, AS AMENDED BY P.L.119-2012,
10 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a
12 population of more than thirty-two thousand (32,000) but less than
13 thirty-two thousand five hundred (32,500): **Jefferson County.**

14 SECTION 149. IC 6-9-17-1, AS AMENDED BY P.L.119-2012,
15 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a
17 population of more than one hundred twenty-five thousand (125,000)
18 but less than one hundred thirty-five thousand (135,000): **Madison
19 County.**

20 SECTION 150. IC 6-9-19-1, AS AMENDED BY P.L.119-2012,
21 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a
23 population of more than one hundred eighty-five thousand (185,000)
24 but less than two hundred fifty thousand (250,000): **Elkhart County.**

25 SECTION 151. IC 6-9-20-1, AS AMENDED BY P.L.119-2012,
26 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a
28 population of more than one hundred seventy-five thousand (175,000)
29 but less than one hundred eighty-five thousand (185,000):
30 **Vanderburgh County.**

31 SECTION 152. IC 6-9-21-1, AS AMENDED BY P.L.119-2012,
32 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a
34 population of more than one hundred fifteen thousand (115,000) but
35 less than one hundred twenty-five thousand (125,000): **Delaware
36 County.**

37 SECTION 153. IC 6-9-25-1, AS AMENDED BY P.L.119-2012,
38 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 APRIL 1, 2022]: Sec. 1. (a) This chapter applies to a county having a
40 population of more than forty-eight thousand (48,000) but less than
41 fifty thousand (50,000): **Henry County.**

42 (b) The county described in subsection (a) is unique because:



- 1 (1) governmental entities and nonprofit organizations in the
 2 county have successfully undertaken cooperative efforts to
 3 promote tourism and economic development; and
 4 (2) several unique tourist attractions are located in the county,
 5 including:
 6 (A) the Indiana basketball hall of fame;
 7 (B) the Wilbur Wright birthplace memorial; and
 8 (C) a historic gymnasium.
 9 (c) The presence of these unique attractions in the county has:
 10 (1) increased the number of visitors to the county;
 11 (2) generated increased sales at restaurants and other retail
 12 establishments selling food in the county; and
 13 (3) placed increased demands on all local governments for
 14 services needed to support tourism and economic development in
 15 the county.
 16 (d) The use of food and beverage tax revenues arising in part from
 17 the presence of the attractions identified in subsection (b)(2) to support
 18 tourism and economic development in the county permits
 19 governmental units in the county to diversify the revenue sources for
 20 which local government improvements and services are funded.
 21 SECTION 154. IC 6-9-25-9.5, AS AMENDED BY P.L.38-2021,
 22 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 APRIL 1, 2022]: Sec. 9.5. (a) This section applies to revenues from the
 24 county food and beverage tax received by the county after June 30,
 25 1994.
 26 (b) Money in the fund established under section 8 of this chapter
 27 may be used by the county for the financing, construction, renovation,
 28 improvement, equipping, or maintenance of the following capital
 29 improvements:
 30 (1) Sanitary sewers or wastewater treatment facilities that serve
 31 economic development purposes.
 32 (2) Drainage or flood control facilities that serve economic
 33 development purposes.
 34 (3) Road improvements used on an access road for an industrial
 35 park that serve economic development purposes.
 36 (4) A covered horse show arena.
 37 (5) A historic birthplace memorial.
 38 (6) A historic gymnasium and community center in a town in the
 39 county with a population greater than two thousand (2,000) but
 40 less than two thousand three hundred (2,300): **the town of**
 41 **Knightstown.**
 42 (7) Main street renovation and picnic and park areas in a town in



- 1 the county with a population greater than two thousand (2,000)
- 2 but less than two thousand three hundred (2,300): **the town of**
- 3 **Knightstown.**
- 4 (8) A community park, expo center, and cultural center.
- 5 (9) Projects for which the county decides after July 1, 1994, to:
- 6 (A) expend money in the fund established under section 8 of
- 7 this chapter; or
- 8 (B) issue bonds or other obligations or enter into leases under
- 9 section 11.5 of this chapter;
- 10 after the projects described in subdivisions (1) through (8) have
- 11 been funded.
- 12 (10) An ambulance.
- 13 (11) The construction, renovation, improvement, or repair of
- 14 county roads.

15 Money in the fund may not be used for the personnel expenses and
 16 other operating costs of any of the permissible projects listed in this
 17 section. In addition, the county may not issue bonds or enter into leases
 18 or other obligations under this chapter after December 31, 2015.
 19 Money pledged to the payment of an obligation entered into under this
 20 subsection may not be used for any other purpose as long as the
 21 obligation remains outstanding.

22 SECTION 155. IC 6-9-26-1, AS AMENDED BY P.L.119-2012,
 23 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a
 25 population of more than one hundred twenty-five thousand (125,000)
 26 but less than one hundred thirty-five thousand (135,000): **Madison**
 27 **County.**

28 SECTION 156. IC 6-9-26-12.5, AS AMENDED BY P.L.197-2016,
 29 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 APRIL 1, 2022]: Sec. 12.5. (a) This section applies if there are no
 31 outstanding obligations for which a pledge has been made under
 32 section 15(a) of this chapter concerning uses authorized under section
 33 12 of this chapter.

34 (b) Money deposited in the county economic development project
 35 fund shall be transferred to the following:

- 36 (1) Forty percent (40%) of the money deposited shall be
- 37 transferred to the fiscal officer of a city having a population of
- 38 more than fifty-five thousand (55,000) but less than sixty
- 39 thousand (60,000): **the city of Anderson.**
- 40 (2) Forty percent (40%) of the money deposited shall be
- 41 transferred to the county general fund. Money transferred under
- 42 this subdivision shall be used for the following purposes:



- 1 (A) The financing, construction, or equipping of a secure
- 2 detention facility under IC 31-31-8 or IC 31-6-9-5 (repealed).
- 3 (B) All reasonable and necessary architectural, engineering,
- 4 legal, financing, accounting, advertising, and supervisory
- 5 expenses related to the financing, construction, or equipping
- 6 of a facility described in clause (A).
- 7 (C) The retiring of any bonds issued, loans obtained, or lease
- 8 payments incurred under IC 36-1-10 to finance, construct, or
- 9 equip a facility described in clause (A).
- 10 (3) Twenty percent (20%) of the money deposited shall be
- 11 transferred to the county general fund. Money transferred under
- 12 this subdivision shall be used for economic development projects
- 13 in locations other than a city described in subdivision (1).
- 14 (c) After the retiring of any bonds issued, loans obtained, or lease
- 15 payments incurred under IC 36-1-10 to finance, construct, or equip a
- 16 secure detention facility under subsection (b)(2), money deposited in
- 17 the county economic development project fund shall be transferred to
- 18 the following:
- 19 (1) Seventy percent (70%) of the money deposited shall be
- 20 transferred to the fiscal officer of a city described in subsection
- 21 (b)(1).
- 22 (2) Thirty percent (30%) of the money deposited shall be
- 23 transferred to the county general fund. Money transferred under
- 24 this subdivision shall be used for economic development projects
- 25 in locations other than a city described in subsection (b)(1).
- 26 (d) Money transferred to a city fiscal officer under subsection (b)(1)
- 27 or (c)(1) shall be credited to a special account to be known as the city
- 28 economic development account. Money credited to the account shall
- 29 be used only for those purposes described in IC 6-3.6-10-2 (local
- 30 income tax for economic development purposes).
- 31 SECTION 157. IC 6-9-27-1, AS AMENDED BY P.L.119-2012,
- 32 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 33 APRIL 1, 2022]: Sec. 1. This chapter applies to the following:
- 34 (1) ~~A town:~~
- 35 ~~(A) located in a county having a population of more than sixty~~
- 36 ~~thousand (60,000) but less than sixty-eight thousand nine~~
- 37 ~~hundred (68,900); and~~
- 38 ~~(B) having a population of more than nine thousand (9,000);~~
- 39 **The town of Mooresville.**
- 40 (2) ~~A town:~~
- 41 ~~(A) located in a county having a population of more than~~
- 42 ~~thirty-seven thousand one hundred twenty-five (37,125) but~~



- 1 less than thirty-seven thousand five hundred (37,500); and
- 2 (B) having a population of less than one thousand (1,000). **The**
- 3 **town of Shipshewana.**
- 4 (3) A town:
- 5 (A) located in a county having a population of more than one
- 6 hundred forty thousand (140,000) but less than one hundred
- 7 fifty thousand (150,000); and
- 8 (B) having a population of more than twenty-five thousand
- 9 (25,000). **The town of Plainfield.**
- 10 (4) A town:
- 11 (A) located in a county having a population of more than one
- 12 hundred forty thousand (140,000) but less than one hundred
- 13 fifty thousand (150,000); and
- 14 (B) having a population of more than twenty thousand
- 15 (20,000) but less than twenty-five thousand (25,000). **The**
- 16 **town of Brownsburg.**
- 17 (5) A town:
- 18 (A) located in a county having a population of more than one
- 19 hundred forty thousand (140,000) but less than one hundred
- 20 fifty thousand (150,000); and
- 21 (B) having a population of more than ten thousand (10,000)
- 22 but less than twenty thousand (20,000). **The town of Avon.**
- 23 (6) A city having a population of more than eleven thousand
- 24 seven hundred (11,700) but less than eleven thousand nine
- 25 hundred (11,900). **The city of Martinsville.**
- 26 SECTION 158. IC 6-9-28-1, AS AMENDED BY P.L.119-2012,
- 27 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 APRIL 1, 2022]: Sec. 1. This chapter applies only to a county having
- 29 a population of more than one hundred forty thousand (140,000) but
- 30 less than one hundred fifty thousand (150,000). **Hendricks County.**
- 31 SECTION 159. IC 6-9-31-1 IS AMENDED TO READ AS
- 32 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
- 33 to each county having a consolidated city: **Marion County.**
- 34 SECTION 160. IC 6-9-32-1, AS AMENDED BY P.L.119-2012,
- 35 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 36 APRIL 1, 2022]: Sec. 1. (a) This chapter applies to a county having a
- 37 population of more than forty-two thousand three hundred (42,300) but
- 38 less than forty-three thousand (43,000) that **Jackson County, if the**
- 39 **county** had adopted an innkeeper's tax under IC 6-9-18 before July 1,
- 40 1999.
- 41 (b) The:
- 42 (1) convention, visitor, and tourism promotion fund;



1 (2) convention and visitor commission;
 2 (3) innkeeper's tax rate; and
 3 (4) tax collection procedures;
 4 established under IC 6-9-18 before July 1, 1999, remain in effect and
 5 govern the county's innkeeper's tax until amended under this chapter.
 6 (c) A member of the convention and visitor commission established
 7 under IC 6-9-18 before July 1, 1999, shall serve a full term of office. If
 8 a vacancy occurs, the appointing authority shall appoint a qualified
 9 replacement as provided under this chapter. The appointing authority
 10 shall make other subsequent appointments to the commission as
 11 provided under this chapter.
 12 SECTION 161. IC 6-9-33-1 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 14 to a county having a population of more than three hundred thousand
 15 (~~300,000~~) but less than four hundred thousand (~~400,000~~): **Allen**
 16 **County.**
 17 SECTION 162. IC 6-9-36-1, AS AMENDED BY P.L.119-2012,
 18 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 APRIL 1, 2022]: Sec. 1. This chapter applies to the following counties:
 20 (1) ~~A county having a population of more than four hundred~~
 21 ~~thousand (400,000) but less than seven hundred thousand~~
 22 ~~(700,000): Lake County.~~
 23 (2) ~~A county having a population of more than one hundred fifty~~
 24 ~~thousand (150,000) but less than one hundred seventy thousand~~
 25 ~~(170,000): Porter County.~~
 26 SECTION 163. IC 6-9-37-1, AS AMENDED BY P.L.119-2012,
 27 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 APRIL 1, 2022]: Sec. 1. (a) This chapter applies to a county having a
 29 population of more than one hundred forty thousand (~~140,000~~) but less
 30 than one hundred fifty thousand (~~150,000~~) that **Hendricks County, if**
 31 **the county** had adopted an innkeeper's tax under IC 6-9-18 before July
 32 1, 2005.
 33 (b) The:
 34 (1) convention, visitor, and tourism promotion fund;
 35 (2) convention and visitor commission;
 36 (3) innkeeper's tax rate; and
 37 (4) tax collection procedures;
 38 established under IC 6-9-18 before July 1, 2005, remain in effect and
 39 govern the county's innkeeper's tax until amended under this chapter.
 40 (c) A member of the convention and visitor commission established
 41 under IC 6-9-18 before July 1, 2005, shall serve a full term of office. If
 42 a vacancy occurs, the appointing authority shall appoint a qualified



1 replacement as provided in this chapter. The appointing authority shall
 2 make other subsequent appointments to the commission as provided in
 3 this chapter.

4 SECTION 164. IC 6-9-38-1, AS AMENDED BY P.L.119-2012,
 5 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 APRIL 1, 2022]: Sec. 1. This chapter applies to a county having a
 7 population of more than sixty-eight thousand nine hundred (68,900) but
 8 less than seventy thousand (70,000): **Wayne County.**

9 SECTION 165. IC 6-9-53-1, AS ADDED BY P.L.290-2019,
 10 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 APRIL 1, 2022]: Sec. 1. (a) This chapter applies to a county having a
 12 population of more than thirty-eight thousand two hundred (38,200) but
 13 less than thirty-eight thousand five hundred (38,500) that **Knox**
 14 **County, if the county** had adopted an innkeeper's tax under IC 6-9-18
 15 before July 1, 2019.

16 (b) The:

- 17 (1) convention, visitor, and tourism promotion fund;
- 18 (2) convention and visitor commission;
- 19 (3) innkeeper's tax rate; and
- 20 (4) tax collection procedures;

21 established under IC 6-9-18 before July 1, 2019, remain in effect and
 22 govern the county's innkeeper's tax until amended under this chapter.

23 (c) A member of the convention and visitor commission established
 24 under IC 6-9-18 before July 1, 2019, shall serve a full term of office. If
 25 a vacancy occurs, the appointing authority shall appoint a qualified
 26 replacement as provided under this chapter. The appointing authority
 27 shall make other subsequent appointments to the commission as
 28 provided under this chapter.

29 SECTION 166. IC 7.1-1-3-16.5, AS AMENDED BY P.L.194-2021,
 30 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 APRIL 1, 2022]: Sec. 16.5. The term "entertainment complex" means
 32 a premises that complies with one (1) or more of the following
 33 requirements:

34 (1) The premises:

- 35 (A) is a site for the performance of musical, theatrical, or other
 36 entertainment; and
- 37 (B) includes an area where at least six hundred (600)
 38 individuals may be seated at one (1) time in permanent
 39 seating.

40 (2) The premises:

- 41 (A) is located entirely within a four (4) mile radius of the
 42 center of a **the** consolidated city;



- 1 (B) is used by a nonprofit organization primarily as a fine arts
- 2 theater or for the professional performance of musical or
- 3 theatrical entertainment; and
- 4 (C) has audience seating in one (1) or more performance
- 5 spaces for at least two hundred (200) individuals.

6 SECTION 167. IC 7.1-3-1-5.3 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5.3. (a) This section
 8 applies to an application for a new permit, renewal of a permit, or
 9 transfer of a permit authorized by this article for a location in a:

- 10 (1) second or third class city; or
- 11 (2) county other than a ~~county containing a consolidated city:~~
- 12 **Marion County.**

13 (b) As used in this section, "plan commission" has the meaning set
 14 forth in IC 36-7-1-14.

15 (c) A director of a plan commission may request the commission to
 16 notify the plan commission that the commission has received an
 17 application for a permit for a location within the territory where the
 18 plan commission has jurisdiction.

19 (d) If the commission receives a request under subsection (c), the
 20 commission shall provide to the appropriate plan commission a copy
 21 of the notice that the commission submits for publication to meet the
 22 requirements of section 5 of this chapter. The commission shall mail
 23 the copy to the plan commission no later than the day that the
 24 commission submits the notice for publication.

25 SECTION 168. IC 7.1-3-1-5.5, AS AMENDED BY P.L.10-2010,
 26 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 APRIL 1, 2022]: Sec. 5.5. (a) This section applies only in a ~~county~~
 28 ~~having a consolidated city:~~ **Marion County.**

29 (b) As used in this section, "contiguous property owner" refers to a
 30 property owner who has real property that is geographically adjacent
 31 to or in contact with any point on the border of the property of a person
 32 who seeks a permit to sell alcoholic beverages for consumption on the
 33 licensed premises.

34 (c) As used in this section, "neighboring property owner" means:

- 35 (1) a contiguous property owner; or
- 36 (2) a property owner who has real property that:
 - 37 (A) is geographically adjacent to or in contact with any point
 - 38 on the border of the property of a contiguous property owner;
 - 39 and
 - 40 (B) some portion of which is within five hundred (500) feet of
 - 41 the property of a person who seeks a permit to sell alcoholic
 - 42 beverages for consumption on the licensed premises.



- 1 (d) As used in this section, "principal owner" means any person or
- 2 entity holding at least a fifteen percent (15%) interest in the business
- 3 for which a permit is sought to sell alcoholic beverages.
- 4 (e) As used in this section, "property owner" means any person
- 5 whose name and address appears in the county assessor's real property
- 6 tax assessment records as a person responsible for the payment of
- 7 property taxes on a parcel of real property.
- 8 (f) Except as provided in section 28(d) of this chapter, subsection
- 9 (g) applies to a location in the consolidated city only if:
- 10 (1) the application is for a liquor dealer's permit for a location
- 11 within the boundaries of the special fire service district, as
- 12 determined in conformity with IC 7.1-3-22-8; or
- 13 (2) the local alcoholic beverage board requires the applicant to
- 14 comply with subsection (g).
- 15 (g) In addition to the notice required by section 5 of this chapter, the
- 16 applicant for a new permit, or a transfer of a permit to sell alcoholic
- 17 beverages of any type or at any location must, at least fifteen (15) days
- 18 before the date of the local alcoholic beverage board hearing, mail
- 19 notice of the hearing at the applicant's expense to the following:
- 20 (1) Each neighboring property owner.
- 21 (2) The department of metropolitan development. ~~of the~~
- 22 ~~consolidated city.~~
- 23 (3) The following entities that have registered with the
- 24 department of metropolitan development: ~~of the consolidated city:~~
- 25 (A) The principal, headmaster, or other primary administrator
- 26 of each public, private, or parochial elementary or secondary
- 27 school located less than one thousand (1,000) feet from the
- 28 property line of the applicant's property.
- 29 (B) Each church that is located less than one thousand (1,000)
- 30 feet from the property line of the applicant's property.
- 31 (C) Each neighborhood association that represents the area in
- 32 which the applicant's property is located.
- 33 (h) The notice that the applicant mails must provide the following
- 34 information:
- 35 (1) The name and address of the applicant, or if the applicant is
- 36 a corporation, a club, an association, or an organization, the name
- 37 and address of the applicant's president, secretary, and principal
- 38 owners who will be responsible to the public for the sale of
- 39 alcoholic beverages.
- 40 (2) A statement that the applicant has filed an application with the
- 41 alcohol and tobacco commission for the sale of alcoholic
- 42 beverages.



- 1 (3) The specific address where alcoholic beverages are asked to
- 2 be sold.
- 3 (4) The type of alcoholic beverage permit applied for.
- 4 (5) The date, time, and location of the public hearing before the
- 5 local alcoholic beverage board regarding the application.
- 6 (6) That if there is a desire to remonstrate against the application,
- 7 the recipient of the notice may attend this public hearing.
- 8 (i) The applicant shall furnish evidence of the applicant's
- 9 compliance with this section by filing an affidavit with the local
- 10 alcoholic beverage board at the public hearing on the application. The
- 11 affidavit must list the names and addresses of the individuals or other
- 12 entities to which notice was mailed by the applicant.
- 13 (j) In addition to the information required by subsection (i), the
- 14 applicant shall file with the local alcoholic beverage board at the public
- 15 hearing the following information:
- 16 (1) Verification from a department of the consolidated city
- 17 designated by ordinance that the applicant is in compliance with
- 18 zoning requirements for the premises to be licensed.
- 19 (2) Verification from the department of state revenue that the
- 20 applicant does not have any outstanding income tax, excise tax,
- 21 or sales tax liabilities.
- 22 (3) Verification from the county treasurer that the applicant does
- 23 not have any outstanding property tax liability.
- 24 (k) Subsection (j)(1) does not apply to a permit holder that received
- 25 and held a permit before September 1, 1987.
- 26 (l) Notwithstanding subsection (f)(1), an applicant seeking a transfer
- 27 of a permit from a permit holder to a new permit holder when the new
- 28 permit holder does not intend to change the nature of the business
- 29 operated under the permit may apply to the local board for a waiver of
- 30 the notice requirement in subsection (g). The local board may consider
- 31 any information the local board considers relevant in making a
- 32 determination to approve or deny the waiver request. The local board
- 33 must approve or deny a waiver request at the first regularly scheduled
- 34 meeting that occurs at least fifteen (15) days after the local board
- 35 receives the waiver request from the applicant.
- 36 SECTION 169. IC 7.1-3-1-5.6 IS AMENDED TO READ AS
- 37 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5.6. (a) This section
- 38 applies only in a ~~county having a consolidated city~~ **Marion County**.
- 39 (b) This section applies only to an application for the renewal of a
- 40 permit to sell alcoholic beverages.
- 41 (c) The definitions set forth in section 5.5 of this chapter apply to
- 42 this section.



- 1 (d) The renewal of a permit is subject to IC 7.1-3-19-9.5.
- 2 (e) Except as provided in section 28(d) of this chapter, subsections
- 3 (f) and (g) apply to a location in the consolidated city only if the
- 4 application is for a liquor dealer's permit.
- 5 (f) Notwithstanding subsection (d), if:
- 6 (1) an applicant has been cited for a violation of law or a rule of
- 7 the commission; or
- 8 (2) the local alcoholic beverage board has received at least five
- 9 (5) written complaints against the applicant alleging a violation
- 10 of law or a rule of the commission;
- 11 then upon direction of the local board, the applicant shall, at least
- 12 fifteen (15) days before the date of the local alcoholic beverage board
- 13 hearing, mail notice of the hearing at the applicant's expense as
- 14 provided in subsection (g).
- 15 (g) The applicant shall mail the notice required under subsection (f)
- 16 to the following:
- 17 (1) Each neighboring property owner.
- 18 (2) The department of metropolitan development. ~~of the~~
- 19 ~~consolidated city.~~
- 20 (3) The following entities that have registered with the
- 21 department of metropolitan development: ~~of the consolidated city:~~
- 22 (A) The principal, headmaster, or other primary administrator
- 23 of each public, private, or parochial elementary or secondary
- 24 school located less than one thousand (1,000) feet from the
- 25 property line of the applicant's property.
- 26 (B) Each church that is located less than one thousand (1,000)
- 27 feet from the property line of the applicant's property.
- 28 (C) Each neighborhood association that represents the area in
- 29 which the applicant's property is located.
- 30 (h) The notice that the applicant mails must provide the following
- 31 information:
- 32 (1) The name and address of the applicant, or if the applicant is
- 33 a corporation, a club, an association, or an organization, the name
- 34 and address of the applicant's president, secretary, and principal
- 35 owners who will be responsible to the public for the sale of
- 36 alcoholic beverages.
- 37 (2) A statement that the applicant has filed an application with the
- 38 alcohol and tobacco commission for the sale of alcoholic
- 39 beverages.
- 40 (3) The specific address where alcoholic beverages are asked to
- 41 be sold.
- 42 (4) The type of alcoholic beverage permit applied for.



1 (5) The date, time, and location of the public hearing before the
2 local alcoholic beverage board regarding the application.
3 (6) That if there is a desire to remonstrate against the application,
4 the recipient of the notice may attend this public hearing.
5 (i) The applicant shall furnish evidence of the applicant's
6 compliance with this section by filing an affidavit with the local
7 alcoholic beverage board at the public hearing on the application. The
8 affidavit must list the names and addresses of the persons to whom
9 notice was mailed by the applicant.
10 (j) In addition to the information required by subsection (i), the
11 applicant shall file with the local alcoholic beverage board at the public
12 hearing the following information:
13 (1) Verification from the department of metropolitan development
14 of the consolidated city that the applicant is in compliance with
15 zoning requirements for the premises to be licensed.
16 (2) Verification from the department of state revenue that the
17 applicant does not have any outstanding income tax, excise tax,
18 or sales tax liabilities.
19 (3) Verification from the county treasurer that the applicant does
20 not have any outstanding property tax liability.
21 (k) Subsection (j)(1) does not apply to a permit holder that received
22 and held a permit before September 1, 1987.
23 SECTION 170. IC 7.1-3-1-28 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 28. (a) This section
25 applies to the initial issuance, transfer of location, or transfer of
26 ownership of the following:
27 (1) Any form of retailer's permit issued under this title.
28 (2) Any form of dealer's permit issued under this title.
29 (b) To qualify for approval of an application, an applicant must
30 show proof to the commission that the applicant has provided notice
31 concerning the application in conformity with this section.
32 (c) Except as provided in subsection (d), the applicant shall post a
33 sign for the period, in the location, and in the form specified in the
34 rules adopted by the commission to indicate to the public that the
35 applicant is seeking the issuance of a retailer's or dealer's permit. The
36 rules adopted by the commission must require that:
37 (1) the wording on the sign be in a sufficiently large type size; and
38 (2) the sign be posted in a sufficient manner in a window or
39 another area;
40 so that the sign is visible from the largest public thoroughfare or the
41 nearest public thoroughfare in the vicinity of the applicant's location.
42 The commission may require an applicant to use a sign prepared by the



1 commission. The commission may charge a fee for a sign prepared by
2 the commission that does not exceed the cost of the sign.

3 (d) This subsection applies to ~~a county having a consolidated city:~~
4 **Marion County.** If the application is for a permit other than a liquor
5 dealer's permit, the applicant may:

6 (1) post notice of the application as set forth in subsection (c); or

7 (2) mail notice in accordance with:

8 (A) section 5.5 of this chapter if the application is for a new
9 permit or transfer of a permit; or

10 (B) section 5.6 of this chapter if the application is for renewal
11 of a permit.

12 SECTION 171. IC 7.1-3-6-3.5 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3.5. (a) This section
14 applies to a temporary beer permit for the sale of beer within a ~~city~~
15 ~~having a population of more than one hundred fifty thousand (150,000)~~
16 ~~but less than five hundred thousand (500,000):~~ **the city of Fort**
17 **Wayne.**

18 (b) The commission may not issue a temporary beer permit to a
19 person unless:

20 (1) the person meets all requirements for a temporary beer permit
21 under this chapter; and

22 (2) the mayor ~~of the city in which the beer will be sold~~ approves
23 the issuance of the temporary beer permit.

24 (c) If a person asks the mayor to approve the issuance of a
25 temporary beer permit, the mayor shall notify the commission of the
26 mayor's decision to approve or disapprove the permit not later than
27 fourteen (14) days after the person's request for approval.

28 (d) If the mayor does not approve or disapprove the request within
29 the time required by subsection (c), the commission shall consider the
30 request to be approved by the mayor.

31 SECTION 172. IC 7.1-3-19-9.5 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 9.5. (a) The
33 commission shall provide procedures and forms to allow an applicant
34 for the renewal of a retailer's or dealer's permit to file a simplified
35 application.

36 (b) An applicant for renewal does not have to be present during the
37 local board proceedings on the renewal unless notified by the
38 commission or the local board. However, a local board may not take
39 any action to deny the renewal of a retailer's or dealer's permit unless
40 the applicant has been notified and given an opportunity to be present
41 at an investigation before the local board.

42 (c) For the purpose of implementing this section, the commissioner



1 may prorate permits of persons holding more than one (1) retailer's or
 2 dealer's permit so that those permits terminate at one (1) time and the
 3 renewed permits of that person shall have the same termination date.

4 (d) In a **Marion** County, ~~containing a consolidated city~~; the renewal
 5 of a retailer's or dealer's permit is subject to this section and
 6 IC 7.1-3-1-5.6.

7 SECTION 173. IC 7.1-3-20-16, AS AMENDED BY P.L.220-2021,
 8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 APRIL 1, 2022]: Sec. 16. (a) A permit that is authorized by this section
 10 may be issued without regard to the quota provisions of IC 7.1-3-22.

11 (b) The commission may issue a three-way permit to sell alcoholic
 12 beverages for on-premises consumption only to an applicant who is the
 13 proprietor, as owner or lessee, or both, of a restaurant facility in the
 14 passenger terminal complex of a publicly owned airport. A permit
 15 issued under this subsection shall not be transferred to a location off
 16 the airport premises.

17 (c) Except as provided in sections 16.3 and 16.4 of this chapter, the
 18 commission may issue a three-way, two-way, or one-way permit to sell
 19 alcoholic beverages for on-premises consumption only to an applicant
 20 who is the proprietor, as owner or lessee, or both, of a restaurant within
 21 a redevelopment project consisting of a building or group of buildings
 22 that:

- 23 (1) was formerly used as part of a union railway station;
 24 (2) has been listed in or is within a district that has been listed in
 25 the federal National Register of Historic Places maintained
 26 pursuant to the National Historic Preservation Act of 1966, as
 27 amended; and
 28 (3) has been redeveloped or renovated, with the redevelopment or
 29 renovation being funded in part with grants from the federal,
 30 state, or local government.

31 A permit issued under this subsection shall not be transferred to a
 32 location outside of the redevelopment project.

33 (d) Subject to section 16.1 of this chapter and except as provided in
 34 section 16.3 of this chapter, the commission may issue a three-way,
 35 two-way, or one-way permit to sell alcoholic beverages for on-premises
 36 consumption only to an applicant who is the proprietor, as owner or
 37 lessee, or both, of a restaurant:

- 38 (1) on land; or
 39 (2) in a historic river vessel;

40 within a municipal riverfront development project funded in part with
 41 state and city money. The ownership of a permit issued under this
 42 subsection and the location for which the permit was issued may not be



1 transferred. The legislative body of the municipality in which the
 2 municipal riverfront development project is located shall recommend
 3 to the commission sites that are eligible to be permit premises. The
 4 commission shall consider, but is not required to follow, the municipal
 5 legislative body's recommendation in issuing a permit under this
 6 subsection. A permit holder and any lessee or proprietor of the permit
 7 premises are subject to the formal written commitment required under
 8 IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 and IC 7.1-3-1.1, if
 9 business operations cease at the permit premises for more than six (6)
 10 months, the permit shall revert to the commission. The permit holder
 11 is not entitled to any refund or other compensation.

12 (e) Except as provided in sections 16.3 and 16.4 of this chapter, the
 13 commission may issue a three-way, two-way, or one-way permit to sell
 14 alcoholic beverages for on-premises consumption only to an applicant
 15 who is the proprietor, as owner or lessee, or both, of a restaurant within
 16 a renovation project consisting of:

17 (1) a building that:

18 (A) was formerly used as part of a passenger and freight
 19 railway station; and

20 (B) was built before 1900; or

21 (2) a complex of buildings that:

22 (A) is part of an economic development area established under
 23 IC 36-7-14; and

24 (B) includes, as part of the renovation project, the use and
 25 repurposing of two (2) or more buildings and structures that
 26 are:

27 (i) at least seventy-five (75) years old; and

28 (ii) located at a site at which manufacturing previously
 29 occurred over a period of at least seventy-five (75) years.

30 The permit authorized by this subsection may be issued without regard
 31 to the proximity provisions of IC 7.1-3-21-11.

32 (f) Except as provided in section 16.3 of this chapter, the
 33 commission may issue a three-way permit for the sale of alcoholic
 34 beverages for on-premises consumption at a cultural center for the
 35 visual and performing arts to the following:

36 (1) ~~A town that:~~

37 ~~(A) is located in a county having a population of more than~~
 38 ~~four hundred thousand (400,000) but less than seven hundred~~
 39 ~~thousand (700,000); and~~

40 ~~(B) has a population of more than twenty thousand (20,000)~~
 41 ~~but less than twenty-three thousand seven hundred (23,700).~~

42 **The town of Munster.**



1 (2) A city that has an indoor theater as described in section 26 of
2 this chapter.

3 (g) Except as provided in section 16.3 of this chapter, the
4 commission may issue not more than ten (10) new three-way, two-way,
5 or one-way permits to sell alcoholic beverages for on-premises
6 consumption to applicants, each of whom must be the proprietor, as
7 owner or lessee, or both, of a restaurant located within a district, or not
8 more than seven hundred (700) feet from a district, that meets the
9 following requirements:

10 (1) The district has been listed in the National Register of Historic
11 Places maintained under the National Historic Preservation Act
12 of 1966, as amended.

13 (2) A county courthouse is located within the district.

14 (3) A historic opera house listed on the National Register of
15 Historic Places is located within the district.

16 (4) A historic jail and sheriff's house listed on the National
17 Register of Historic Places is located within the district.

18 The legislative body of the municipality in which the district is located
19 shall recommend to the commission sites that are eligible to be permit
20 premises. The commission shall consider, but is not required to follow,
21 the municipal legislative body's recommendation in issuing a permit
22 under this subsection. An applicant is not eligible for a permit if, less
23 than two (2) years before the date of the application, the applicant sold
24 a retailer's permit that was subject to IC 7.1-3-22 and that was for
25 premises located within the district described in this section or within
26 seven hundred (700) feet of the district. The ownership of a permit
27 issued under this subsection and the location for which the permit was
28 issued shall not be transferred. A permit holder and any lessee or
29 proprietor of the permit premises is subject to the formal written
30 commitment required under IC 7.1-3-19-17. Notwithstanding
31 IC 7.1-3-1-3.5 and IC 7.1-3-1.1, if business operations cease at the
32 permit premises for more than six (6) months, the permit shall revert
33 to the commission. The permit holder is not entitled to any refund or
34 other compensation. The total number of active permits issued under
35 this subsection may not exceed ten (10) at any time. The cost of an
36 initial permit issued under this subsection is six thousand dollars
37 (\$6,000).

38 (h) Except as provided in section 16.3 of this chapter, the
39 commission may issue a three-way permit for the sale of alcoholic
40 beverages for on-premises consumption to an applicant who will locate
41 as the proprietor, as owner or lessee, or both, of a restaurant within an
42 economic development area under IC 36-7-14 in **either of the**



1 following:
 2 (1) a town with a population of more than twenty thousand
 3 ~~(20,000); or The town of Clarksville.~~
 4 (2) a city with a population of more than forty-four thousand five
 5 hundred ~~(44,500) but less than forty-five thousand (45,000); The~~
 6 ~~city of Jeffersonville.~~
 7 located in a county having a population of more than one hundred ten
 8 thousand ~~(110,000) but less than one hundred eleven thousand~~
 9 ~~(111,000).~~ The commission may issue not more than five (5) licenses
 10 under this section to premises within a municipality described in
 11 subdivision (1) and not more than five (5) licenses to premises within
 12 a municipality described in subdivision (2). The commission shall
 13 conduct an auction of the permits under IC 7.1-3-22-9, except that the
 14 auction may be conducted at any time as determined by the
 15 commission. Notwithstanding any other law, the minimum bid for an
 16 initial license under this subsection is thirty-five thousand dollars
 17 (\$35,000), and the renewal fee for a license under this subsection is one
 18 thousand three hundred fifty dollars (\$1,350). Before the district
 19 expires, a permit issued under this subsection may not be transferred.
 20 After the district expires, a permit issued under this subsection may be
 21 renewed, and the ownership of the permit may be transferred, but the
 22 permit may not be transferred from the permit premises.
 23 (i) After June 30, 2006, and except as provided in section 16.3 of
 24 this chapter, the commission may issue not more than five (5) new
 25 three-way, two-way, or one-way permits to sell alcoholic beverages for
 26 on-premises consumption to applicants, each of whom must be the
 27 proprietor, as owner or lessee, or both, of a restaurant located within a
 28 district, or not more than five hundred (500) feet from a district, that
 29 meets all of the following requirements:
 30 (1) The district is within an economic development area, an area
 31 needing redevelopment, or a redevelopment district as established
 32 under IC 36-7-14.
 33 (2) A unit of the National Park Service is partially located within
 34 the district.
 35 (3) An international deep water seaport is located within the
 36 district.
 37 An applicant is not eligible for a permit under this subsection if, less
 38 than two (2) years before the date of the application, the applicant sold
 39 a retailers' permit that was subject to IC 7.1-3-22 and that was for
 40 premises located within the district described in this subsection or
 41 within five hundred (500) feet of the district. A permit issued under this
 42 subsection may not be transferred. If the commission issues five (5)



1 new permits under this subsection, and a permit issued under this
 2 subsection is later revoked or is not renewed, the commission may
 3 issue another new permit, as long as the total number of active permits
 4 issued under this subsection does not exceed five (5) at any time. The
 5 commission shall conduct an auction of the permits under
 6 IC 7.1-3-22-9, except that the auction may be conducted at any time as
 7 determined by the commission.

8 (j) Subject to section 16.2 of this chapter and except as provided in
 9 section 16.3 of this chapter, the commission may issue not more than
 10 six (6) new three-way, two-way, or one-way permits to sell alcoholic
 11 beverages for on-premises consumption only to an applicant who is the
 12 proprietor, as owner or lessee, or both, of a restaurant on land within a
 13 municipal lakefront development project. A permit issued under this
 14 subsection may not be transferred. If the commission issues six (6) new
 15 permits under this subsection, and a permit issued under this subsection
 16 is later revoked or is not renewed, the commission may issue another
 17 new permit, as long as the total number of active permits issued under
 18 this subsection does not exceed six (6) at any time. The commission
 19 shall conduct an auction of the permits under IC 7.1-3-22-9, except that
 20 the auction may be conducted at any time as determined by the
 21 commission. Notwithstanding any other law, the minimum bid for an
 22 initial permit under this subsection is ten thousand dollars (\$10,000).

23 (k) Except as provided in section 16.3 of this chapter, the
 24 commission may issue not more than nine (9) new three-way permits
 25 to sell alcoholic beverages for on-premises consumption to applicants,
 26 each of whom must be a proprietor, as owner or lessee, or both, of a
 27 restaurant located:

- 28 (1) within a motorsports investment district (as defined in
- 29 IC 5-1-17.5-11); or
- 30 (2) not more than one thousand five hundred (1,500) feet from a
- 31 motorsports investment district.

32 The ownership of a permit issued under this subsection and the location
 33 for which the permit was issued shall not be transferred. If the
 34 commission issues nine (9) new permits under this subsection, and a
 35 permit issued under this subsection is later revoked or is not renewed,
 36 the commission may issue another new permit, as long as the total
 37 number of active permits issued under this subsection does not exceed
 38 nine (9) at any time. A permit holder and any lessee or proprietor of the
 39 permit premises are subject to the formal written commitment required
 40 under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 and IC 7.1-3-1.1,
 41 if business operations cease at the permit premises for more than six
 42 (6) months, the permit shall revert to the commission. The permit



1 holder is not entitled to any refund or other compensation.

2 (l) Except as provided in section 16.3 of this chapter, the
3 commission may issue not more than two (2) new three-way permits to
4 sell alcoholic beverages for on-premises consumption for premises
5 located within a qualified motorsports facility (as defined in
6 IC 5-1-17.5-14). The ownership of a permit issued under this
7 subsection and the location for which the permit was issued shall not
8 be transferred. If the commission issues two (2) new permits under this
9 subsection, and a permit issued under this subsection is later revoked
10 or is not renewed, the commission may issue another new permit, as
11 long as the total number of active permits issued under this subsection
12 does not exceed two (2) at any time. A permit holder and any lessee or
13 proprietor of the permit premises are subject to the formal written
14 commitment required under IC 7.1-3-19-17. Notwithstanding
15 IC 7.1-3-1-3.5 and IC 7.1-3-1.1, if business operations cease at the
16 permit premises for more than six (6) months, the permit shall revert
17 to the commission. The permit holder is not entitled to any refund or
18 other compensation.

19 SECTION 174. IC 7.1-3-20-24.4 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 24.4. (a) This section
21 applies only to malls.

22 (b) As used in this section, "mall" means a retail shopping center
23 that has the following characteristics:

24 (1) The center consists of an area that:

25 (A) has been redeveloped or renovated in part with grants from
26 the federal, state, or local government; and

27 (B) is entirely located within a one-half (1/2) mile radius of the
28 center of a the consolidated city.

29 (2) The center consists of a building or group of buildings that:

30 (A) contains more than twenty-five (25) retailers; and

31 (B) is constructed in a manner so that the buildings or retail
32 locations can be accessed without going outside the center.

33 (c) The commission may issue a three-way permit to sell alcoholic
34 beverages for on-premises consumption only to an applicant who is the
35 proprietor, as owner or lessee, or both, of retail space within a mall.
36 The permit may be a single permit even though more than one (1) area
37 constitutes the licensed premises under the permit.

38 (d) A permit authorized by this section may be issued without regard
39 to the proximity provisions of IC 7.1-3-21-11 or the quota provisions
40 of IC 7.1-3-22.

41 (e) Permits issued under this section may not be transferred to a
42 location outside the mall.



1 SECTION 175. IC 7.1-3-20-25, AS AMENDED BY P.L.64-2011,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 APRIL 1, 2022]: Sec. 25. (a) This section applies only to a city market.

4 (b) As used in this section, "city market" means a marketplace
5 where spaces are leased for a valuable consideration for the purpose of
6 selling and displaying for sale to the general public items or products
7 approved by the City Market Corporation and that has the following
8 characteristics:

9 (1) The market consists of an area that:

10 (A) has been redeveloped or renovated in part with grants from
11 the federal, state, or local government; and

12 (B) is entirely located within a one-half (1/2) mile radius of the
13 center of a ~~the~~ consolidated city.

14 (2) The market consists of a building or group of buildings that:

15 (A) contains more than ten (10) retailers; and

16 (B) is constructed in a manner so that the buildings or retail
17 locations can be accessed without going outside the market.

18 (c) The commission may issue a three-way permit to sell alcoholic
19 beverages for consumption on the licensed premises to an applicant
20 who is the proprietor, as owner or lessee, or both, of retail space within
21 a city market. The holder of a permit issued under this section may sell
22 beer and wine for carryout. The permit may be a single permit even
23 though more than one (1) area constitutes the licensed premises under
24 the permit.

25 (d) A permit authorized by this section may be issued without regard
26 to the proximity provisions of IC 7.1-3-21-11 or the quota provisions
27 of IC 7.1-3-22.

28 (e) Permits issued under this section may not be transferred to a
29 location outside the city market.

30 SECTION 176. IC 7.1-3-20-26, AS AMENDED BY P.L.119-2012,
31 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 APRIL 1, 2022]: Sec. 26. (a) The commission may issue a one-way,
33 two-way, or three-way permit to sell alcoholic beverages for
34 on-premises consumption only to an applicant who is the owner of an
35 indoor theater that:

36 (1) is located in a city having a population of more than one
37 hundred fifty thousand (~~150,000~~) but less than five hundred
38 thousand (~~500,000~~); **the city of Fort Wayne**; and

39 (2) has been listed in the National Register of Historic Places
40 maintained under the National Historic Preservation Act of 1966,
41 as amended. A permit issued under this subsection may not be
42 transferred.



1 (b) A permit issued under this section is subject to the quota
2 requirements of IC 7.1-3-22-3.

3 SECTION 177. IC 7.1-3-22-8 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 8. In making quota
5 determinations under this article, the population of ~~a~~ **the** consolidated
6 city is the population of its fire special service district, except to the
7 extent that the case of *Indiana Alcoholic Beverage Commission v.*
8 *Baker* (1972), 153 Ind.App. 118, 286 N.E.2d 174, has determined
9 otherwise. However, the number of liquor dealer's permits issued to
10 proprietors of package liquor stores located in the fire special service
11 district may not exceed the number issued as of January 1, 1977. For
12 purposes of this article relating to the permissible geographic location
13 of package liquor store dealer permit holders, the area of ~~a~~ **the**
14 consolidated city is the area of the entire county.

15 SECTION 178. IC 8-1-2-84 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 84. (a) With the
17 consent and approval of the commission and with the authority of their
18 stockholders as provided in this chapter, but not otherwise, any two (2)
19 or more public utilities furnishing a like service or product and doing
20 business in the same municipality or locality within Indiana, or any two
21 (2) or more public utilities whose lines intersect or parallel each other
22 within Indiana, may be merged and may enter into contracts with each
23 other which will enable such public utilities to operate their plants or
24 lines in connection with each other. Before any merger shall become
25 effective there shall be filed with the commission proof that the voting
26 stockholders have authorized or consented to such merger. If the law
27 under which the company is incorporated or reorganized so provides,
28 then the authorization and consent of the holders of the majority of the
29 voting stock shall be shown. In all other cases the consent of the
30 holders of three-fourths (3/4) of the outstanding voting stock of the
31 company shall be shown. Such authority and consent may be shown by
32 filing with the commission a certified copy of the minutes of a
33 stockholders' meeting or by filing with the commission a written
34 consent of such holders or both. In case of such merger, union, or
35 consolidation, dissenting stockholders shall apply to the commission
36 within sixty (60) days after approval by the commission to have the
37 value of their stock assessed and determined. Stockholders not so
38 applying shall be held to have assented. Upon the determination of the
39 value of the stock of such dissenting stockholder, the corporation in
40 which they are stockholders may within sixty (60) days pay the
41 dissenting stockholders for their stock the appraised value thereof, or
42 may elect to abandon the merger, union, or consolidation by filing with



1 the commission notice of such election.

2 (b) It shall not be necessary for any public utility merging, uniting,
3 or consolidating to comply with such provisions of any law governing
4 the procedure in the merger, union, or consolidation of corporations as
5 are in conflict with the provisions of this chapter. This chapter shall not
6 create any new right of merger or enlarge any such right but is intended
7 only to prescribe and simplify the proceedings in mergers which are
8 authorized by other statutes.

9 (c) Any such public utility may purchase or lease the used and
10 useful property, plant, or business, or any part thereof, of any other
11 such public utility at a price and on terms approved by the commission.
12 Whenever, in the case of any such purchase, the amount to be paid by
13 the purchaser for the property, plant, or business to be purchased shall
14 be an amount in excess of five percent (5%) of the book cost to the
15 purchaser of all the properties, plants, and business owned by it at the
16 time application is made to the commission for approval of such
17 purchase, or whenever, in the case of any such lease, the book cost to
18 the lessor of the property, plant, or business to be leased shall be an
19 amount in excess of five percent (5%) of the book cost to the lessee of
20 all the properties, plants, and business owned by the lessee at the time
21 application is made to the commission for approval of such lease, there
22 shall be obtained from the holders of three-fourths (3/4) of the voting
23 stock of such purchaser or lessee their consent, authority, and approval
24 to such purchase or lease.

25 (d) Any such public utility may purchase or lease the used and
26 useful property, plant, or business, or any part thereof, of a municipally
27 owned utility, as used in this chapter, owned or operated by ~~a city~~
28 ~~having a population of more than one hundred fifty thousand (150,000)~~
29 ~~but less than five hundred thousand (500,000); the city of Fort~~
30 **Wayne**, with the approval of the commission at a price or rental and on
31 terms approved by the commission.

32 (e) Any such public utility may sell or lease its used or useful
33 property, plant, or business, or any part thereof, to any other such
34 public utility at a price and on terms approved by the commission.
35 Whenever in the case of any such sale or lease the book cost to the
36 seller or lessor of such property, plant, or business to be sold or leased
37 shall be an amount in excess of five percent (5%) of the book cost to
38 such seller or lessor of all the properties, plants, and business owned by
39 it at the time application is made to the commission for approval of
40 such sale or lease, there shall be obtained from the holders of
41 three-fourths (3/4) of the voting stock of such seller or lessor their
42 consent, authority, and approval to such sale or lease. Whenever in the



1 case of any such sale or lease the book cost to the seller or lessor of
2 such property, plant, or business to be sold or leased shall be an amount
3 in excess of twenty percent (20%) of the book cost to such seller or
4 lessor of all the properties, plants, and business owned by it at the time
5 application is made to the commission for approval of such sale or
6 lease, dissenting stockholders of such seller or lessor shall, if the sale
7 or lease is consummated, be paid for their stock the appraised value
8 thereof as determined by the commission. Dissenting stockholders in
9 such a case shall, within sixty (60) days after publication of notice of
10 the approval by the commission of such sale or lease, apply to the
11 commission to have the value of their stock assessed and determined.
12 Stockholders not so applying shall be held to have assented. Such
13 publication of notice shall be given by the seller or lessor to its
14 stockholders by publishing such notice once each week for three (3)
15 successive weeks in a newspaper of general circulation printed in the
16 English language and published in Marion County, Indiana. Upon
17 determination of the value of the stock of such dissenting stockholders
18 such seller or lessor may within sixty (60) days either pay the
19 dissenting stockholders for their stock the appraised value thereof or
20 elect to abandon the sale or lease by filing with the commission notice
21 of its election to abandon.

22 (f) No such public utility shall encumber its used and useful
23 property or business or any part thereof without the approval of the
24 commission and the consent, authority, and approval of the owners of
25 three-fourths (3/4) of its voting stock.

26 (g) Any public utility corporation upon the order of a majority of its
27 board of directors and with the approval of the commission may
28 acquire, purchase or lease any real or personal estate or other property
29 of any other public utility not used and useful in the public service of
30 such other public utility.

31 (h) Any public utility corporation, upon the order of a majority of its
32 board of directors and with the approval of the commission, may sell
33 and convey or lease to any other public utility corporation any of its
34 real or personal estate or other property not used and useful in its
35 public service.

36 SECTION 179. IC 8-1-2-103, AS AMENDED BY P.L.136-2018,
37 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 APRIL 1, 2022]: Sec. 103. (a) No public utility, or agent or officer of
39 a public utility, or officer of any municipality constituting a public
40 utility, as defined in this chapter, may charge, demand, collect, or
41 receive from any person a greater or less compensation for any service
42 rendered or to be rendered, or for any service in connection with any



1 service rendered or to be rendered, than that prescribed in the
 2 published schedules or tariffs then in force or established as provided
 3 in this chapter, or than it charges, demands, collects, or receives from
 4 any other person for a like and contemporaneous service. A person who
 5 recklessly violates this subsection commits a Class A misdemeanor.

6 (b) Notwithstanding subsection (a), if a city of less than twenty
 7 thousand (20,000) in population according to the most recent federal
 8 decennial census, constituting a public water utility, and acting as a
 9 public utility prior to May 1, 1913, either as such city, or by any
 10 commercial association, chamber of commerce, or committee with the
 11 consent of such city, entered into any agreement with any person
 12 engaged in manufacturing any articles of commerce to furnish free
 13 water for a certain limited time as an inducement to such person so
 14 engaged in manufacturing to locate the establishment or manufacturing
 15 plant of such person within such city, such city may carry out such
 16 agreement to furnish free water to such person for the period of time
 17 remaining, as stipulated in such contract. This chapter does not prohibit
 18 any public utility from supplying or furnishing free service or service
 19 at special rates to any municipality, or any institution or agency of such
 20 municipality, in cases where the supplying or furnishing of such free
 21 service or service at special rates is stipulated in any provision of the
 22 franchise under which such public utility was operating before May 16,
 23 1919, or, in the event that such franchise shall have been surrendered,
 24 from supplying or furnishing such free service or service at special
 25 rates until such time as the franchise would have expired had it not
 26 been surrendered under this chapter; and it shall be the duty of any
 27 utility operating under any franchise, stipulating for free service or
 28 service at special rates to the municipality, or any institution or agency
 29 of such municipality, to furnish such free service or service at special
 30 rates.

31 (c) This subsection applies to a public utility that provides water for
 32 public fire protection services in both ~~a county containing a~~
 33 ~~consolidated city~~ **Marion County** and in portions of counties that are
 34 adjacent to ~~the county containing a consolidated city:~~ **Marion County**.
 35 This subsection applies throughout the territory served by the public
 36 utility. In the case of a public utility furnishing water and beginning on
 37 January 1, 1994, the charges for the production, storage, transmission,
 38 sale and delivery, or furnishing of water for public fire protection
 39 purposes shall be included in the basic rates of the customers of the
 40 public utility. However, the construction cost of any fire hydrant
 41 installed after December 31, 1993, at the request of a municipality,
 42 township, county, or other governmental unit shall be paid for by or on



1 behalf of the municipality, township, county, or other governmental
 2 unit. The change in the recovery of current revenue authorized by this
 3 section shall be reflected in a new schedule of rates to be filed with the
 4 commission at least thirty (30) days before the time the new schedule
 5 of rates is to take effect. The new schedule of rates shall:

6 (1) eliminate fire protection charges billed directly to
 7 governmental units, other than charges for the construction cost
 8 for new hydrants installed after December 31, 1993; and

9 (2) increase the rates charged each customer of the utility, based
 10 on equivalent meter size, by an amount equal to:

11 (A) the revenues lost from the elimination of such fire
 12 protection charges; divided by

13 (B) the current number of equivalent five-eighths (5/8) inch
 14 meters.

15 This change in the recovery of public fire protection costs shall not be
 16 considered to be a general increase in basic rates and charges of the
 17 public utility and is not subject to the notice and hearing requirements
 18 applicable to general rate proceedings. The commission shall approve
 19 the new schedule of rates that are to be effective January 1, 1994.

20 (d) This subsection applies to a public utility or a municipally
 21 owned water utility that is not subject to subsection (c). Except as
 22 provided in subsection (e), in the case of a public utility or municipally
 23 owned water utility furnishing water, if the governing body of any
 24 municipality within the service area of the utility adopts an ordinance
 25 providing that costs shall be recovered under this subsection, the
 26 charges for the production, storage, transmission, sale and delivery, or
 27 furnishing of water for public fire protection purposes shall be included
 28 in the basic rates of all customers of the utility within the municipality.
 29 However, on or after a date specified in the ordinance, the construction
 30 cost of any fire hydrant installed at the request of a municipality,
 31 township, county, or other governmental unit that adopts an ordinance
 32 under this subsection shall be paid for by or on behalf of the
 33 municipality, township, county, or other governmental unit. The change
 34 in the recovery of current revenue authorized by the ordinance shall be
 35 reflected in a new schedule of rates to be filed with the commission at
 36 least thirty (30) days before the time the new schedule of rates is to take
 37 effect. The new schedule of rates shall:

38 (1) eliminate fire protection charges billed directly to
 39 governmental units, other than charges for the construction cost
 40 for new hydrants installed on and after the date specified in the
 41 ordinance; and

42 (2) increase the rates charged each customer of the utility, based



1 on equivalent meter size, by an amount equal to:

2 (A) the revenues lost from the elimination of such fire
3 protection charges; divided by

4 (B) the current number of equivalent five-eighths (5/8) inch
5 meters.

6 This change in the recovery of public fire protection costs shall not be
7 considered to be a general increase in basic rates and charges of the
8 utility and is not subject to the notice and hearing requirements
9 applicable to general rate proceedings. The commission shall approve
10 the new schedule of rates that are to be effective on a date specified in
11 the ordinance.

12 (e) This subsection applies to a municipally owned water utility in
13 a city having a population of more than fifty thousand (50,000) but less
14 than fifty-one thousand (51,000): **the city of Elkhart**. The city may
15 adopt a plan to recover costs as described in subsection (d) without
16 passing an ordinance, if the plan applies only to customers of the utility
17 residing in a county having a population of more than two hundred fifty
18 thousand (250,000) but less than two hundred seventy thousand
19 (270,000): **St. Joseph County**. If the city wishes to adopt such a plan,
20 the city shall file a new schedule of rates with the commission, but is
21 not subject to commission approval of the rates.

22 (f) In the case of a change in the method of recovering public fire
23 protection costs under an ordinance adopted under subsection (d):

24 (1) on or after July 1, 1997, a customer of the utility located
25 outside the limits of a municipality whose property is not located
26 within one thousand (1,000) feet of a fire hydrant (measured from
27 the hydrant to the nearest point on the property line of the
28 customer) must be excluded from the increase in rates attributable
29 to the change and must not be included in the number of
30 equivalent five-eighths (5/8) inch meters for purposes of
31 subsection (d)(2)(B); or

32 (2) before July 1, 1997, the commission may:

33 (A) in the context of a general rate proceeding initiated by the
34 utility; or

35 (B) upon petition of:

36 (i) the utility;

37 (ii) the governmental unit that passed the ordinance; or

38 (iii) an affected customer;

39 prospectively exclude public fire protection costs from the rates
40 charged to customers located outside the limits of any
41 municipality whose property is not located within one thousand
42 (1,000) feet of a fire hydrant (measured from the hydrant to the



1 nearest point on the property line of the customer) if the
 2 commission authorizes a simultaneous increase in the rates of the
 3 utility's other customers to the extent necessary to prevent a loss
 4 of revenues to the utility.

5 An increase in the rates of the utility's other customers under
 6 subdivision (2) may not be construed to be a general increase in basic
 7 rates and charges of the utility and is not subject to the hearing
 8 requirements applicable to general rate proceedings. This subsection
 9 does not prohibit the commission from adopting different methods of
 10 public fire protection cost recovery for unincorporated areas after
 11 notice and hearing within the context of a general rate proceeding or
 12 other appropriate proceeding.

13 SECTION 180. IC 8-1-2-125, AS AMENDED BY P.L.292-2013,
 14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 APRIL 1, 2022]: Sec. 125. (a) As used in this section, "not-for-profit
 16 utility" means a public water or sewer utility that:

- 17 (1) does not have shareholders;
- 18 (2) does not engage in any activities for the profit of its trustees,
 19 directors, incorporators, or members; and
- 20 (3) is organized and conducts its affairs for purposes other than
 21 the pecuniary gain of its trustees, directors, incorporators, or
 22 members.

23 The term does not include a regional district established under
 24 IC 13-26, a conservancy district established under IC 14-33, or, for
 25 purposes of subsections (f), (g), (h), (i), (j), and (k), a utility company
 26 owned, operated, or held in trust by a **the** consolidated city.

27 (b) As used in this section, "sewage disposal system" means a privy,
 28 cesspool, septic tank, or other similar structure. The term includes a
 29 septic tank soil absorption system (as defined in IC 13-11-2-199.5).
 30 The term does not include a sewer system operated by a not-for-profit
 31 public sewer utility.

32 (c) A not-for-profit utility shall be required to furnish reasonably
 33 adequate services and facilities. The charge made by any not-for-profit
 34 utility for any service rendered or to be rendered, either directly or in
 35 connection with the service, must be nondiscriminatory, reasonable,
 36 and just. Each discriminatory, unjust, or unreasonable charge for the
 37 service is prohibited and unlawful.

38 (d) A reasonable and just charge for water or sewer service within
 39 the meaning of this section is a charge that will produce sufficient
 40 revenue to pay all legal and other necessary expense incident to the
 41 operation of the not-for-profit utility's system, including the following:

- 42 (1) Maintenance and repair costs.



- 1 (2) Operating charges.
- 2 (3) Interest charges on bonds or other obligations.
- 3 (4) Provision for a sinking fund for the liquidation of bonds or
- 4 other evidences of indebtedness.
- 5 (5) Provision for a debt service reserve for bonds or other
- 6 obligations in an amount not to exceed the maximum annual debt
- 7 service on the bonds or obligations.
- 8 (6) Provision of adequate funds to be used as working capital.
- 9 (7) Provision for making extensions and replacements.
- 10 (8) The payment of any taxes that may be assessed against the
- 11 not-for-profit utility or its property.

12 The charges must produce an income sufficient to maintain the
 13 not-for-profit utility's property in sound physical and financial
 14 condition to render adequate and efficient service. A rate too low to
 15 meet these requirements is unlawful.

16 (e) Except as provided in subsections (f) and (h), a not-for-profit
 17 public sewer utility may require connection to its sewer system of
 18 property producing sewage or similar waste and require the
 19 discontinuance of use of a sewage disposal system if:

20 (1) there is an available sanitary sewer within three hundred (300)
 21 feet of:

22 (A) the property line, if the property is:

- 23 (i) located in a **the** consolidated city;
- 24 (ii) adjacent to a body of water, including a lake, river, or
- 25 reservoir; or
- 26 (iii) any part of a subdivision, or land that is divided or
- 27 proposed to be divided into lots, whether contiguous or
- 28 subject to zoning requirements, for the purpose of sale or
- 29 lease as part of a larger common plan of development or
- 30 sale; or

31 (B) for all other properties, the improvement or other structure
 32 from which the sewage or similar waste is discharged; and

33 (2) the utility has given written notice by certified mail to the
 34 property owner at the address of the property at least ninety (90)
 35 days before the date for connection stated in the notice.

36 The notice given under subdivision (2) must also inform the property
 37 owner, other than an owner of property located in a **the** consolidated
 38 city, that the property owner may qualify for an exemption as set forth
 39 in subsection (f).

40 (f) Subject to subsection (h), a property owner is exempt from the
 41 requirement to connect to a not-for-profit public sewer utility's sewer
 42 system and to discontinue use of a sewage disposal system if the



1 following conditions are met:

2 (1) The property owner's sewage disposal system is a septic tank
3 soil absorption system that was new at the time of installation and
4 approved in writing by the local health department.

5 (2) The property owner, at the property owner's expense, obtains
6 a written determination from the local health department or the
7 department's designee that the septic tank soil absorption system
8 is not failing. The local health department or the department's
9 designee shall provide the owner with a written determination not
10 later than sixty (60) days after receipt of the owner's request. If the
11 local health department or the department's designee fails to
12 provide a written determination within the time established in this
13 subdivision, the owner, at the owner's expense, may obtain a
14 written determination from a qualified inspector. If the local
15 health department or the department's designee determines that a
16 septic tank soil absorption system is failing, the property owner
17 may appeal the determination to the board of the local health
18 department. The decision of the board is final and binding.

19 (3) The property owner provides the not-for-profit public sewer
20 utility with:

21 (A) the written notification of potential qualification for the
22 exemption described in subsection (i); and

23 (B) the written determination described in subdivision (2);
24 within the time limits set forth in subsection (i).

25 (g) If a property owner, within the time allowed under subsection
26 (i), notifies a not-for-profit public sewer utility in writing that the
27 property owner qualifies for the exemption under this section, the
28 not-for-profit public sewer utility shall, until the property owner's
29 eligibility for an exemption under this section is determined, suspend
30 the requirement that the property owner discontinue use of a sewage
31 disposal system and connect to the not-for-profit public sewer utility's
32 sewer system.

33 (h) A property owner who qualifies for the exemption provided
34 under this section may not be required to connect to the not-for-profit
35 public sewer utility's sewer system for a period of ten (10) years
36 beginning on the date the new sewage disposal system was installed.
37 A property owner may apply for two (2) five (5) year extensions of the
38 exemption provided under this section by following the procedures set
39 forth in subsections (f) and (g). If ownership of an exempt property is
40 transferred during a valid exemption period, including during an
41 extension of an initial exemption:

42 (1) the exemption applies to the subsequent owner of the property



- 1 for the remainder of the exemption period during which the
 2 transfer occurred; and
 3 (2) the subsequent owner may apply for any remaining
 4 extensions.
- 5 However, the total period during which a property may be exempt from
 6 the requirement to connect to a district's sewer system under this
 7 section may not exceed twenty (20) years, regardless of ownership of
 8 the property.
- 9 (i) To qualify for an exemption under this section, a property owner
 10 must:
- 11 (1) within sixty (60) days after the date of the written notice given
 12 to the property owner under subsection (e), notify the
 13 not-for-profit public sewer utility in writing that the property
 14 owner qualifies for the exemption under this section; and
 15 (2) within one hundred twenty (120) days after the not-for-profit
 16 public sewer utility receives the written notice provided under
 17 subdivision (1), provide the not-for-profit public sewer utility with
 18 the written determination required under subsection (f)(2).
- 19 (j) When a property owner who qualifies for an exemption under
 20 this section subsequently discontinues use of the property owner's
 21 sewage disposal system and connects to the not-for-profit public sewer
 22 utility's sewer system, the property owner may be required to pay only
 23 the following to connect to the sewer system:
- 24 (1) The connection fee the property owner would have paid if the
 25 property owner connected to the sewer system on the first date the
 26 property owner could have connected to the sewer system.
 27 (2) Any additional costs:
 28 (A) considered necessary by; and
 29 (B) supported by documentary evidence provided by;
 30 the not-for-profit public sewer utility.
- 31 (k) A not-for-profit public sewer utility may not require a property
 32 owner to connect to the not-for-profit public sewer utility's sewer
 33 system if:
- 34 (1) the property is located on at least ten (10) acres;
 35 (2) the owner can demonstrate the availability of at least two (2)
 36 areas on the property for the collection and treatment of sewage
 37 that will protect human health and the environment;
 38 (3) the waste stream from the property is limited to domestic
 39 sewage from a residence or business;
 40 (4) the system used to collect and treat the domestic sewage has
 41 a maximum design flow of seven hundred fifty (750) gallons per
 42 day; and



- 1 (5) the owner, at the owner's expense, obtains and provides to the
 2 district a certification from the local health department or the
 3 department's designee that the system is not failing.
- 4 (l) A property owner who connects to a not-for-profit public sewer
 5 utility's sewer system may provide, at the owner's expense, labor,
 6 equipment, materials, or any combination of labor, equipment, and
 7 materials from any source to accomplish the connection to the sewer
 8 system, subject to inspection and approval by the not-for-profit public
 9 sewer utility.
- 10 (m) This section does not affect the authority of the state department
 11 of health, a local health department, or a county health officer with
 12 respect to a sewage disposal system.
- 13 (n) For purposes of this section, a sewage disposal system is
 14 "failing" if one (1) or more of the following apply:
- 15 (1) The system refuses to accept sewage at the rate of design
 16 application and interferes with the normal use of plumbing
 17 fixtures.
- 18 (2) Effluent discharge exceeds the absorptive capacity of the soil
 19 into which the system discharges, resulting in ponding, seepage,
 20 or other discharge of the effluent to the ground surface or to
 21 surface waters.
- 22 (3) Effluent discharged from the system contaminates a potable
 23 water supply, ground water, or surface waters.
- 24 (o) As used in this section, "qualified inspector" means any of the
 25 following:
- 26 (1) An employee of a local health department who is designated
 27 by the local health department as having sufficient knowledge of
 28 onsite sewage systems to determine if an onsite sewage system is
 29 failing.
- 30 (2) An individual who is certified by the Indiana Onsite
 31 Wastewater Professionals Association as an onsite sewage system
 32 installer or inspector.
- 33 (3) An individual listed by the state department of health or the
 34 local health department with jurisdiction over the service area of
 35 the property inspected as having sufficient knowledge of onsite
 36 sewage systems to determine if an onsite sewage system is failing.
- 37 SECTION 181. IC 8-1-2.7-9, AS AMENDED BY P.L.119-2012,
 38 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 APRIL 1, 2022]: Sec. 9. (a) Except as provided under subsection (c) or
 40 section 15 of this chapter, when a utility successfully withdraws from
 41 commission jurisdiction, the commission does not have authority to
 42 regulate the following:



- 1 (1) Rates and charges.
- 2 (2) Stocks, bonds, notes, or other evidence of indebtedness.
- 3 (3) Rules.
- 4 (4) The annual report filing requirement.
- 5 (b) When the number of patrons served by a withdrawn utility
- 6 described in section 1.3(a)(1)(A) or 1.3(a)(2)(A) of this chapter reaches
- 7 five thousand (5,000), the utility:
- 8 (1) becomes subject to the annual report filing requirement
- 9 described in IC 8-1-2-16; and
- 10 (2) shall immediately notify the commission of the number of
- 11 patrons served by the utility.
- 12 Upon receiving notice under subdivision (2), the commission may
- 13 reassert jurisdiction over the utility, in whole or in part, after notice and
- 14 hearing if the commission finds that the public interest so requires.
- 15 (c) As used in this subsection, "utility" refers to a utility described
- 16 in section 1.3(a)(1)(B) of this chapter that is located in a ~~county having~~
- 17 ~~a population of more than sixteen thousand (16,000) but less than~~
- 18 ~~seventeen thousand (17,000).~~ **Vermillion County.** When one (1) utility
- 19 has successfully withdrawn from commission jurisdiction under this
- 20 chapter, upon the filing of a complaint by another utility that has not
- 21 withdrawn from commission jurisdiction under this chapter, the
- 22 commission shall reassert jurisdiction over the withdrawn utility with
- 23 respect to the withdrawn utility's:
- 24 (1) rates and charges;
- 25 (2) rules; and
- 26 (3) operating and territorial authority;
- 27 that have been or may be established concerning the purchase of water
- 28 for resale by the complaining utility from the withdrawn utility. The
- 29 rates and charges described in subdivision (1) are subject to the
- 30 requirements of IC 8-1-2-125. The burden of proof that the rates and
- 31 charges described in subdivision (1) comply with IC 8-1-2-125 is on
- 32 the withdrawn utility.
- 33 SECTION 182. IC 8-1-11.1-1, AS AMENDED BY P.L.136-2018,
- 34 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 APRIL 1, 2022]: Sec. 1. (a) In addition to the other executive
- 36 departments of ~~a the~~ consolidated city, there is hereby created ~~in any~~
- 37 ~~such city~~ a department of public utilities, which shall have as its head
- 38 and be under the general supervision and control of a board of seven
- 39 (7) members, to be known as the "Board of Directors for Utilities," to
- 40 be appointed annually by the board provided for and designated as the
- 41 "Board of Trustees for Utilities" under this chapter.
- 42 (b) ~~Said~~ **The** board of trustees for utilities shall consist of five (5)



1 members.

2 (c) All such trustees and all successors of the trustees shall hold
3 over after the expiration of their terms until their respective successors
4 have been duly appointed and have qualified.

5 (d) At the expiration of the respective terms of each of the members
6 of the board of trustees, the ~~said~~ board of trustees shall nominate the
7 successors of those members to membership on such board, each of
8 which nominees shall be appointed by the mayor of the consolidated
9 city within ten (10) days after receiving such nominations, and such
10 succeeding members shall serve for a term of four (4) years. In the
11 event any person who has been appointed at any time as a member of
12 such board of trustees shall fail to qualify within ten (10) days after the
13 mailing to that person of notice of the person's appointment; or if any
14 member after qualifying shall die, resign, vacate such office by
15 becoming a nonresident of such city, or be removed as provided in this
16 section, new members of such board of trustees shall be chosen to fill
17 such vacancy in the same manner as is provided for the member as to
18 whom such vacancy occurs, and the member so chosen shall serve for
19 the remainder of the term for which the member whose place is so
20 filled was appointed.

21 (e) No person shall be appointed as trustee who is less than
22 thirty-five (35) years of age, and who has not been a resident of such
23 city for at least five (5) years immediately preceding the person's
24 appointment. If any such trustee shall cease to be a legal resident of
25 ~~said the~~ city the trustee's membership on ~~said the~~ board shall terminate
26 and become vacant.

27 (f) Each member of such board of trustees for utilities, before
28 entering upon the member's duties, shall take and subscribe an oath of
29 office in the usual form, to be indorsed upon the certificate of the
30 member's appointment, which shall be promptly filed with the clerk of
31 the city-county council.

32 (g) A majority of all the members of ~~said the~~ board of trustees for
33 utilities shall be necessary to constitute a quorum.

34 (h) ~~Said The~~ board of trustees shall elect one (1) member thereof as
35 president, one (1) as vice-president, and one (1) as secretary, who shall
36 serve from the date of their election until one (1) year from the first day
37 of January next following their election and until their successors are
38 elected and have qualified.

39 (i) ~~Said The~~ board of trustees shall keep a record of its proceedings.
40 The expense of the meetings and proceedings of ~~said the~~ board and of
41 keeping a record of the meetings and proceedings, and the salary of the
42 members of the board of trustees, shall be paid upon a written request



1 of the presiding officer and secretary of the board of trustees by the
 2 board of directors for utilities out of the funds belonging to **said the**
 3 utility district. Each member of **said the** board of trustees for utilities
 4 shall receive as compensation for the member's services as such a
 5 salary in the sum of fifty dollars (\$50) per year.

6 (j) The board of trustees for utilities shall meet annually on the first
 7 Monday of December of each year, at the principal office of **said the**
 8 department of public utilities, for the purpose of transacting any
 9 business pertaining to its duties, and for the purposes of electing
 10 officers of such board of trustees and of selecting and appointing
 11 members of the board of directors for utilities, who shall serve for one
 12 (1) year from the first day of January following and until their
 13 successors are appointed and qualified.

14 (k) All persons so selected and appointed as such directors and all
 15 the successors of the directors appointed at any time shall be chosen by
 16 a majority vote of all the members of **said the** board of trustees. **Said**
 17 **The** board of trustees shall have power to remove summarily and at any
 18 time any director and in such event, or if a vacancy occurs in **said the**
 19 board of directors from any cause, **said the** board of trustees shall
 20 appoint a successor in like manner who shall serve for the balance of
 21 the term for which the member whose place is so filled was appointed.

22 (l) No person shall be appointed a member of **said the** board of
 23 directors for utilities unless the person is a bona fide resident of **said**
 24 **the** city and has been such for five (5) years immediately preceding
 25 such appointment, and is at least thirty-five (35) years of age. If any
 26 such director shall cease to be a legal resident of **said the** city during
 27 the term for which the director was appointed, the director's
 28 membership on such board shall terminate and become vacant.

29 (m) Each member of **said the** board of directors for utilities before
 30 entering upon the member's duties shall take and subscribe an oath, to
 31 be indorsed upon the certificate of the member's appointment, which
 32 shall be promptly filed with the clerk of the city-county council.

33 (n) Each of **said the** members of **said the** board of directors, before
 34 entering upon the member's duties, shall execute a bond payable to the
 35 state of Indiana, with surety to be approved by the mayor of **said the**
 36 city, in the penal sum of fifteen thousand dollars (\$15,000),
 37 conditioned upon the faithful performance of the duties of the
 38 member's office and the accounting for all moneys and property that
 39 may come into the member's hands or under the member's control. The
 40 cost of all such bonds shall be paid by the department of public utilities
 41 of **said the** city.

42 (o) Any trustee may be removed from office for neglect of duty,



1 incompetency, disability to perform the member's duties, or other good
 2 cause, by an order and judgment of the circuit or superior court of the
 3 county in which such city is located, in the following manner, to wit:
 4 An original complaint may be filed by either the mayor, or by a
 5 majority of the city-county council against any such trustee setting forth
 6 the charges preferred, and the cause shall be placed on the advanced
 7 calendar and be tried as other civil causes are tried, by the court,
 8 without the intervention of a jury. If such charges be sustained, the
 9 court shall declare such office vacant. The judgment of ~~said the~~ court
 10 shall be final and no appeal shall lie therefrom by any party.

11 (p) ~~Said The~~ board of trustees shall have power to adopt rules,
 12 regulations and by-laws for its own governance, and may meet
 13 regularly or specially as often as necessary to transact any business or
 14 duties imposed upon it under this chapter or any other statute.

15 (q) In the event such city shall acquire in any manner provided
 16 under this chapter more than one (1) such public utility and the
 17 property of the acquired utilities, ~~said the~~ board of trustees may add to
 18 such board of directors from time to time one (1) or more additional
 19 members, increasing such board to not exceed a total of eleven (11)
 20 members; which members shall be appointed and shall serve under all
 21 the provisions of this chapter governing the appointment, terms and
 22 duties of such board of directors for utilities.

23 SECTION 183. IC 8-1-11.1-15 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 15. This chapter being
 25 necessary for and intended to secure efficient and economical
 26 management and operation of utility properties in ~~any the~~ consolidated
 27 city taking advantage of the provisions ~~hereof, of this chapter,~~ the ~~said~~
 28 board of directors shall have full power to transact all the business
 29 pertaining to ~~said the~~ management and operation of each and all such
 30 utilities, including the issuance of bonds, mortgages, and other forms
 31 of indebtedness, free from all control and supervision of the department
 32 of local government finance of Indiana. This chapter shall be liberally
 33 construed to effectuate the purpose ~~hereof, of this chapter,~~ and if any
 34 one (1) or more sections, clauses, phrases, or parts ~~thereof,~~ of this
 35 chapter shall be held invalid, the remaining sections, clauses, phrases,
 36 or parts ~~thereof, of this chapter~~ shall not be affected thereby, and the
 37 legislature ~~general assembly~~ declares that it would have enacted all
 38 other parts of ~~said this~~ chapter even if any or all of the ~~aforsaid~~
 39 ~~portions thereof invalid portions of this chapter~~ had not been
 40 included ~~therein~~ in it.

41 SECTION 184. IC 8-1-11.2-1 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. ~~Any The~~

HB 1401—LS 7204/DI 75



1 consolidated city shall have the power to purchase the whole or any
 2 part of the property of a public utility, when but only when ~~its the~~
 3 city-county council by an ordinance signed and approved by the mayor,
 4 and its board of trustees for utilities of its department of public utilities
 5 by a resolution, have each determined and declared it expedient so to
 6 do; which officials are hereby duly empowered so to do; in which event
 7 ~~such the~~ city may acquire ~~such the~~ property, notwithstanding a portion
 8 of it may be located anywhere outside of the corporate limits of ~~such~~
 9 ~~the~~ city, for the price and upon the terms and conditions stated in ~~such~~
 10 ~~the~~ ordinance and resolution, but not otherwise. The power hereby
 11 conferred shall include the power to purchase the capital stock of the
 12 corporation owning ~~such the~~ property, or sufficient of ~~such the~~ stock
 13 to enable ~~such the~~ city to cause the liquidation of ~~such the~~ corporation,
 14 payment of its debts, and vesting of title to its remaining property in
 15 ~~such the~~ city. ~~and in the event of purchase of such~~ **If the city**
 16 **purchases the** stock, ~~such the~~ city, by its board of directors for utilities
 17 of its department of public utilities, is empowered to vote ~~such the~~
 18 stock so as to cause the liquidation of ~~such the~~ corporation, the
 19 payment of its debts, and the vesting of title to its remaining property
 20 in the city. Funds with which to pay ~~such the purchase-price~~ **purchase**
 21 **price** may be obtained from the sale of revenue bonds issued and sold
 22 under the authority of IC 8-1-11.1 or under any other **relevant** statute.
 23 **relevant thereto:**

24 SECTION 185. IC 8-1-11.2-2 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. ~~When any~~ **If the**
 26 consolidated city ~~shall have thus acquired~~ **acquires** utility property **as**
 27 **provided in this chapter**, the control and operation of ~~such the~~ utility
 28 property ~~shall be~~ **is** in the board of directors for utilities of the
 29 department of public utilities of ~~such the~~ city under IC 8-1-11.1 or
 30 under any other statutes relating to such matters; subject, however, to
 31 all valid terms and conditions upon which ~~such the~~ utility property
 32 ~~shall have been so~~ **is** purchased.

33 SECTION 186. IC 8-1-30.3-2.5, AS ADDED BY P.L.98-2016,
 34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 APRIL 1, 2022]: Sec. 2.5. As used in this chapter, "not-for-profit
 36 utility" has the meaning set forth in IC 8-1-2-125(a). The term includes
 37 a utility company owned, operated, or held in trust by ~~a~~ **the**
 38 consolidated city.

39 SECTION 187. IC 8-1-31-5.9, AS ADDED BY P.L.212-2015,
 40 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 APRIL 1, 2022]: Sec. 5.9. As used in this chapter, "not-for-profit
 42 utility" has the meaning set forth in IC 8-1-2-125(a). The term includes



1 a utility company owned, operated, or held in trust by a **the**
2 consolidated city.

3 SECTION 188. IC 8-1-31.5-8, AS ADDED BY P.L.104-2016,
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 APRIL 1, 2022]: Sec. 8. As used in this chapter, "not-for-profit utility"
6 has the meaning set forth in IC 8-1-2-125(a). The term includes a utility
7 company that is owned, operated, or held in trust by a **the** consolidated
8 city.

9 SECTION 189. IC 8-1-31.7-4, AS ADDED BY P.L.137-2020,
10 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 APRIL 1, 2022]: Sec. 4. (a) As used in this chapter, "not-for-profit
12 utility" has the meaning set forth in IC 8-1-2-125(a).

13 (b) The term includes a utility company that is owned, operated, or
14 held in trust by a **the** consolidated city.

15 SECTION 190. IC 8-1-32-1 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
17 only to a subject area located entirely or partially within:

18 (1) a city; or

19 (2) a ~~county having a consolidated city:~~ **Marion County.**

20 SECTION 191. IC 8-1-32-6 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 6. (a) Notwithstanding
22 IC 8-1-2-103(a), if a health agency determines that an area located
23 within a city or within a ~~county having a consolidated city:~~ **Marion**
24 **County:**

25 (1) is served by private water wells;

26 (2) suffers from a health hazard due to the presence of at least one

27 (1) contaminant; and

28 (3) incorporates at least a portion of at least one (1) census tract
29 or block having a median household income of less than two
30 hundred percent (200%) of the most recently determined federal
31 income poverty level;

32 the health agency may direct the nearest public utility that is authorized
33 to provide water utility service within the municipality to prepare and
34 provide to the commission an estimate of the cost of extending water
35 utility service to the subject area and request the commission to
36 approve the project.

37 (b) The costs estimated under subsection (a) may include the
38 following:

39 (1) Installing the mains and connecting service lines on properties
40 within the subject area.

41 (2) Abandoning and plugging existing wells in accordance with
42 IC 25-39-2-14 and rules adopted under IC 25-39 on properties



1 within the subject area.
 2 (3) Restoration of areas disturbed by the project.
 3 (4) Other reasonable costs of extending water utility service to the
 4 subject area.
 5 SECTION 192. IC 8-1.5-3-8, AS AMENDED BY P.L.161-2020,
 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 APRIL 1, 2022]: Sec. 8. (a) A municipality owning a utility under this
 8 chapter shall furnish reasonably adequate services and facilities.
 9 (b) The rates and charges made by a municipality for a service
 10 rendered or to be rendered, either directly or in connection therewith,
 11 must be nondiscriminatory, reasonable, and just.
 12 (c) "Reasonable and just rates and charges for services" means rates
 13 and charges that produce sufficient revenue to:
 14 (1) pay all the legal and other necessary expenses incident to the
 15 operation of the utility, including:
 16 (A) maintenance costs;
 17 (B) operating charges;
 18 (C) upkeep;
 19 (D) repairs;
 20 (E) depreciation;
 21 (F) interest charges on bonds or other obligations, including
 22 leases; and
 23 (G) costs associated with the acquisition of utility property
 24 under IC 8-1.5-2;
 25 (2) provide a sinking fund for the liquidation of bonds or other
 26 obligations, including leases;
 27 (3) provide a debt service reserve for bonds or other obligations,
 28 including leases, in an amount established by the municipality,
 29 not to exceed the maximum annual debt service on the bonds or
 30 obligations or the maximum annual lease rentals;
 31 (4) provide adequate money for working capital;
 32 (5) provide adequate money for making extensions and
 33 replacements to the extent not provided for through depreciation
 34 in subdivision (1); and
 35 (6) provide money for the payment of any taxes that may be
 36 assessed against the utility.
 37 (d) It is the intent of this section that the rates and charges produce
 38 an income sufficient to maintain the utility property in a sound physical
 39 and financial condition to render adequate and efficient service. Rates
 40 and charges too low to meet these requirements are unlawful.
 41 (e) The board may recommend to the municipal legislative body
 42 rates and charges sufficient to include a reasonable return on the utility



- 1 plant of the municipality.
- 2 (f) Rates and charges established under this section are subject to
- 3 the approval of:
- 4 (1) the municipal legislative body by ordinance; and
- 5 (2) the commission, in accordance with the procedures set forth
- 6 in IC 8-1-2.
- 7 The commission shall approve rates and charges that are sufficient, in
- 8 addition to the cash revenue requirements set forth in subsection (c), to
- 9 include a reasonable return on the utility plant of the municipality if the
- 10 legislative body so elects.
- 11 (g) Except for a municipally owned utility taxed under IC 6-1.1-8-3,
- 12 the commission shall approve rates and charges sufficient to
- 13 compensate the municipality for taxes that would be due the
- 14 municipality on the utility property were it privately owned. These rates
- 15 and charges in lieu of taxes may be transferred to the municipal general
- 16 fund, if the legislative body so elects.
- 17 (h) The commission shall grant a request that an increase in rates
- 18 and charges not be effective until after the occurrence of a future event
- 19 if the legislative body so requests.
- 20 (i) A municipality that acquires and operates a utility under
- 21 IC 8-1.5-2 by exercising the power of eminent domain may not impose
- 22 a special rate, charge, surcharge, or other fee, other than rates and
- 23 charges approved under this section or otherwise authorized by law, on
- 24 the customers of the utility in order to pay for the costs associated with
- 25 acquiring the utility through the exercise of the power of eminent
- 26 domain.
- 27 (j) This subsection does not apply to services rendered by a sewage
- 28 works that is subject to IC 36-9-23 or to IC 36-9-25. This subsection
- 29 also does not apply to services rendered by a department of public
- 30 utilities created by IC 8-1-11.1 or to services rendered by a utility
- 31 company owned, operated, or held in trust by a ~~a~~ **the** consolidated city.
- 32 This subsection applies to property that is served by a municipally
- 33 owned utility and that is occupied by someone other than the owner of
- 34 the property. Upon applying for utility service from a municipally
- 35 owned utility for property subject to this subsection, the person
- 36 occupying the property shall provide the municipally owned utility with
- 37 the name and contact information of the owner or manager of the
- 38 property. Subject to subsection (k), all rates, charges, and other fees for
- 39 services rendered by a municipally owned utility to a property that is
- 40 subject to this subsection are payable by the person occupying the
- 41 property if the account or other customer or billing records maintained
- 42 by the municipally owned utility for the property indicate that:



- 1 (1) the property is occupied by someone other than the owner; and
 2 (2) the person occupying the property is responsible for paying
 3 the rates, charges, and fees assessed for the services rendered by
 4 the municipally owned utility with respect to the property.

5 Rates, charges, and fees assessed for services rendered by a
 6 municipally owned utility with respect to property occupied by
 7 someone other than the owner of the property do not constitute a lien
 8 against the property.

9 (k) With respect to property that is served by a municipally owned
 10 utility and that is occupied by someone other than the owner of the
 11 property, subsection (j) does not:

- 12 (1) prohibit a municipal legislative body from imposing any:
 13 (A) requirement for a deposit to ensure payment by the person
 14 occupying the property of the rates, charges, and fees assessed
 15 for the services rendered by the municipally owned utility with
 16 respect to the property; or
 17 (B) other requirement to ensure the creditworthiness of the
 18 person occupying the property as the account holder or
 19 customer with respect to the property;

20 that the municipal legislative body may lawfully impose; or
 21 (2) abrogate or limit the authority of the owner of a multi-unit
 22 building to engage in electrical submetering under IC 8-1-2-36.5,
 23 subject to:

- 24 (A) the owner's qualification to engage in submetering under
 25 IC 8-1-2-36.5 and 170 IAC 4-5; and
 26 (B) the owner's compliance with the requirements for
 27 submetering set forth in IC 8-1-2-36.5 and 170 IAC 4-5.

28 (l) With respect to property that is served by a municipally owned
 29 utility and that is occupied by someone other than the owner of the
 30 property, subsection (k) does not allow a municipal legislative body to
 31 impose a requirement that the owner of the property must:

- 32 (1) ensure the creditworthiness of the person occupying the
 33 property; or
 34 (2) accept responsibility for charges incurred by the person
 35 occupying the property;

36 by cosigning an agreement or by any other method.

37 SECTION 193. IC 8-1.5-4-3, AS AMENDED BY P.L.119-2012,
 38 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 APRIL 1, 2022]: Sec. 3. The department of waterworks has jurisdiction
 40 over a special taxing district (referred to as "the waterworks district" in
 41 this chapter) that consists of:

- 42 (1) in the case of a second class city located in a county having a



1 population of more than one hundred seventy-five thousand
 2 (+175,000) but less than one hundred eighty-five thousand
 3 (+185,000); **Vanderburgh County**, all the territory within that
 4 county; or

5 (2) in the case of any other municipality, all the territory within
 6 the corporate boundaries of the municipality, or the territory
 7 served by the waterworks if larger or smaller than the corporate
 8 boundaries.

9 SECTION 194. IC 8-1.5-4-14, AS AMENDED BY P.L.119-2012,
 10 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 APRIL 1, 2022]: Sec. 14. (a) This subsection applies to a municipality
 12 that is not subject to IC 8-1-2-103(c) or has not adopted an ordinance
 13 to become subject to IC 8-1-2-103(d). The reasonable cost and value
 14 of any service rendered to the municipality by the waterworks by
 15 furnishing water for public purposes or by maintaining hydrants and
 16 other facilities for fire protection shall be:

17 (1) charged against the municipality; and

18 (2) paid for in monthly installments as the service accrues out of
 19 the current revenues of the municipality, collected or in process
 20 of collection, and the tax levy of the municipality made by it to
 21 raise money to meet its necessary current expenses.

22 (b) This subsection applies to a municipality that is subject to
 23 IC 8-1-2-103(c), that has adopted an ordinance to become subject to
 24 IC 8-1-2-103(d), or that has adopted a plan described in
 25 IC 8-1-2-103(d) as prescribed in IC 8-1-2-103(e). The reasonable cost
 26 and value of any service rendered to the municipality by the
 27 waterworks by furnishing water for public purposes shall be:

28 (1) charged against the municipality; and

29 (2) paid for in monthly installments as the service accrues out of
 30 the current revenues of the municipality, collected or in process
 31 of collection, and the tax levy of the municipality made by it to
 32 raise money to meet its necessary current expenses.

33 Except as provided in subsection (d), the cost and value of maintaining
 34 hydrants and other facilities for fire protection shall be excluded from
 35 the charges against the municipality and shall be recovered from the
 36 other customers of the waterworks beginning on January 1, 1994, in a
 37 municipality subject to IC 8-1-2-103(c) and beginning on a date
 38 provided in the ordinance for a municipality that adopts an ordinance
 39 under IC 8-1-2-103(d). The change in the recovery of current revenue
 40 authorized by this section shall be reflected in a schedule of new rates
 41 to be filed with the commission at least thirty (30) days before the time
 42 the schedule of new rates is to take effect.



1 (c) The compensation for the service provided to the municipality
 2 shall, in the manner prescribed by this chapter, be paid into the separate
 3 and special fund created by setting aside the income and revenues of
 4 the waterworks and is subject to apportionment to the operating,
 5 maintenance, depreciation, and bond and interest redemption accounts.

6 (d) This subsection applies to a city having a population of more
 7 than forty-seven thousand (47,000) but less than forty-nine thousand
 8 (49,000): **the city of Mishawaka**. The cost and value of maintaining
 9 hydrants and other facilities for fire protection may be recovered from
 10 customers of the waterworks residing in either of the following,
 11 beginning on a date determined by the city:

12 (1) In a county having a population of more than two hundred
 13 fifty thousand (250,000) but less than two hundred seventy
 14 thousand (270,000): **St. Joseph County**.

15 (2) In a township having a population of more than nine thousand
 16 (9,000) but less than nine thousand five hundred (9,500) located
 17 in a county having a population of more than one hundred
 18 eighty-five thousand (185,000) but less than two hundred fifty
 19 thousand (250,000): **Baugo Township in Elkhart County**.

20 The city shall file a new schedule of rates with the commission as set
 21 forth in subsection (b), but is not subject to commission approval of the
 22 rates.

23 SECTION 195. IC 8-1.5-5-1 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 25 to each:

26 (1) municipality; and

27 (2) county that:

28 (A) ~~does not have a consolidated city; is a county other than~~
 29 **Marion County**; and

30 (B) receives notification from the department of environmental
 31 management that the county will be subject to storm water
 32 regulation under 327 IAC 15-13;

33 that adopts the provisions of this chapter by ordinance.

34 SECTION 196. IC 8-1.5-5-2 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. As used in this
 36 chapter, "board" means the following:

37 (1) For a ~~the~~ consolidated city, the board of public works
 38 established by IC 36-3-5-6.

39 (2) For all other municipalities, the:

40 (A) board of directors described in section 4 of this chapter; or

41 (B) board that controls the third class city's municipally owned
 42 utilities under IC 8-1.5-3-3(a) if the city has adopted an



1 ordinance under IC 8-1.5-3-3(a) that provides for the control
 2 of any or all of the city's storm water facilities by the board
 3 that controls the city's municipally owned utilities.
 4 (3) For a county:
 5 (A) the county executive; and
 6 (B) the county surveyor.
 7 SECTION 197. IC 8-1.5-5-3 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3. As used in this
 9 chapter, "department" means the following:
 10 (1) For a **the** consolidated city, the department of public works.
 11 (2) For all other municipalities, the department of storm water
 12 management established under section 4 of this chapter.
 13 (3) For a county, the department of storm water management
 14 established under section 4.5 of this chapter.
 15 SECTION 198. IC 8-1.5-5-4, AS AMENDED BY P.L.164-2019,
 16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 APRIL 1, 2022]: Sec. 4. (a) This section applies to all municipalities
 18 except a **the** consolidated city.
 19 (b) If the legislative body of a municipality adopts the provisions of
 20 this chapter by ordinance, a department of storm water management is
 21 established and is controlled by a board of directors.
 22 (c) Except as provided in subsections (f) and (g), the board consists
 23 of three (3) directors. The executive of the municipality shall appoint
 24 the directors.
 25 (d) Except as provided in subsections (f) and (g), the legislative
 26 body shall prescribe, by ordinance, the terms of the directors. However,
 27 the legislative body must prescribe the initial terms of the directors so
 28 that they will be staggered.
 29 (e) The executive may remove a director at any time when, in the
 30 judgment of the executive, it is for the best interest of the department.
 31 (f) If a second class city has a department of public sanitation under
 32 IC 36-9-25, the executive of the city may appoint the members of the
 33 board of sanitary commissioners as the board of directors of the
 34 department of storm water management. The terms of the members of the
 35 board of directors are the same as the terms of the members of the
 36 board of sanitary commissioners under IC 36-9-25-4.
 37 (g) If a third class city:
 38 (1) has a board that controls the city's municipally owned utilities
 39 under IC 8-1.5-3-3(a); and
 40 (2) has adopted an ordinance under IC 8-1.5-3-3(a) that provides
 41 for the control of any or all of the city's storm water facilities by
 42 the board that controls the city's municipally owned utilities;



1 the members of the board that controls the city's municipally owned
 2 utilities shall serve as the board of directors of the department of storm
 3 water management, subject to any transition procedure specified in the
 4 ordinance under IC 8-1.5-3-3(b). The terms of the members of the
 5 board of directors are the same as the terms of the members of the
 6 board that controls the city's municipally owned utilities under
 7 IC 8-1.5-3-3(a), subject to the completion of any transition procedure
 8 specified in the ordinance under IC 8-1.5-3-3(b).

9 (h) A member of the board of directors of the department of storm
 10 water management who:

- 11 (1) is appointed under subsection (f); or
- 12 (2) is a member of the board under subsection (g) and receives a
 13 salary as a member of the board that controls the third class city's
 14 municipally owned utilities;

15 is not entitled to a salary for serving as a member of the board of
 16 directors of the department of storm water management. However, a
 17 member shall be reimbursed for necessary expenses incurred by the
 18 member in the performance of official duties.

19 SECTION 199. IC 8-1.5-5-5 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) The ordinance
 21 adopting the provisions of this chapter creates a special taxing district
 22 that includes the following:

- 23 (1) For ~~a the~~ consolidated city, all of the territory of ~~the county~~
 24 ~~containing the consolidated city~~. **Marion County.**
- 25 (2) For all other municipalities, all territory within the corporate
 26 boundaries of the municipality.
- 27 (3) For a county, all the territory in the county that is not located
 28 in a municipality.

29 (b) All the territory within the district constitutes a special taxing
 30 district for the purpose of providing for the collection and disposal of
 31 storm water of the district in a manner that protects the public health
 32 and welfare and for the purpose of levying special benefit taxes for
 33 purposes of storm water collection and disposal. All territory in the
 34 district and all territory added to the district is considered to have
 35 received a special benefit from the storm water collection and disposal
 36 facilities of the district equal to or greater than the special taxes
 37 imposed on the territory under this chapter in order to pay all or part of
 38 the costs of such facilities.

39 SECTION 200. IC 8-1.5-5-32, AS AMENDED BY P.L.154-2006,
 40 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 APRIL 1, 2022]: Sec. 32. (a) This section applies to excluded cities and
 42 towns in a ~~county containing a consolidated city~~. **Marion County.**



1 (b) A municipality to which this section applies may withdraw from
2 the district established by the consolidated city if the municipal
3 legislative body adopts an ordinance withdrawing the municipality
4 from the district. The municipal legislative body shall, at least thirty
5 (30) days before the final vote on the ordinance, mail written notice of
6 the meeting to the following:

7 (1) All owners of lots and parcels within the municipality that are
8 subject to storm water user fees imposed in the district by the
9 department of public works of the consolidated city.

10 (2) The department of public works of the consolidated city.

11 (c) An ordinance described in subsection (b) takes effect sixty (60)
12 days after adoption by the municipal legislative body.

13 (d) In addition to the notice required by subsection (b), if a
14 municipal legislative body adopts an ordinance under subsection (b),
15 the municipal legislative body shall mail written notice of the
16 withdrawal from the district to the department of public works of the
17 consolidated city not more than thirty (30) days after the ordinance
18 becomes effective.

19 (e) If on the date of a municipality's withdrawal from the district
20 there are bonds outstanding that have been issued by the board of
21 public works of the consolidated city, the municipality is liable for and
22 shall pay that indebtedness in the same ratio as the assessed valuation
23 of the property in the municipality bears to the assessed valuation of all
24 property included in the district on the date one (1) day before the date
25 of withdrawal, as shown in the most recent assessment for taxation
26 before the date of withdrawal.

27 (f) If a municipal legislative body adopts an ordinance under
28 subsection (b), the municipality is entitled to receive the following:

29 (1) An annual lump sum payment equal to the total amount of
30 property taxes paid and allocated to the district's flood debt
31 service fund from all property taxpayers within the municipality,
32 to the extent the property taxes are not necessary to pay the
33 indebtedness owed by the municipality under subsection (e). A
34 payment under this subdivision is required for property taxes
35 assessed beginning on the January 1 preceding the effective date
36 of the municipality's withdrawal from the district.

37 (2) The total amount of storm water user fees collected by the
38 department of public works of the consolidated city from the lots
39 and parcels in the municipality beginning on the January 1
40 preceding the effective date of the municipality's withdrawal from
41 the district.

42 (g) Payments received under subsection (f):



1 (1) shall be deposited by the municipality in a dedicated fund; and
 2 (2) may be used by the municipality only for purposes of storm
 3 water management in the municipality and may not be diverted,
 4 directly or indirectly, in any manner to any use other than the
 5 purposes of storm water management in the municipality.

6 SECTION 201. IC 8-9.5-7-1, AS AMENDED BY P.L.119-2012,
 7 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 APRIL 1, 2022]: Sec. 1. (a) The following may create, by an ordinance
 9 adopted by its legislative body, an automated transit district:

- 10 (1) ~~A~~ **The** consolidated city.
 11 (2) ~~A city having a population of more than one hundred thousand~~
 12 ~~(100,000) but less than one hundred ten thousand (110,000):~~ **The**
 13 **city of South Bend.**

14 The ordinance creating an automated transit district must specify the
 15 territory to be included initially in the district.

16 (b) An automated transit district may also be created by the
 17 procedures provided in sections 2 and 3 of this chapter.

18 SECTION 202. IC 8-10-5-2, AS AMENDED BY P.L.49-2010,
 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 APRIL 1, 2022]: Sec. 2. (a) Any municipal corporation, county, or any
 21 combination of a municipal corporation, municipal corporations,
 22 county, or counties may create a port authority and there may be
 23 created a port authority in a ~~county having a population of more than~~
 24 ~~four hundred thousand (400,000) but less than seven hundred thousand~~
 25 ~~(700,000):~~ **Lake County.** Such authority may operate in addition to any
 26 municipal authority that may be created under this chapter. A
 27 municipal corporation shall act by ordinance, and a county shall act by
 28 resolution of the county commissioners in authorizing the creation of
 29 a port authority. A port authority created hereunder shall be a body
 30 corporate and politic which may sue and be sued, plead and be
 31 impleaded, and shall have the powers and jurisdiction enumerated in
 32 this chapter. The exercise by such port authority of the powers
 33 conferred upon it shall be deemed to be essential governmental
 34 functions of the state of Indiana, but no port authority shall be immune
 35 from liability by reason thereof.

36 (b) In the exercise of the powers and authorities herein granted said
 37 port authority shall have power to make and enter into any and all
 38 contracts that may be necessary to effectuate the purposes of this
 39 chapter. Except as otherwise expressly provided by this chapter, a
 40 contract made by a port authority is not subject to ratification by any
 41 other board, body, or officer.

42 SECTION 203. IC 8-10-5-5, AS AMENDED BY P.L.119-2012,



1 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 APRIL 1, 2022]: Sec. 5. (a) A port authority created in accordance with
 3 the provisions of this chapter shall be governed by a board of directors.
 4 Except as provided in subsection (c), members of a board of directors
 5 of a port authority created by the exclusive action of a municipal
 6 corporation shall consist of the number of members it deems necessary
 7 and be appointed by the mayor with the advice and consent of the
 8 common council. Members of a board of directors of a port authority
 9 created by the exclusive action of a county shall consist of such
 10 members as it deems necessary and be appointed by the county
 11 commissioners of such county. Members of a board of directors of a
 12 port authority created by a combination of political subdivisions shall
 13 be divided among such political subdivisions in such proportions as
 14 such political subdivisions may agree and appointed in the same
 15 manner as this section provides for their appointment when such
 16 political subdivision creates its own port authority. When a port
 17 authority is created by a combination of political subdivisions, the
 18 number of directors composing the board shall be determined by
 19 agreement between such political subdivisions.

20 (b) In the case of a port authority created under section 2 of this
 21 chapter in a county having a population of more than four hundred
 22 thousand (400,000) but less than seven hundred thousand (700,000),
 23 **Lake County**, the board of directors shall consist of seven (7)
 24 members, three (3) of whom shall be appointed by the board of county
 25 commissioners, one (1) each by the mayors of the three (3) cities in ~~the~~
 26 **Lake County** having the largest populations, and the mayor of the city
 27 having the largest population shall appoint any remaining member or
 28 members. The board shall be appointed as follows:

29 (1) The mayors of the three (3) cities in ~~the~~ **Lake County** having
 30 the largest populations shall each make one (1) appointment.

31 (2) The board of county commissioners shall make its three (3)
 32 appointments following the naming of the city appointees and
 33 appoint persons of such political faith as to make the board of
 34 directors a bipartisan body.

35 (3) If a city is entitled to a second appointment, the mayor shall
 36 make the appointment subject to retaining the board's bipartisan
 37 status.

38 (4) In no event may more than three (3) board members residing
 39 in the same city serve on ~~said~~ **the** board at the same time.

40 (5) ~~In no event may~~ **Not** more than four (4) members of one (1)
 41 political party **may** serve on the board at the same time.

42 (c) This subsection applies to a port authority created under section



1 2 of this chapter by the exclusive action of a municipal corporation in
2 a city having a population of more than eighty thousand five hundred
3 (80,500) but less than one hundred thousand (100,000): **the city of**
4 **Hammond**. The board of directors of the port authority consists of five
5 (5) members appointed as follows:

- 6 (1) Three (3) members appointed by the mayor of the city.
- 7 (2) Two (2) members appointed by the legislative body of the city.

8 (d) The appointing authority may at any time remove a director
9 appointed by it for misfeasance, nonfeasance, or malfeasance in office.

10 (e) At the time of appointment, a director must be a resident of one
11 (1) of the following:

- 12 (1) The political subdivision from which the director is appointed.
- 13 (2) The county within which the port authority is established.

14 At all times, a majority of the directors must be residents of the
15 political subdivisions from which the members are appointed.

16 (f) The directors of any port authority first appointed shall serve
17 staggered terms. Thereafter each successor shall serve for a term of
18 four (4) years, except that any person appointed to fill a vacancy shall
19 be appointed to only the unexpired term and any director shall be
20 eligible for reappointment.

21 (g) The directors shall elect one (1) of their membership as
22 chairman, and another as vice chairman, and shall designate their terms
23 of office, and shall appoint a secretary who need not be a director. A
24 majority of the board of directors shall constitute a quorum the
25 affirmative vote of which shall be necessary for any action taken by the
26 port authority. No vacancy in the membership of the board shall impair
27 the rights of a quorum to exercise all the rights and perform all the
28 duties of the port authority.

29 (h) Each member of the board of directors of a port authority shall
30 be entitled to receive from the port authority such sum of money as the
31 board of directors may determine as compensation for the member's
32 service as director and reimbursement for the member's reasonable
33 expenses in the performance of the member's duties.

34 SECTION 204. IC 8-10-5-8.5, AS AMENDED BY P.L.119-2012,
35 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 APRIL 1, 2022]: Sec. 8.5. Port authorities created in a **Lake County**
37 **having a population of more than four hundred thousand (400,000) but**
38 **less than seven hundred thousand (700,000);** shall have all the powers
39 of port authorities provided under section 8 of this chapter except the
40 power to exercise eminent domain as provided in section 8(a)(7) of this
41 chapter in **any city having a population of: either of the following**
42 **cities:**



- 1 (1) more than eighty thousand five hundred (80,500) but less than
- 2 one hundred thousand (100,000); or **The city of Hammond.**
- 3 (2) more than twenty-nine thousand six hundred (29,600) but less
- 4 than twenty-nine thousand nine hundred (29,900). **The city of**
- 5 **East Chicago.**
- 6 SECTION 205. IC 8-10-9-1, AS AMENDED BY P.L.119-2012,
- 7 SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 APRIL 1, 2022]: Sec. 1. This chapter applies to a city having a
- 9 population of more than twenty-nine thousand six hundred (29,600) but
- 10 less than twenty-nine thousand nine hundred (29,900): **the city of East**
- 11 **Chicago.**
- 12 SECTION 206. IC 8-14-2-1 IS AMENDED TO READ AS
- 13 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. As used in this
- 14 chapter:
- 15 (1) Primary highway system special account means the account of
- 16 the state known as the "primary highway system special account"
- 17 to which is credited monthly fifty-five percent (55%) of the
- 18 money deposited in the highway, road and street fund.
- 19 (2) Local road and street account means the account of the state
- 20 known as the "local road and street account" to which is credited
- 21 monthly forty-five percent (45%) of the money deposited in the
- 22 highway, road and street fund.
- 23 (3) The term "department" refers to the Indiana department of
- 24 transportation created under IC 8-23-2.
- 25 (4) The term "primary highways" shall mean that portion of the
- 26 federal-aid highway system designated by the department and
- 27 approved by the United States department of transportation as
- 28 being the state "primary highway system".
- 29 (5) The term "construction" shall mean both construction and
- 30 reconstruction to a degree that new, supplementary, or
- 31 substantially improved traffic service is provided, and significant
- 32 geometric or structural improvements are effected.
- 33 (6) "Arterial road system" shall mean the system of roads
- 34 including bridges in each county of Indiana, under the jurisdiction
- 35 of the board of county commissioners, or successor body,
- 36 including a department of transportation of a **the** consolidated
- 37 city, designated as such by the board under IC 8-23-4-3, but not
- 38 including local county roads.
- 39 (7) "Local county roads" shall mean all county roads and bridges
- 40 which are not designated as being in the arterial road system.
- 41 (8) "Arterial street system" means the system of streets, including
- 42 bridges in each city or town in Indiana, under the jurisdiction of



1 municipal street authorities or successor bodies, including a
2 department of transportation of a the consolidated city, designated
3 as such by the board under IC 8-23-4-4, but not including local
4 streets.

5 (9) "Local streets" shall mean all city and town streets and bridges
6 which are not designated as being in the arterial street system in
7 each city or town.

8 (10) "Resurfacing" means the placement of additional pavement
9 layers (including protective systems for bridge decks) over the
10 existing (or restored or rehabilitated) roadway or bridge deck
11 surface to provide additional strength or to improve serviceability
12 for a substantial time period.

13 (11) "Restoration and rehabilitation" means work required to
14 return the existing structure (roadway pavement or bridge deck)
15 to a suitable condition for an additional stage of construction
16 (bridge deck protective system or resurfacing) or to a suitable
17 condition to perform satisfactorily for a substantial time period.

18 SECTION 207. IC 8-14-2-4, AS AMENDED BY P.L.185-2018,
19 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 APRIL 1, 2022]: Sec. 4. (a) The auditor of state shall establish a special
21 account to be called the "local road and street account" and credit this
22 account monthly with thirty-seven percent (37%) of the money
23 deposited in the highway, road and street fund.

24 (b) The auditor shall distribute to units of local government money
25 from this account each month. Before making any other distributions
26 under this chapter, the auditor shall distribute E85 incentive payments
27 to all political subdivisions entitled to a payment under section 8 of this
28 chapter.

29 (c) After distributing E85 incentive payments required under section
30 8 of this chapter, the auditor of state shall allocate to each county the
31 remaining money in this account on the basis of the ratio of each
32 county's passenger car registrations to the total passenger car
33 registrations of the state. The auditor shall further determine the
34 suballocation between the county and the cities within the county as
35 follows:

36 (1) In counties having a population of more than fifty thousand
37 (50,000), sixty percent (60%) of the money shall be distributed on
38 the basis of the population of the city or town as a percentage of
39 the total population of the county and forty percent (40%)
40 distributed on the basis of the ratio of city and town street mileage
41 to county road mileage.

42 (2) In counties having a population of fifty thousand (50,000) or



1 less, twenty percent (20%) of the money shall be distributed on
 2 the basis of the population of the city or town as a percentage of
 3 the total population of the county and eighty percent (80%)
 4 distributed on the basis of the ratio of city and town street mileage
 5 to county road mileage.

6 (3) For the purposes of allocating funds as provided in this
 7 section, towns which become incorporated as a town between the
 8 effective dates of decennial censuses shall be eligible for
 9 allocations upon the effectiveness of a corrected population count
 10 for the town under IC 1-1-3.5.

11 (4) Money allocated under the provisions of this section to
 12 ~~counties containing a consolidated city~~ **Marion County** shall be
 13 credited or allocated to the department of transportation of the
 14 consolidated city.

15 (d) Each month the auditor of state shall inform the department of
 16 the amounts allocated to each unit of local government from the local
 17 road and street account.

18 SECTION 208. IC 8-14-8-3, AS AMENDED BY P.L.119-2012,
 19 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 APRIL 1, 2022]: Sec. 3. For purposes of this chapter, "qualified
 21 county" ~~means a county having a population of:~~ **refers to any of the**
 22 **following counties:**

23 (1) ~~more than fifty-seven thousand (57,000) but less than sixty~~
 24 ~~thousand (60,000);~~ **Warrick County.**

25 (2) ~~more than forty thousand (40,000) but less than forty-two~~
 26 ~~thousand (42,000);~~ **Dubois County.**

27 (3) ~~more than thirty-three thousand five hundred (33,500) but less~~
 28 ~~than thirty-four thousand (34,000);~~ **Gibson County.**

29 (4) ~~more than thirty thousand (30,000) but less than thirty-two~~
 30 ~~thousand (32,000);~~ **Daviess County.**

31 (5) ~~more than twenty-five thousand eight hundred (25,800) but~~
 32 ~~less than twenty-six thousand (26,000);~~ **Posey County.**

33 (6) ~~more than eighteen thousand (18,000) but less than nineteen~~
 34 ~~thousand five hundred (19,500);~~ **Perry County.**

35 (7) ~~more than twenty thousand nine hundred (20,900) but less~~
 36 ~~than twenty-one thousand (21,000);~~ **Spencer County.**

37 (8) ~~more than twelve thousand eight hundred (12,800) but less~~
 38 ~~than thirteen thousand (13,000);~~ **Pike County.**

39 (9) ~~more than ten thousand (10,000) but less than ten thousand~~
 40 ~~five hundred (10,500);~~ or **Martin County.**

41 (10) ~~more than ten thousand seven hundred (10,700) but less than~~
 42 ~~twelve thousand (12,000);~~ **Crawford County.**



1 SECTION 209. IC 8-14-16-1, AS AMENDED BY P.L.119-2012,
 2 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 APRIL 1, 2022]: Sec. 1. This chapter applies only to the following
 4 counties:

5 (1) A county having a population of more than thirty-four
 6 thousand (34,000) but less than thirty-four thousand three
 7 hundred (34,300): **Steuben County.**

8 (2) A county having a population of more than thirty-seven
 9 thousand one hundred twenty-five (37,125) but less than
 10 thirty-seven thousand five hundred (37,500): **LaGrange County.**

11 (3) A county having a population of more than one hundred
 12 eleven thousand (111,000) but less than one hundred fifteen
 13 thousand (115,000): **LaPorte County.**

14 (4) A county having a population of more than one hundred
 15 eighty-five thousand (185,000) but less than two hundred fifty
 16 thousand (250,000): **Elkhart County.**

17 (5) A county having a population of more than two hundred fifty
 18 thousand (250,000) but less than two hundred seventy thousand
 19 (270,000): **St. Joseph County.**

20 (6) A county having a population of more than one hundred fifty
 21 thousand (150,000) but less than one hundred seventy thousand
 22 (170,000): **Porter County.**

23 (7) A county having a population of more than four hundred
 24 thousand (400,000) but less than seven hundred thousand
 25 (700,000): **Lake County.**

26 SECTION 210. IC 8-15.5-1-2, AS AMENDED BY P.L.165-2021,
 27 SECTION 129, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) This article contains full and
 29 complete authority for public-private agreements between the authority,
 30 a private entity, and, where applicable, a governmental entity. Except
 31 as provided in this article, no law, procedure, proceeding, publication,
 32 notice, consent, approval, order, or act by the authority or any other
 33 officer, department, agency, or instrumentality of the state or any
 34 political subdivision is required for the authority to enter into a
 35 public-private agreement with a private entity under this article, or for
 36 a project that is the subject of a public-private agreement to be
 37 constructed, acquired, maintained, repaired, operated, financed,
 38 transferred, or conveyed.

39 (b) Before the authority or the department may issue a request for
 40 proposals for or enter into a public-private agreement under this article
 41 that would authorize an operator to impose user fees for the operation
 42 of motor vehicles on all or part of a toll road project, the general



1 assembly must adopt a statute authorizing the imposition of user fees.
2 However, during the period beginning July 1, 2011, and ending June
3 30, 2023, the general assembly is not required to enact a statute
4 authorizing the authority or the department to issue a request for
5 proposals or enter into a public-private agreement to authorize an
6 operator to impose user fees for the operation of motor vehicles on all
7 or part of the following projects:

8 (1) A project on which construction begins after June 30, 2011,
9 not including any part of Interstate Highway 69 other than a part
10 described in subdivision (4).

11 (2) The addition of toll lanes, including high occupancy toll lanes,
12 to a highway, roadway, or other facility in existence on July 1,
13 2011, if the number of nontolled lanes on the highway, roadway,
14 or facility as of July 1, 2011, does not decrease due to the addition
15 of the toll lanes.

16 (3) The Illiana Expressway, a limited access facility connecting
17 Interstate Highway 65 in northwestern Indiana with an interstate
18 highway in Illinois.

19 (4) A project that is located within a metropolitan planning area
20 (as defined by 23 U.S.C. 134) and that connects the state of
21 Indiana with the commonwealth of Kentucky.

22 However, neither the authority nor the department may issue a request
23 for proposals for a public-private agreement under this article that
24 would authorize an operator to impose user fees unless the budget
25 committee has reviewed the request for proposals.

26 (c) Except as provided in subsection (b), before the authority or an
27 operator may carry out any of the following activities under this article,
28 the general assembly must enact a statute authorizing that activity:

29 (1) Imposing user fees on motor vehicles for use of Interstate
30 Highway 69.

31 (2) Imposing user fees on motor vehicles for use of a nontolled
32 highway, roadway, or other facility in existence or under
33 construction on July 1, 2011, including nontolled interstate
34 highways, U.S. routes, and state routes.

35 (d) The general assembly is not required to enact a statute
36 authorizing the authority or the department to issue a request for
37 proposals or enter into a public-private agreement for a freeway
38 project.

39 (e) The authority may enter into a public-private agreement for a
40 facility project if the general assembly, by statute, authorizes the
41 authority to enter into a public-private agreement for the facility
42 project.



1 (f) As permitted by subsection (e), the general assembly authorizes
 2 the authority to enter into public-private agreements for a state park inn
 3 and related improvements ~~in an existing state park located in a county~~
 4 ~~with a population of more than two hundred thousand (200,000) and~~
 5 ~~less than three hundred thousand (300,000):~~ **at Potato Creek State**
 6 **Park.**

7 SECTION 211. IC 8-15.5-2-3.2, AS AMENDED BY P.L.9-2020,
 8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 APRIL 1, 2022]: Sec. 3.2. "Facility project" means a project to plan,
 10 design, acquire, construct, reconstruct, equip, improve, extend, expand,
 11 lease, operate, repair, manage, maintain, or finance a state park inn and
 12 related improvements ~~in an existing state park located in a county with~~
 13 ~~a population of more than two hundred thousand (200,000) and less~~
 14 ~~than three hundred thousand (300,000) at Potato Creek State Park~~
 15 that is or will be owned by or leased in the name of the state or the
 16 authority and is the subject of a public-private agreement under this
 17 article.

18 SECTION 212. IC 8-18-21-4 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 4. The toll road
 20 authority in a **Marion** County ~~having a consolidated city~~ may not
 21 construct or finance unless that action is first approved by:

- 22 (1) the city-county legislative body; and
- 23 (2) the legislative body of the unit involved.

24 SECTION 213. IC 8-22-1-7 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 7. "Executive" means:

- 26 (1) board of commissioners, of a county ~~not having a consolidated~~
 27 ~~city; other than Marion County;~~
- 28 (2) mayor of the consolidated city, of a **Marion** County; ~~having~~
 29 ~~a consolidated city;~~
- 30 (3) mayor, of a city;
- 31 (4) president of the town council, of a town; or
- 32 (5) chief executive officer, of any other political subdivision.

33 SECTION 214. IC 8-22-1-8 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 8. "Fiscal body"
 35 means county council, city-county council of a **the** consolidated city
 36 and county, common council of a city, town council of a town, or
 37 governing body of any other eligible entity.

38 SECTION 215. IC 8-22-2-1, AS AMENDED BY P.L.119-2012,
 39 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 APRIL 1, 2022]: Sec. 1. (a) Whenever the fiscal body of an eligible
 41 entity adopts an ordinance or a resolution in favor of the acquisition,
 42 improvement, operation, or maintenance of an airport or landing field



1 for the entity under this chapter, and declaring a necessity for the
 2 airport or landing field, then on the effective date of the ordinance or
 3 resolution, there is established as an executive department of the entity
 4 a department of aviation, under the control of a board to be known as
 5 the board of aviation commissioners.

6 (b) The following apply to a board of aviation commissioners
 7 established under this chapter:

8 (1) Except as provided in subsections (e), (f), and (g), the board
 9 consists of four (4) members.

10 (2) Except as provided in subsection (e), the executive of the
 11 entity shall appoint the members of the board.

12 (3) Except as provided in subsections (f) and (g), not more than
 13 two (2) of the members of the board may be of the same political
 14 party.

15 (c) The fiscal body of the entity may provide a per diem for the
 16 members of the board in any amount not exceeding thirty-five dollars
 17 (\$35) for each whole or part day a member is engaged in board
 18 activities. The members of the board shall also be paid their actual
 19 expenses, which may include the expenses of the members or
 20 employees of the board in attending meetings or conventions held to
 21 discuss aviation matters.

22 (d) Before beginning the duties of office, each board member shall
 23 take and subscribe the usual oath of office, to be endorsed upon the
 24 certificate of appointment, and shall cause that to be filed with the clerk
 25 or other officer performing duties similar to that of clerk in the entity.
 26 Any person who does not file the oath with the clerk or other officer
 27 performing duties similar to that of the clerk within thirty (30) days
 28 after the beginning of the term for which the person has been
 29 appointed, or at the date of the person's appointment, if appointed after
 30 the beginning of the term, is considered to have refused to serve and
 31 the office becomes vacant.

32 (e) Notwithstanding subsection (b), if a **St. Joseph County** ~~having~~
 33 ~~a population of more than two hundred fifty thousand (250,000) but~~
 34 ~~less than two hundred seventy thousand (270,000)~~ has established a
 35 board, the county council and the mayors of the two (2) cities in the
 36 county having the largest populations may each appoint one (1)
 37 additional member to the board, thereby creating a board consisting of
 38 a total of seven (7) members. The three (3) additional members serve
 39 in the same manner, are accorded the same status, and perform the
 40 same duties as the four (4) initial board members, and serve terms of
 41 four (4) years. If either the county council or either of the two (2)
 42 mayors fails to make appointments to the board, that fact does not



1 prejudice appointments that may be made by the other appointing
 2 authority or authorities.

- 3 (f) This subsection applies to the following:
- 4 (1) ~~A Clark County. having a population of more than one~~
 5 ~~hundred ten thousand (110,000) but less than one hundred eleven~~
 6 ~~thousand (111,000).~~
 - 7 (2) ~~A Putnam County. having a population of more than~~
 8 ~~thirty-seven thousand five hundred (37,500) but less than~~
 9 ~~thirty-eight thousand (38,000).~~

10 Notwithstanding subsection (b), if a county has established a board
 11 under this chapter, the county executive may add one (1) additional
 12 member to the board so that the board has a total of five (5) members.
 13 Not more than three (3) of the five (5) members of the board may be of
 14 the same political party. The one (1) additional member shall serve in
 15 the same manner, be accorded the same status, and perform the same
 16 duties as the four (4) initial members, and serve a four (4) year term.

17 (g) This subsection does not apply to a board subject to subsection
 18 (e) or (f). Notwithstanding subsection (b), the fiscal body of an eligible
 19 entity may adopt an ordinance or a resolution providing that the board
 20 consists of five (5) members. If the board consists of five (5) members,
 21 not more than three (3) members may be of the same political party.

22 SECTION 216. IC 8-22-2-2, AS AMENDED BY P.L.61-2012,
 23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 APRIL 1, 2022]: Sec. 2. (a) This subsection applies only in **counties**
 25 **that contain a consolidated city Marion County or in a county that**
 26 **has** at least one (1) second class city. To be eligible to be a member of
 27 the board of aviation commissioners, a person must:

- 28 (1) be at least eighteen (18) years of age;
- 29 (2) be a resident of the county in which the eligible entity is
 30 located;
- 31 (3) not be actively engaged as:
 - 32 (A) a principal owner;
 - 33 (B) a majority member or majority shareholder;
 - 34 (C) a director;
 - 35 (D) an officer; or
 - 36 (E) an employee with managerial or supervisory
 37 responsibilities;
- 38 of any entity engaged in commercial aeronautics;
- 39 (4) not hold any other governmental office (by appointment or
 40 election) that has statutory fiscal or management review of the
 41 board's actions; and
- 42 (5) not serve as a member of any other agency, board,



- 1 commission, department, or other governmental entity that:
- 2 (A) is located within the jurisdiction of the department of
- 3 aviation; and
- 4 (B) has statutory fiscal or management review of the board's
- 5 actions.
- 6 (b) This subsection does not apply to a **Marion County or to a**
- 7 **county** if the county contains a ~~consolidated city~~ or a second class city.
- 8 To be eligible to be a member of the board of aviation commissioners,
- 9 a person must:
- 10 (1) be at least eighteen (18) years of age;
- 11 (2) be a resident of the county in which the eligible entity is
- 12 located; and
- 13 (3) not be actively engaged as:
- 14 (A) a principal owner;
- 15 (B) a majority member or majority shareholder;
- 16 (C) a director;
- 17 (D) an officer; or
- 18 (E) an employee with managerial or supervisory
- 19 responsibilities;
- 20 of any entity engaged in commercial aeronautics in a county that
- 21 the board serves.
- 22 SECTION 217. IC 8-22-3-4, AS AMENDED BY P.L.84-2013,
- 23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 APRIL 1, 2022]: Sec. 4. (a) Except as provided in subsections (b), (c),
- 25 (d), (e), (f), and (g) and section 4.3 of this chapter, the board consists
- 26 of four (4) members, whenever the fiscal body of an eligible entity,
- 27 acting individually, establishes an authority. Except as provided in
- 28 subsection (h) and section 4.5(f) of this chapter, the members of the
- 29 board shall be appointed by the executive of the entity, and not more
- 30 than two (2) members of the board may be of the same political party.
- 31 (b) In the event that two (2) cities or one (1) city and one (1) town
- 32 act jointly to establish an authority under this chapter, the board
- 33 consists of five (5) members. The executive of each city or town shall
- 34 each appoint two (2) members to the board. The county executive shall
- 35 appoint one (1) member to the board. Each member appointed by an
- 36 executive must be of a different political party than the other appointed
- 37 member.
- 38 (c) In the event that an authority is established by a city or town and
- 39 a county, acting jointly, the board consists of six (6) members. The
- 40 executive of each entity shall appoint three (3) members. Not more
- 41 than two (2) members appointed by each executive may be of the same
- 42 political party.



1 (d) In the event that an authority was established under IC 19-6-3
 2 (before its repeal on April 1, 1980) the board consists of five (5)
 3 members. Three (3) members of the board shall be appointed by the
 4 mayor of the city, and two (2) members of the board shall be appointed
 5 by the board of commissioners of the county. Not more than two (2)
 6 members representing the city may be members of the same political
 7 party, and not more than one (1) member representing the county may
 8 be a member of the same political party.

9 (e) Except as provided in section 4.1(b)(3) of this chapter, the
 10 county executive of each Indiana county that is adjacent to a county
 11 establishing an authority under this chapter and in which the authority
 12 owns real property may appoint one (1) advisory member to the board.
 13 An advisory member who is appointed under this subsection:

- 14 (1) must be a resident of the adjacent county;
- 15 (2) may not vote on any matter before the board;
- 16 (3) serves at the pleasure of the appointing authority; and
- 17 (4) serves without compensation or payment for expenses.

18 (f) The board of an authority established in a city having a
 19 population of more than sixteen thousand four hundred (16,400) but
 20 less than seventeen thousand (17,000) the city of Frankfort consists
 21 of five (5) members. The members of the board shall be appointed by
 22 the executive of the eligible entity, and not more than three (3)
 23 members of the board may be of the same political party.

24 (g) This subsection does not apply to a board subject to subsection
 25 (b), (c), (d), or (f). Notwithstanding subsection (a), the fiscal body of
 26 an eligible entity may adopt an ordinance or a resolution providing that
 27 the board consists of five (5) members. If the board consists of five (5)
 28 members, not more than three (3) members may be of the same
 29 political party.

30 (h) If an airport authority is established under this section by the
 31 fiscal body of Clark County, the board must consist of four (4)
 32 members. Subject to section 4.5(f) of this chapter (concerning the
 33 initial members of the board):

- 34 (1) three (3) of the members of the board shall be appointed by
 35 the county executive of Clark County; and
- 36 (2) one (1) of the members of the board shall be appointed by the
 37 legislative body of the town of Sellersburg.

38 The board may consist of five (5) members if the fiscal body of Clark
 39 County adopts an ordinance or resolution as provided in subsection (g).
 40 Subject to section 4.5(f) of this chapter (concerning the initial members
 41 of the board), if the board consists of five (5) members, three (3) of the
 42 members of the board shall be appointed by the county executive of



1 Clark County, one (1) of the members of the board shall be appointed
2 by the fiscal body of Clark County, and one (1) of the members of the
3 board shall be appointed by the legislative body of the town of
4 Sellersburg.

5 SECTION 218. IC 8-22-3-4.1, AS AMENDED BY P.L.74-2018,
6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 APRIL 1, 2022]: Sec. 4.1. (a) This section applies only to the board of
8 an airport authority established for a **Marion** County. ~~having a~~
9 ~~consolidated city.~~

10 (b) The board consists of members appointed as follows:

11 (1) The mayor of the consolidated city shall appoint six (6)
12 members. Each member appointed under this subdivision must be
13 a resident of ~~the Marion~~ County. ~~having the consolidated city.~~

14 (2) The majority leader of the **Marion County** legislative body of
15 ~~the county having the consolidated city~~ shall appoint one (1)
16 member. The member appointed under this subdivision must be
17 a resident of ~~the Marion~~ County. ~~having the consolidated city.~~

18 (3) The county executive of each of the following Indiana
19 counties shall each appoint one (1) member:

- 20 (A) Hendricks County.
- 21 (B) Hancock County.
- 22 (C) Hamilton County.
- 23 (D) Morgan County.

24 The county executive of a county represented on the board under
25 this subdivision may not appoint an advisory member under
26 section 4(e) of this chapter.

27 Not more than three (3) members appointed under subdivision (1) may
28 be members of the same political party.

29 (c) The member of the board appointed under subsection (b)(2)
30 must also be a resident of a ~~township that:~~ **either of the following**
31 **townships in Marion County:**

32 (1) ~~is located in the county having the consolidated city; and~~
33 **Decatur Township.**

34 (2) ~~has a population of:~~
35 (A) ~~less than fifty thousand (50,000); or~~
36 (B) ~~more than one hundred thirty-three thousand (133,000) but~~
37 ~~less than one hundred forty thousand (140,000):~~ **Wayne**
38 **Township.**

39 (d) A member of the board appointed under subsection (b)(3)(A)
40 must be a resident of a ~~township:~~

- 41 (1) ~~located in the county making the appointment; and~~
- 42 (2) ~~having a population of more than twenty-five thousand~~



- 1 (25,000) but less than twenty-eight thousand (28,000): **Guilford**
- 2 **Township in Hendricks County.**
- 3 (e) The member of the board appointed under subsection (b)(3)(D)
- 4 must be a resident of:
- 5 (1) Morgan County; and
- 6 (2) one (1) of the following two (2) townships in Morgan County:
- 7 (A) Brown Township.
- 8 (B) Madison Township.
- 9 (f) A member of the board holds office for four (4) years and until
- 10 the member's successor is appointed and qualified.
- 11 (g) If a vacancy occurs in the board, the authority that appointed the
- 12 member that vacated the board shall appoint an individual to serve for
- 13 the remainder of the unexpired term.
- 14 (h) A board member may be reappointed to successive terms.
- 15 (i) A board member may be impeached under the procedure
- 16 provided for the impeachment of county officers.
- 17 (j) A board member appointed under subsection (b)(3) may not vote
- 18 on a matter before the board relating to imposing, increasing, or
- 19 decreasing property taxes in ~~the Marion County. having the~~
- 20 ~~consolidated city:~~
- 21 SECTION 219. IC 8-22-3-4.3, AS AMENDED BY P.L.192-2015,
- 22 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 APRIL 1, 2022]: Sec. 4.3. (a) This section applies only to the board of
- 24 an airport authority that:
- 25 (1) is not located in ~~a Marion County; containing a consolidated~~
- 26 ~~city;~~
- 27 (2) is established by a city; and
- 28 (3) has entered into a federal interstate compact.
- 29 (b) The board of an airport authority described in subsection (a)
- 30 consists of members appointed as follows:
- 31 (1) Four (4) members appointed by the executive of the city in
- 32 which the airport is located. Not more than two (2) members
- 33 appointed under this subdivision may be members of the same
- 34 political party.
- 35 (2) One (1) member appointed by the executive of the county in
- 36 which the airport is located.
- 37 (3) One (1) member appointed by the executive of the county
- 38 (other than the county in which the airport is located) that is
- 39 closest geographically to the airport.
- 40 (4) One (1) member appointed by the governor.
- 41 (c) A member of the board holds office for four (4) years and until
- 42 the member's successor is appointed and qualified.



1 (d) If a vacancy occurs in the board, the authority that appointed the
2 member that vacated the board shall appoint an individual to serve for
3 the remainder of the unexpired term.

4 (e) A board member may be reappointed to successive terms.

5 (f) A board member may be impeached under the procedure
6 provided for the impeachment of county officers.

7 (g) The board member appointed under subsection (b)(4) serves as
8 the president of the board.

9 (h) On September 1, 2013, the term of each member serving on the
10 board of the airport authority originally established by the city of Gary
11 is terminated. The appointing authorities required to make
12 appointments to the board under this section shall make new
13 appointments to the board as soon as possible after August 31, 2013.

14 (i) Each person appointed by an appointing authority under
15 subsection (b) must have knowledge of and at least five (5) years
16 professional work experience in at least one (1) of the following:

17 (1) Aviation management at an executive level.

18 (2) Regional economic development.

19 (3) Business or finance.

20 (j) A person appointed by an appointing authority under subsection
21 (b) may not personally have, or be employed by or have an ownership
22 interest in an entity that has, a significant contractual or business
23 relationship with the airport authority.

24 (k) The board of an airport authority described in subsection (a)
25 shall contract with a certified public accountant for an annual financial
26 audit of the airport authority. The certified public accountant may not
27 be selected without review of the accountant's proposal and approval
28 of the accountant by the state board of accounts. The certified public
29 accountant may not have a significant financial interest, as determined
30 by the board of the airport authority, in a project, facility, or service
31 owned by, funded by, or leased by or to the airport authority. The
32 certified public accountant shall present the annual financial audit not
33 later than four (4) months after the end of the airport authority's fiscal
34 year. The board of the airport authority shall pay the cost of the annual
35 financial audit. In addition, the state board of accounts may at any time
36 conduct an audit of any phase of the operations of the airport authority.
37 The airport authority shall pay the cost of any audit by the state board
38 of accounts.

39 (l) The board of the airport authority shall, not later than four (4)
40 months after the end of the airport authority's fiscal year, submit an
41 annual report of the board's activities for the preceding fiscal year to:

42 (1) the budget agency, for review by the budget committee; and



- 1 (2) the legislative council.
- 2 An annual report submitted under this section to the legislative council
- 3 must be in an electronic format under IC 5-14-6. The annual report
- 4 must set forth a complete operating and financial statement of the
- 5 airport authority for the airport authority's preceding fiscal year.
- 6 SECTION 220. IC 8-22-3-5, AS AMENDED BY P.L.61-2012,
- 7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 APRIL 1, 2022]: Sec. 5. (a) This subsection applies only in ~~counties~~
- 9 **Marion County or a county** that ~~contain a consolidated city or~~
- 10 **contains** at least one (1) second class city. To be eligible to be a
- 11 member of the board, a person must have the following qualifications:
- 12 (1) Be at least eighteen (18) years old.
- 13 (2) Except as provided in section 4.1 of this chapter, be a resident
- 14 of the county in which the eligible entity is located.
- 15 (3) Not be actively engaged as:
- 16 (A) a principal owner;
- 17 (B) a majority member or majority shareholder;
- 18 (C) a director;
- 19 (D) an officer; or
- 20 (E) an employee with managerial or supervisory
- 21 responsibilities;
- 22 of any entity engaged in commercial aeronautics.
- 23 (4) Not hold any other governmental office (by appointment or
- 24 election) that has statutory fiscal or management review of the
- 25 board's actions.
- 26 (5) Not serve as a member of any other agency, board,
- 27 commission, department, or other governmental entity that:
- 28 (A) is located within the jurisdiction of the authority; and
- 29 (B) has statutory fiscal or management review of the
- 30 authority's actions.
- 31 (b) This subsection does not apply to a **Marion County or a county**
- 32 if the county contains a ~~consolidated city or~~ a second class city. To be
- 33 eligible to be a member of the board, a person must:
- 34 (1) be at least eighteen (18) years of age;
- 35 (2) be a resident of the county in which the eligible entity is
- 36 located; and
- 37 (3) not be actively engaged as:
- 38 (A) a principal owner;
- 39 (B) a majority member or majority shareholder;
- 40 (C) a director;
- 41 (D) an officer; or
- 42 (E) an employee with managerial or supervisory



1 responsibilities;
2 of any entity engaged in commercial aeronautics in a county that
3 the board serves.

4 SECTION 221. IC 8-22-3-11.6, AS ADDED BY P.L.227-2005,
5 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 APRIL 1, 2022]: Sec. 11.6. (a) This section applies only to an airport
7 authority established for a **Marion** County. ~~having a consolidated city.~~

8 (b) The legislative body of the consolidated city and the governing
9 body of the airport authority may adopt substantially similar ordinances
10 providing that the fire department of the airport authority is
11 consolidated into the fire department of the consolidated city, and that
12 the fire department of the consolidated city shall provide fire protection
13 services for the airport authority. If ordinances are adopted under this
14 section, the consolidation shall take effect on the date agreed to by the
15 legislative body of the consolidated city and the governing body of the
16 airport authority in the ordinances.

17 (c) The legislative body of the consolidated city and the governing
18 body of the airport authority may adopt substantially similar ordinances
19 providing that the law enforcement services of the airport authority are
20 consolidated into the consolidated law enforcement department of the
21 consolidated city, and that the law enforcement department of the
22 consolidated city shall provide law enforcement services for the airport
23 authority. If ordinances are adopted under this section, the
24 consolidation shall take effect on the date agreed to by the legislative
25 body of the consolidated city and the governing body of the airport
26 authority in the ordinances.

27 SECTION 222. IC 8-22-3-28 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 28. (a) The
29 acquisition, establishment, construction, improvement, equipment,
30 maintenance, control, and operation of airports and landing fields for
31 aircraft under this chapter is a governmental function of general public
32 necessity and benefit, and is for the use and general welfare of all the
33 people of Indiana, as well as of the people residing in the district.

34 (b) Notwithstanding any other statute, the leasehold estate of any
35 lessee created pursuant to a lease by the board of its aviation related
36 property or facilities, together with any permanent structure erected on
37 the property by the lessee is exempt from property taxation.

38 (c) This subsection applies to property, facilities, or permanent
39 structures leased by the board of an airport authority established for a
40 **Marion** County. ~~containing a consolidated city.~~ Notwithstanding
41 subsection (a), any property, facilities, or permanent structures subject
42 to a lease entered into or renewed after July 1, 1995, is not entitled to



1 a property tax exemption if the property, facility, or structure is not
2 used for aviation related purposes.

3 SECTION 223. IC 8-22-3.5-1, AS AMENDED BY P.L.119-2012,
4 SECTION 101, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to the
6 following:

- 7 (1) Each county having a consolidated city: **Marion County.**
- 8 (2) Each city having a population of more than eighty thousand
9 (80,000) but less than eighty thousand four hundred (80,400): **The**
10 **city of Gary.**
- 11 (3) Each county having a population of more than one hundred
12 five thousand (105,000) but less than one hundred ten thousand
13 (110,000): **Vigo County.**
- 14 (4) Each county having a population of more than three hundred
15 thousand (300,000) but less than four hundred thousand
16 (400,000): **Allen County.**
- 17 (5) Each county having a population of more than one hundred
18 seventy-five thousand (175,000) but less than one hundred
19 eighty-five thousand (185,000): **Vanderburgh County.**
- 20 (6) Each county having a population of more than one hundred
21 fifteen thousand (115,000) but less than one hundred twenty-five
22 thousand (125,000): **Delaware County.**
- 23 (7) Each city having a population of more than fifty-five thousand
24 (55,000) but less than sixty thousand (60,000): **The city of**
25 **Anderson.**

26 SECTION 224. IC 8-22-3.5-2, AS AMENDED BY
27 P.L.182-2009(ss), SECTION 272, IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. As used in this
29 chapter, "commission" refers to the following:

- 30 (1) With respect to a **Marion County**, ~~having a consolidated city,~~
31 the metropolitan development commission acting as the
32 redevelopment commission of the consolidated city, subject to
33 IC 36-3-4-23.
- 34 (2) With respect to a city described in section 1(2) of this chapter,
35 the board of the airport authority for the city.
- 36 (3) With respect to a county described in section 1(3) of this
37 chapter, the board of an airport authority that is jointly established
38 by the county and a municipality under IC 8-22-3.
- 39 (4) With respect to a county described in section 1(4) or 1(5) of
40 this chapter, the board of an airport authority that is jointly
41 established by the county and a municipality under IC 8-22-3.
- 42 (5) With respect to a county described in section 1(6) of this



1 chapter, the board of an airport authority that is established by the
2 county.

3 (6) With respect to a city described in section 1(7) of this chapter,
4 the board of aviation commissioners for the city.

5 SECTION 225. IC 8-22-3.5-2.5, AS AMENDED BY
6 P.L.182-2009(ss), SECTION 273, IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2.5. Notwithstanding
8 IC 8-22-1-6, as used in this chapter, "eligible entity" refers to any of the
9 following:

- 10 (1) ~~A~~ **The** consolidated city.
- 11 (2) A city described in section 1(2) of this chapter.
- 12 (3) A city in a county described in section 1(3) of this chapter.
- 13 (4) A county described in section 1(4) of this chapter.
- 14 (5) A city located in a county described in section 1(4) of this
15 chapter.
- 16 (6) A county described in section 1(5) of this chapter.
- 17 (7) A city located in a county described in section 1(5) of this
18 chapter.
- 19 (8) A county described in section 1(6) of this chapter.
- 20 (9) A city described in section 1(7) of this chapter.

21 SECTION 226. IC 8-22-3.5-3, AS AMENDED BY P.L.189-2018,
22 SECTION 102, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE APRIL 1, 2022]: Sec. 3. (a) As used in this chapter,
24 "qualified airport development project" means an airport development
25 project that has a cost of the project (as defined in IC 5-1.2-2) greater
26 than:

- 27 (1) five hundred million dollars (\$500,000,000), if the project is
28 to be located in a **Marion** County; ~~having a consolidated city;~~ or
- 29 (2) two hundred fifty thousand dollars (\$250,000), if the project
30 is to be located in:
 - 31 (A) a city described in section 1(2) or 1(7) of this chapter; or
 - 32 (B) in a county described in section 1(3), 1(4), 1(5), or 1(6) of
33 this chapter.

34 Except as provided by subsection (b), the term includes any portion or
35 expansion of the original qualified airport development project used by
36 one (1) or more successor tenants.

37 (b) For purposes of section 9 of this chapter, the definition of
38 "qualified airport development project" does not include any portion of,
39 or expansion of, the original qualified airport development project used
40 by a successor tenant unless the commission adopts a resolution to
41 amend the definition to include that portion or expansion.

42 SECTION 227. IC 8-22-3.5-5, AS AMENDED BY



1 P.L.182-2009(ss), SECTION 275, IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) The commission
 3 may designate an area within the jurisdiction of a board of aviation
 4 commissioners under IC 8-22-2 or an airport authority under IC 8-22-3
 5 as an airport development zone if the commission finds by resolution
 6 the following:

7 (1) In order to promote opportunities for the gainful employment
 8 of the citizens of the eligible entity and the attraction of a
 9 qualified airport development project to the eligible entity, an area
 10 under the jurisdiction of the board of aviation commissioners or
 11 airport authority should be declared an airport development zone.

12 (2) The public health and welfare of the eligible entity will be
 13 benefited by designating the area as an airport development zone.

14 (b) If the airport development zone will be located in a ~~the~~
 15 consolidated city or in a county described in section 1(3), 1(4), 1(5), or
 16 1(6) of this chapter, the resolution adopted under subsection (a) must
 17 also include a finding that there has been proposed a qualified airport
 18 development project to be located in the airport development zone,
 19 with the proposal supported by:

20 (1) financial and economic data; and

21 (2) preliminary commitments by business enterprises that
 22 evidence a reasonable likelihood that the proposed qualified
 23 airport development project will be initiated and accomplished.

24 (c) If the airport development zone will be located in a city
 25 described in:

26 (1) section 1(2) of this chapter, the resolution adopted under
 27 subsection (a) must also include findings stating that the most
 28 recent federal decennial census for the city indicates the
 29 following:

30 (A) The unemployment rate for the city is at least thirteen
 31 percent (13%).

32 (B) The population of the city has decreased by at least ten
 33 percent (10%) as compared to the population reported in the
 34 preceding federal decennial census for the city.

35 (C) The median per capita income for city residents does not
 36 exceed eighty percent (80%) of the median per capita income
 37 for all residents of the United States.

38 (D) At least twenty-five percent (25%) of the population of the
 39 city is below the federal income poverty level (as defined in
 40 IC 12-15-2-1); or

41 (2) section 1(7) of this chapter, the resolution adopted under
 42 subsection (a) must also include findings stating the following:



- 1 (A) There has been proposed a qualified airport development
- 2 project to be located in the airport development zone, with the
- 3 proposal supported by:
- 4 (i) financial and economic data; and
- 5 (ii) preliminary commitments by business enterprises that
- 6 evidence a reasonable likelihood that the proposed qualified
- 7 airport development project will be initiated and
- 8 accomplished.
- 9 (B) The city has Interstate Highway 69 serving the airport and
- 10 the city's residents and facilitating commerce and free travel
- 11 within and through the midwestern United States.
- 12 (d) The resolution adopted under subsection (a) must describe the
- 13 boundaries of the area. The description may be by reference to the
- 14 area's location in relation to public ways or streams, or otherwise, as
- 15 determined by the commission.
- 16 (e) If the airport development zone will be located in a county
- 17 described in section 1(4), 1(5), or 1(6) of this chapter, the resolution
- 18 adopted under subsection (a) and any qualified airport development
- 19 project to be located in the airport development zone, must be approved
- 20 by the executive of:
- 21 (1) the county, if the entire airport development zone or qualified
- 22 airport development project will be located outside the boundaries
- 23 of any municipality located in the county;
- 24 (2) a municipality located in the county, if the entire airport
- 25 development zone or qualified airport development project will
- 26 be located within the boundary of the municipality; or
- 27 (3) the county and a municipality located in the county, if the
- 28 airport development zone or qualified airport development project
- 29 will be located within the boundary of the county and in part
- 30 within the boundary of the municipality.
- 31 SECTION 228. IC 8-22-3.5-15 IS AMENDED TO READ AS
- 32 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 15. (a) As used in this
- 33 section, "state income tax liability" means a tax liability that is incurred
- 34 under:
- 35 (1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax); or
- 36 (2) any other tax imposed by this state and based on or measured
- 37 by either gross income or net income.
- 38 (b) The attraction or retention of qualified airport development
- 39 projects to a ~~the~~ consolidated city within Indiana is a governmental
- 40 function of general public benefit for all the citizens of Indiana.
- 41 (c) As an incentive to attract or retain qualified airport development
- 42 projects to Indiana, for a period of thirty-five (35) years, beginning



1 January 1, 1991, persons that locate and operate a qualified airport
 2 development project in an airport development zone in ~~a~~ **the**
 3 consolidated city shall not incur, notwithstanding any other law, any
 4 state income tax liability as a result of:

5 (1) activities associated with locating or retaining the qualified
 6 airport development project in the consolidated city;

7 (2) the construction, modification, alteration, or completion of the
 8 qualified airport development project;

9 (3) the employment of personnel or the ownership or rental of
 10 property at or in conjunction with the qualified airport
 11 development project; or

12 (4) the operation of, or the activities at or in connection with, the
 13 qualified airport development project.

14 (d) The department of state revenue shall adopt rules under
 15 IC 4-22-2 to implement this section.

16 SECTION 229. IC 8-22-3.6-3, AS AMENDED BY P.L.38-2021,
 17 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 APRIL 1, 2022]: Sec. 3. (a) An authority that is located in: ~~a:~~

19 (1) ~~city having a population of more than eighty thousand~~
 20 ~~(80,000) but less than eighty thousand four hundred (80,400);~~ **the**
 21 **city of Gary;**

22 (2) ~~county having a population of more than one hundred five~~
 23 ~~thousand (105,000) but less than one hundred ten thousand~~
 24 ~~(110,000);~~ **Vigo County;** or

25 (3) ~~county having a population of more than three hundred~~
 26 ~~thousand (300,000) but less than four hundred thousand~~
 27 ~~(400,000);~~ **Allen County;**

28 may enter into a lease of an airport project with a lessor for a term not
 29 to exceed fifty (50) years and the lease may provide for payments to be
 30 made by the airport authority from property taxes levied under
 31 IC 8-22-3-17, taxes allocated under IC 8-22-3.5-9, any other revenues
 32 available to the airport authority, or any combination of these sources.

33 (b) A lease may provide that payments by the authority to the lessor
 34 are required only to the extent and only for the period that the lessor is
 35 able to provide the leased facilities in accordance with the lease. The
 36 terms of each lease must be based upon the value of the facilities leased
 37 and may not create a debt of the authority or the eligible entity for
 38 purposes of the Constitution of the State of Indiana.

39 (c) A lease may be entered into by the authority only after a public
 40 hearing by the board at which all interested parties are provided the
 41 opportunity to be heard. After the public hearing, the board may adopt
 42 an ordinance authorizing the execution of the lease if it finds that the



1 service to be provided throughout the term of the lease will serve the
 2 public purpose of the authority and is in the best interest of the
 3 residents of the authority district.

4 (d) Upon execution of a lease providing for payments by the
 5 authority in whole or in part from the levy of property taxes under
 6 IC 8-22-3-17, the board shall publish notice of the execution of the
 7 lease and its approval in accordance with IC 5-3-1. Fifty (50) or more
 8 taxpayers residing in the authority district who will be affected by the
 9 lease and who may be of the opinion that no necessity exists for the
 10 execution of the lease or that the payments provided for in the lease are
 11 not fair and reasonable may file a petition in the office of the county
 12 auditor within thirty (30) days after the publication of the notice of
 13 execution and approval. The petition must set forth the petitioners'
 14 names, addresses, and objections to the lease and the facts showing that
 15 the execution of the lease is unnecessary or unwise or that the
 16 payments provided for in the lease are not fair and reasonable, as the
 17 case may be.

18 (e) Upon the filing of a petition under subsection (d), the county
 19 auditor shall immediately certify a copy of the petition, together with
 20 any other data necessary to present the questions involved, to the
 21 department of local government finance. Upon receipt of the certified
 22 petition and information, the department of local government finance
 23 shall fix a time for a hearing in the authority district, which must be not
 24 less than five (5) or more than thirty (30) days after the time is fixed.
 25 The department of local government finance may either hold the
 26 hearing in the affected county or through electronic means. Notice of
 27 the hearing shall be given by the department of local government
 28 finance to the members of the board, and to the first fifty (50)
 29 petitioners on the petition, by a letter signed by the commissioner of the
 30 department of local government finance and enclosed with fully
 31 prepaid postage sent to those persons at their usual place of residence,
 32 at least five (5) days before the date of the hearing. The decision of the
 33 department of local government finance or on the appeal, upon the
 34 necessity for the execution of the lease, and as to whether the payments
 35 under it are fair and reasonable, is final.

36 (f) An authority entering into a lease payable from any sources
 37 permitted under this chapter may:

- 38 (1) pledge the revenue to make payments under the lease pursuant
 39 to IC 5-1-14-4; or
 40 (2) establish a special fund to make the payments.

41 (g) Lease rentals may be limited to money in the special fund so that
 42 the obligations of the airport authority to make the lease rental



1 payments are not considered debt of the unit or the district for purposes
2 of the Constitution of the State of Indiana.

3 (h) Except as provided in this section, no approvals of any
4 governmental body or agency are required before the authority enters
5 into a lease under this section.

6 (i) An action to contest the validity of the lease or to enjoin the
7 performance of any of its terms and conditions must be brought within
8 thirty (30) days after the later of:

9 (1) the public hearing described in subsection (c); or

10 (2) the publication of the notice of the execution and approval of
11 the lease described in subsection (d), if the lease is payable in
12 whole or in part from tax levies.

13 However, if the lease is payable in whole or in part from tax levies and
14 an appeal has been taken to the department of local government
15 finance, an action to contest the validity or enjoin the performance
16 must be brought within thirty (30) days after the decision of the
17 department of local government finance.

18 (j) If an authority exercises an option to buy an airport project from
19 a lessor, the authority may subsequently sell the airport project, without
20 regard to any other statute, to the lessor at the end of the lease term at
21 a price set forth in the lease or at fair market value established at the
22 time of the sale by the authority through auction, appraisal, or arms
23 length negotiation. If the airport project is sold at auction, after
24 appraisal, or through negotiation, the board shall conduct a hearing
25 after public notice in accordance with IC 5-3-1 before the sale. Any
26 action to contest the sale must be brought within fifteen (15) days of
27 the hearing.

28 SECTION 230. IC 8-22-3.7-4.5, AS AMENDED BY P.L.119-2012,
29 SECTION 103, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE APRIL 1, 2022]: Sec. 4.5. Notwithstanding IC 8-22-1-6,
31 as used in this chapter, "eligible entity" means the following:

32 (1) ~~A city having a population of more than eighty thousand~~
33 ~~(80,000) but less than eighty thousand four hundred (80,400). The~~
34 ~~city of Gary.~~

35 (2) ~~A county having a population of more than one hundred five~~
36 ~~thousand (105,000) but less than one hundred ten thousand~~
37 ~~(110,000). Vigo County.~~

38 (3) ~~A county having a population of more than three hundred~~
39 ~~thousand (300,000) but less than four hundred thousand~~
40 ~~(400,000). Allen County.~~

41 SECTION 231. IC 8-23-1-22 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 22. "Executive" has



1 the meaning set forth in IC 36-1-2-5. However, for ~~a~~ **the** consolidated
2 city, the term means the city-county council.

3 SECTION 232. IC 8-25-4-7, AS AMENDED BY P.L.15-2020,
4 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 APRIL 1, 2022]: Sec. 7. (a) As used in this section, "minority business
6 enterprise" has the meaning set forth in IC 4-13-16.5-1.

7 (b) As used in this section, "veteran business enterprise" means a
8 business enterprise that has a current verification as a veteran owned
9 small business concern under 38 CFR 74 et seq. by the Center of
10 Veterans Enterprise of the United States Department of Veterans
11 Affairs.

12 (c) As used in this section, "women's business enterprise" has the
13 meaning set forth in IC 4-13-16.5-1.

14 (d) Except where 49 CFR 26 applies, the fiscal body of an eligible
15 county or another person authorized to carry out a public transportation
16 project under this chapter shall set a goal for participation by minority
17 business enterprises, veteran business enterprises, and women's
18 business enterprises in conformity with the goals established by the
19 department of minority and women's business development of ~~a~~ **the**
20 consolidated city and the goals of the department of administration
21 established under IC 5-22-14-11 (before July 1, 2020) or
22 IC 4-13-16.5-3.5 (after June 30, 2020) for veteran business enterprises.
23 The goals must be consistent with the goals of delivering the project on
24 time and within the budgeted amount and, insofar as possible, using
25 Indiana businesses for employees, goods, and services.

26 SECTION 233. IC 9-13-2-63 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 63. "Fiscal body"
28 means the following:

- 29 (1) County council, for a county ~~not having a consolidated city:~~
30 **other than Marion County.**
- 31 (2) City-county council, for ~~a~~ **the** consolidated city or **Marion**
32 **County.** ~~having a consolidated city.~~
- 33 (3) Common council, for a city other than ~~a~~ **the** consolidated city.
- 34 (4) Town council, for a town.

35 SECTION 234. IC 9-21-8-44.5, AS AMENDED BY P.L.168-2015,
36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 APRIL 1, 2022]: Sec. 44.5. (a) As used in this section, "compression
38 release engine brake" means a hydraulically operated device that
39 converts a power producing diesel engine into a power absorbing
40 retarding mechanism.

41 (b) A person who drives a motor vehicle equipped with compression
42 release engine brakes on the Indiana toll road in ~~a~~ **Porter** County



1 having a population of more than one hundred fifty thousand (150,000)
 2 but less than one hundred seventy thousand (170,000) may not use the
 3 motor vehicle's compression release engine brakes instead of the
 4 service brake system, except in the case of failure of the service brake
 5 system.

6 (c) This subsection does not apply to a motor vehicle that has
 7 compression release engine brakes with a factory installed muffler or
 8 an equivalent after market muffler. A person may not drive a motor
 9 vehicle equipped with compression release engine brakes unless the
 10 motor vehicle is equipped with a muffler in good working condition so
 11 that excessive noise is prevented.

12 SECTION 235. IC 9-21-12-21, AS ADDED BY P.L.144-2019,
 13 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 APRIL 1, 2022]: Sec. 21. (a) As used in this section, "qualified school
 15 district" refers to:

- 16 (1) a school corporation (as defined in IC 20-18-2-16(a));
- 17 (2) a charter school (as defined in IC 20-24-1-4); or
- 18 (3) a nonpublic school with at least one (1) employee.

19 (b) A qualified school district may purchase, install, and operate
 20 equipment described in 575 IAC 1-9-14. If a qualified school district
 21 purchases or uses equipment described in 575 IAC 1-9-14 to enforce
 22 section 1 of this chapter, the qualified school district, with the approval
 23 of the governing body (or the equivalent for a charter school or
 24 nonpublic school with at least one (1) employee), may petition the
 25 county council or a township board (in a **Marion** County) ~~having a~~
 26 ~~consolidated city~~) to receive funding for reimbursement only in an
 27 amount sufficient to pay in full for equipment described in 575
 28 IAC 1-9-14. Once the cost of the equipment described in 575
 29 IAC 1-9-14 has been paid in full, the qualified school district may no
 30 longer receive funds from the county or, if applicable, the township, for
 31 this purpose. A qualified school district shall provide documentation
 32 to the county council or, if applicable, the township board, necessary
 33 for the county council or township board to determine the amount of
 34 the total cost for equipment described in 575 IAC 1-9-14.

35 SECTION 236. IC 9-22-1-23, AS AMENDED BY P.L.157-2017,
 36 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 APRIL 1, 2022]: Sec. 23. (a) This section applies to a unit or holder of
 38 a mechanic's lien under this chapter, including a towing service, city,
 39 town, or county.

40 (b) Except as provided in subsection (c), if the person who owns or
 41 holds a lien upon a vehicle does not appear within twenty (20) days
 42 after the mailing of a notice or the notification made by electronic



1 service under section 19 of this chapter, the holder of a mechanic's lien
2 may sell the vehicle or parts by either of the following methods:

3 (1) The holder of a mechanic's lien may sell the vehicle or parts
4 to the highest bidder at a public sale or public auction. Notice of
5 the sale or auction shall be given under IC 5-3-1, except that only
6 one (1) insertion in an appropriate publication one (1) week
7 before the public sale or auction is required.

8 (2) The unit may sell the vehicle or part as unclaimed property
9 under IC 36-1-11. The twenty (20) day period for the property to
10 remain unclaimed is sufficient for a sale under this subdivision.

11 (c) This subsection applies to ~~a~~ **the** consolidated city or **Marion**
12 **County.** ~~containing a consolidated city.~~ If the person who owns or holds
13 a lien upon a vehicle does not appear within fifteen (15) days after the
14 mailing of a notice or the notification made by electronic service under
15 section 19 of this chapter, the holder of a mechanic's lien may sell the
16 vehicle or parts by either of the following methods:

17 (1) The holder of a mechanic's lien may sell the vehicle or parts
18 to the highest bidder at a public sale. Notice of the sale shall be
19 given under IC 5-3-1, except that only one (1) newspaper
20 insertion one (1) week before the public sale is required.

21 (2) The unit may sell the vehicle or part as unclaimed property
22 under IC 36-1-11. The fifteen (15) day period for the property to
23 remain unclaimed is sufficient for a sale under this subdivision.

24 SECTION 237. IC 9-22-1-27, AS AMENDED BY P.L.191-2007,
25 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 APRIL 1, 2022]: Sec. 27. (a) This section applies to sales of abandoned
27 vehicles or parts by a city, county, or town.

28 (b) The proceeds from the sale of abandoned vehicles or parts,
29 including:

30 (1) charges for bills of sale; and

31 (2) money received from persons who own or hold liens on
32 vehicles for the cost of removal or storage of vehicles;

33 shall be deposited in the city's, county's, or town's abandoned vehicle
34 fund by the fiscal officer of the city, county, or town.

35 (c) The costs incurred by a public agency in administering this
36 chapter shall be paid from the abandoned vehicle fund.

37 (d) The fiscal body shall annually appropriate sufficient money to
38 the fund to carry out this chapter. Money remaining in the fund at the
39 end of a year remains in the fund and does not revert to the general
40 fund.

41 (e) Notwithstanding subsection (d), the fiscal body of ~~a~~ **the**
42 consolidated city may transfer money from the fund.



1 SECTION 238. IC 10-14-3-21 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 21. (a) If the governor
 3 considers it to be in the public interest, on terms and conditions as the
 4 governor considers necessary to promote the public welfare and protect
 5 the interests of the state, the governor may:

6 (1) authorize a department or an agency of the state to lease or
 7 lend real or personal property of the state to the President of the
 8 United States, the heads of the armed forces, or the Federal
 9 Emergency Management Agency; and

10 (2) enter into a contract on behalf of the state for the:

11 (A) lease or loan to a political subdivision of the state of real
 12 or personal property of the state; or

13 (B) temporary transfer or employment of personnel of the state
 14 to or by a political subdivision of the state.

15 (b) The president of the county fiscal body and the president of the
 16 county executive, ~~if the county does not contain a consolidated city, in~~
 17 **a county other than Marion County**, or the county executive, ~~if the~~
 18 ~~county contains a consolidated city, in Marion County~~, of each county
 19 of the state and the executive of each city and town in the state may, in
 20 accordance with the emergency management program and emergency
 21 operations plan of the county in which the city or town is located, do
 22 the following:

23 (1) Enter into a contract or lease with the state, accept any loan,
 24 or employ personnel. A political subdivision may equip, maintain,
 25 use, and operate any property and employ necessary personnel in
 26 accordance with the purposes for which the contract is executed.

27 (2) Do all things and perform acts that the governor considers
 28 necessary to effectuate the purpose of the contract.

29 SECTION 239. IC 11-8-8-2, AS ADDED BY P.L.173-2006,
 30 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 APRIL 1, 2022]: Sec. 2. As used in this chapter, "local law
 32 enforcement authority" means the:

33 (1) chief of police of ~~a~~ **the** consolidated city; or

34 (2) sheriff of a county ~~that does not contain a consolidated city,~~
 35 **other than Marion County.**

36 SECTION 240. IC 11-8-8-7, AS AMENDED BY P.L.214-2013,
 37 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 APRIL 1, 2022]: Sec. 7. (a) Subject to section 19 of this chapter, the
 39 following persons must register under this chapter:

40 (1) A sex or violent offender who resides in Indiana. A sex or
 41 violent offender resides in Indiana if either of the following
 42 applies:



- 1 (A) The sex or violent offender spends or intends to spend at
2 least seven (7) days (including part of a day) in Indiana during
3 a one hundred eighty (180) day period.
- 4 (B) The sex or violent offender owns real property in Indiana
5 and returns to Indiana at any time.
- 6 (2) A sex or violent offender who works or carries on a vocation
7 or intends to work or carry on a vocation full time or part time for
8 a period:
- 9 (A) exceeding seven (7) consecutive days; or
10 (B) for a total period exceeding fourteen (14) days;
11 during any calendar year in Indiana regardless of whether the sex
12 or violent offender is financially compensated, volunteered, or is
13 acting for the purpose of government or educational benefit.
- 14 (3) A sex or violent offender who is enrolled or intends to be
15 enrolled on a full-time or part-time basis in any public or private
16 educational institution, including any secondary school, trade, or
17 professional institution, or postsecondary educational institution.
- 18 (b) Except as provided in subsection (e), a sex or violent offender
19 who resides in Indiana shall register with the local law enforcement
20 authority in the county where the sex or violent offender resides. If a
21 sex or violent offender resides in more than one (1) county, the sex or
22 violent offender shall register with the local law enforcement authority
23 in each county in which the sex or violent offender resides. If the sex
24 or violent offender is also required to register under subsection (a)(2)
25 or (a)(3), the sex or violent offender shall also register with the local
26 law enforcement authority in the county in which the offender is
27 required to register under subsection (c) or (d).
- 28 (c) A sex or violent offender described in subsection (a)(2) shall
29 register with the local law enforcement authority in the county where
30 the sex or violent offender is or intends to be employed or carry on a
31 vocation. If a sex or violent offender is or intends to be employed or
32 carry on a vocation in more than one (1) county, the sex or violent
33 offender shall register with the local law enforcement authority in each
34 county. If the sex or violent offender is also required to register under
35 subsection (a)(1) or (a)(3), the sex or violent offender shall also register
36 with the local law enforcement authority in the county in which the
37 offender is required to register under subsection (b) or (d).
- 38 (d) A sex or violent offender described in subsection (a)(3) shall
39 register with the local law enforcement authority in the county where
40 the sex or violent offender is enrolled or intends to be enrolled as a
41 student. If the sex or violent offender is also required to register under
42 subsection (a)(1) or (a)(2), the sex or violent offender shall also register



1 with the local law enforcement authority in the county in which the
2 offender is required to register under subsection (b) or (c).

3 (e) A sex or violent offender described in subsection (a)(1)(B) shall
4 register with the local law enforcement authority in the county in which
5 the real property is located. If the sex or violent offender is also
6 required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex
7 or violent offender shall also register with the local law enforcement
8 authority in the county in which the offender is required to register
9 under subsection (b), (c), or (d).

10 (f) A sex or violent offender committed to the department shall
11 register with the department before the sex or violent offender is placed
12 in a community transition program, placed in a work release program,
13 or released from incarceration, whichever occurs first. The department
14 shall forward the sex or violent offender's registration information to
15 the local law enforcement authority of every county in which the sex or
16 violent offender is required to register. If a sex or violent offender
17 released from the department under this subsection:

18 (1) informs the department of the offender's intended location of
19 residence upon release; and

20 (2) does not move to this location upon release;

21 the offender shall, not later than seventy-two (72) hours after the date
22 on which the offender is released, report in person to the local law
23 enforcement authority having jurisdiction over the offender's current
24 address or location.

25 (g) This subsection does not apply to a sex or violent offender who
26 is a sexually violent predator. A sex or violent offender not committed
27 to the department shall register not more than seven (7) days after the
28 sex or violent offender:

29 (1) is released from a penal facility (as defined in
30 IC 35-31.5-2-232);

31 (2) is released from a secure private facility (as defined in
32 IC 31-9-2-115);

33 (3) is released from a juvenile detention facility;

34 (4) is transferred to a community transition program;

35 (5) is placed on parole;

36 (6) is placed on probation;

37 (7) is placed on home detention; or

38 (8) arrives at the place where the sex or violent offender is
39 required to register under subsection (b), (c), or (d);

40 whichever occurs first. A sex or violent offender required to register in
41 more than one (1) county under subsection (b), (c), (d), or (e) shall
42 register in each appropriate county not more than seventy-two (72)



1 hours after the sex or violent offender's arrival in that county or
2 acquisition of real estate in that county.

3 (h) This subsection applies to a sex or violent offender who is a
4 sexually violent predator. A sex or violent offender who is a sexually
5 violent predator shall register not more than seventy-two (72) hours
6 after the sex or violent offender:

7 (1) is released from a penal facility (as defined in
8 IC 35-31.5-2-232);

9 (2) is released from a secure private facility (as defined in
10 IC 31-9-2-115);

11 (3) is released from a juvenile detention facility;

12 (4) is transferred to a community transition program;

13 (5) is placed on parole;

14 (6) is placed on probation;

15 (7) is placed on home detention; or

16 (8) arrives at the place where the sexually violent predator is
17 required to register under subsection (b), (c), or (d);

18 whichever occurs first. A sex or violent offender who is a sexually
19 violent predator required to register in more than one (1) county under
20 subsection (b), (c), (d), or (e) shall register in each appropriate county
21 not more than seventy-two (72) hours after the offender's arrival in that
22 county or acquisition of real estate in that county.

23 (i) The local law enforcement authority with whom a sex or violent
24 offender registers under this section shall make and publish a
25 photograph of the sex or violent offender on the Indiana sex and violent
26 offender registry web site established under IC 36-2-13-5.5. The local
27 law enforcement authority shall make a photograph of the sex or
28 violent offender that complies with the requirements of IC 36-2-13-5.5
29 at least once per year. The sheriff of a **Marion** County ~~containing a~~
30 ~~consolidated city~~ shall provide the police chief of the consolidated city
31 with all photographic and computer equipment necessary to enable the
32 police chief of the consolidated city to transmit sex or violent offender
33 photographs (and other identifying information required by
34 IC 36-2-13-5.5) to the Indiana sex and violent offender registry web
35 site established under IC 36-2-13-5.5. In addition, the sheriff of a
36 **Marion** County ~~containing a consolidated city~~ shall provide all funding
37 for the county's financial obligation for the establishment and
38 maintenance of the Indiana sex and violent offender registry web site
39 established under IC 36-2-13-5.5.

40 (j) When a sex or violent offender registers, the local law
41 enforcement authority shall:

42 (1) immediately update the Indiana sex and violent offender



- 1 registry web site established under IC 36-2-13-5.5;
 2 (2) notify every law enforcement agency having jurisdiction in the
 3 county where the sex or violent offender resides; and
 4 (3) update the National Crime Information Center National Sex
 5 Offender Registry data base via the Indiana data and
 6 communications system (IDACS).

7 When a sex or violent offender from a jurisdiction outside Indiana
 8 registers a change of address, electronic mail address, instant
 9 messaging username, electronic chat room username, social networking
 10 web site username, employment, vocation, or enrollment in Indiana, the
 11 local law enforcement authority shall provide the department with the
 12 information provided by the sex or violent offender during registration.

13 SECTION 241. IC 11-12-2-2, AS AMENDED BY P.L.86-2017,
 14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 APRIL 1, 2022]: Sec. 2. (a) To qualify for financial aid under this
 16 chapter, a county must establish a community corrections advisory
 17 board by resolution of the county executive or, in a **Marion** County,
 18 ~~having a consolidated city~~, by the city-county council. A community
 19 corrections advisory board consists of **the following**:

- 20 (1) The county sheriff or the sheriff's designee.
 21 (2) The prosecuting attorney or the prosecuting attorney's
 22 designee.
 23 (3) The executive of the most populous municipality in the county
 24 or the executive's designee.
 25 (4) Two (2) judges having criminal jurisdiction, if available,
 26 appointed by the circuit court judge or the judges' designees.
 27 (5) One (1) judge having juvenile jurisdiction, appointed by the
 28 circuit court judge.
 29 (6) One (1) public defender or the public defender's designee, if
 30 available, or one (1) attorney with a substantial criminal defense
 31 practice appointed by the county executive or, in a **Marion**
 32 County, ~~having a consolidated city~~, by the city-county council.
 33 (7) One (1) victim, or victim advocate if available, appointed by
 34 the county executive or, in a **Marion** County, ~~having a~~
 35 ~~consolidated city~~, by the city-county council.
 36 (8) One (1) ex-offender, if available, appointed by the county
 37 executive or, in a **Marion** County, ~~having a consolidated city~~, by
 38 the city-county council.
 39 (9) The director of the local office of the department of child
 40 services or the director's designee.
 41 (10) A representative from a juvenile correctional facility or
 42 juvenile detention center in the county, but if no facility exists,



1 one (1) mental health representative chosen by the judge
2 described in subdivision (5).

3 (11) A representative from the Juvenile Detention Alternatives
4 Initiative, but if no program exists, a representative from the court
5 appointed special advocate program in the county or guardian ad
6 litem program in the county. ~~and~~

7 (12) The following members appointed by the county executive
8 or, in a **Marion** County, ~~having a consolidated city~~, by the
9 city-county council:

10 (A) One (1) member of the county fiscal body or the member's
11 designee.

12 (B) One (1) probation officer.

13 (C) One (1) juvenile probation officer.

14 (D) One (1) educational administrator.

15 (E) One (1) representative of a private correctional agency, if
16 such an agency exists in the county.

17 (F) One (1) mental health administrator, or, if there is none
18 available in the county, one (1) psychiatrist, psychologist, or
19 physician.

20 (G) Four (4) lay persons, at least one (1) of whom must be a
21 member of a minority race if a racial minority resides in the
22 county and a member of that minority is willing to serve.

23 (b) Designees of officials designated under subsection (a)(1)
24 through (a)(6), (a)(9), and (a)(12)(A) serve at the pleasure of the
25 designating official.

26 (c) Members of the advisory board appointed by the county
27 executive or, in a **Marion** County, ~~having a consolidated city~~, by the
28 city-county council, shall be appointed for a term of four (4) years. The
29 criminal defense attorney, the ex-offender, and the victim or victim
30 advocate shall be appointed for a term of four (4) years. Other members
31 serve only while holding the office or position held at the time of
32 appointment. The circuit court judge may fill the position of the judge
33 having juvenile court jurisdiction by self appointment if the circuit
34 court judge is otherwise qualified. A vacancy occurring before the
35 expiration of the term of office shall be filled in the same manner as
36 original appointments for the unexpired term. Members may be
37 reappointed.

38 (d) Two (2) or more counties, by resolution of their county
39 executives or, in a **Marion** County, ~~having a consolidated city~~, by the
40 city-county council, may combine to apply for financial aid under this
41 chapter. If counties so combine, the counties may establish one (1)
42 community corrections advisory board to serve these counties. This



1 board must contain the representation prescribed in subsection (a), but
 2 the members may come from the participating counties as determined
 3 by agreement of the county executives or, in a **Marion** County, ~~having~~
 4 ~~a consolidated city~~; by the city-county council.

5 (e) The members of the community corrections advisory board shall,
 6 within thirty (30) days after the last initial appointment is made, meet
 7 and elect one (1) member as chairman and another as vice chairman
 8 and appoint a secretary-treasurer who need not be a member. A
 9 majority of the members of a community corrections advisory board
 10 may provide for a number of members that is:

- 11 (1) less than a majority of the members; and
 12 (2) at least six (6);

13 to constitute a quorum for purposes of transacting business. The
 14 affirmative votes of at least five (5) members, but not less than a
 15 majority of the members present, are required for the board to take
 16 action. A vacancy in the membership does not impair the right of a
 17 quorum to transact business.

18 (f) The county executive and county fiscal body shall provide
 19 necessary assistance and appropriations to the community corrections
 20 advisory board established for that county. Appropriations required
 21 under this subsection are limited to amounts received from the
 22 following sources:

- 23 (1) Department grants.
 24 (2) User fees.
 25 (3) Other funds as contained within an approved plan.

26 Additional funds may be appropriated as determined by the county
 27 executive and county fiscal body.

28 SECTION 242. IC 11-12-2-3, AS AMENDED BY P.L.108-2010,
 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 APRIL 1, 2022]: Sec. 3. (a) A community corrections advisory board
 31 shall:

- 32 (1) formulate:
 33 (A) the community corrections plan and the application for
 34 financial aid required by section 4 of this chapter; and
 35 (B) the forensic diversion program plan under IC 11-12-3.7;
 36 (2) observe and coordinate community corrections programs in
 37 the county;
 38 (3) make an annual report to the county fiscal body, county
 39 executive, or, in a **Marion** County, ~~having a consolidated city~~, the
 40 city-county council, containing an evaluation of the effectiveness
 41 of programs receiving financial aid under this chapter and
 42 recommendations for improvement, modification, or



1 discontinuance of these programs;
 2 (4) ensure that programs receiving financial aid under this chapter
 3 comply with the standards adopted by the department under
 4 section 5 of this chapter; and
 5 (5) recommend to the county executive or, in a **Marion** County,
 6 ~~having a consolidated city~~, to the city-county council, the
 7 approval or disapproval of contracts with units of local
 8 government or nongovernmental agencies that desire to
 9 participate in the community corrections plan.
 10 Before recommending approval of a contract, the advisory board must
 11 determine that a program is capable of meeting the standards adopted
 12 by the department under section 5 of this chapter.
 13 (b) A community corrections advisory board shall do the following:
 14 (1) Adopt bylaws for the conduct of its own business.
 15 (2) Hold a regular meeting at least one (1) time every three (3)
 16 months and at other times as needed to conduct all necessary
 17 business. Dates of regular meetings shall be established at the first
 18 meeting of each year.
 19 (3) Comply with the public meeting and notice requirements
 20 under IC 5-14-1.5.
 21 (c) A community corrections advisory board may contain an office
 22 as designated by the county executive or, in a **Marion** County, ~~having~~
 23 ~~a consolidated city~~, by the city-county council.
 24 (d) Notwithstanding subsection (a)(4), the standards applied to a
 25 court alcohol and drug program or a problem solving court that
 26 provides services to a forensic diversion program under IC 11-12-3.7
 27 must be the standards established under IC 12-23-14 or IC 33-23-16.
 28 SECTION 243. IC 11-12-2-3.5, AS AMENDED BY P.L.179-2015,
 29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 APRIL 1, 2022]: Sec. 3.5. (a) The community corrections advisory
 31 board shall appoint a director of the community corrections program,
 32 subject to the approval of the county executive or, in a **Marion** County,
 33 ~~having a consolidated city~~, by the city-county council. A director may
 34 be removed for cause by a majority vote of the community corrections
 35 advisory board, subject to the approval of the county executive or, in
 36 a **Marion** County, ~~having a consolidated city~~, of the city-county
 37 council.
 38 (b) The community corrections advisory board may establish
 39 personnel policies, procedures, and salary classification schedules for
 40 its employees. Employees of a community corrections program are
 41 county employees. The policies, procedures, and schedules established
 42 under this subsection may not be inconsistent with those established for



- 1 other county employees.
- 2 SECTION 244. IC 11-12-2-4, AS AMENDED BY P.L.65-2018,
 3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 APRIL 1, 2022]: Sec. 4. (a) Except as provided in subsection (h), a
 5 county or group of counties, or a court or a group of courts, seeking
 6 financial aid under this chapter must apply to the commissioner in a
 7 manner and form prescribed by the commissioner. If the application is
 8 for a community corrections program, the application must include a
 9 community corrections plan that has been approved by the community
 10 corrections board and the county executive or, in a **Marion** County,
 11 ~~having a consolidated city~~, by the city-county council. If the application
 12 is for a court supervised recidivism reduction program, a probation
 13 department, a pretrial diversion program, or a jail treatment program,
 14 the application must include information required by the department.
 15 If:
- 16 (1) the application is from a county (not including a court); and
 - 17 (2) the county operates a community corrections program;
- 18 the application must be approved by the community corrections
 19 advisory board. The commissioner shall give priority consideration to
 20 applicants that demonstrate collaboration between the local community
 21 corrections advisory board and the probation department, court
 22 supervised recidivism reduction program, juvenile justice program,
 23 pretrial diversion program, or jail treatment program. No county may
 24 receive financial aid until its application is approved by the
 25 commissioner.
- 26 (b) A community corrections plan must comply with rules adopted
 27 under section 5 of this chapter and must include:
- 28 (1) a description of each program for which financial aid is
 29 sought;
 - 30 (2) the purpose, objective, administrative structure, staffing, and
 31 duration of the program;
 - 32 (3) a method to evaluate each component of the program to
 33 determine the overall use of department approved best practices
 34 for the program;
 - 35 (4) the program's total operating budget, including all other
 36 sources of anticipated income;
 - 37 (5) the amount of community involvement and client participation
 38 in the program;
 - 39 (6) the location and description of facilities that will be used in
 40 the program;
 - 41 (7) the manner in which counties that jointly apply for financial
 42 aid under this chapter will operate a coordinated community



1 corrections program; and

2 (8) a plan of collaboration among the probation department, the
 3 community corrections program, and any other local criminal
 4 justice agency that receives funding from the department for the
 5 provision of community supervision for adult offenders. Counties
 6 are encouraged to include the courts, prosecuting attorneys, public
 7 defenders, and sheriffs when addressing the needs of the local
 8 criminal justice population. The community supervision
 9 collaboration plan must be submitted to the department and the
 10 office of judicial administration annually and must include:

11 (A) a description of the evidence based services provided to
 12 felony offenders by the community corrections program, the
 13 probation department, and other criminal justice agencies;

14 (B) the manner in which the community corrections program,
 15 the probation department, and other criminal justice agencies
 16 intend to reduce the duplication of services to offenders under
 17 community supervision;

18 (C) the manner in which the community corrections program,
 19 the probation department, and other criminal justice agencies
 20 intend to coordinate operations and collaborate on the
 21 supervision of adult felony offenders;

22 (D) the eligibility criteria established for community based
 23 services provided to adult felony offenders;

24 (E) the criteria for using the community corrections program
 25 as an intermediate sanction for an offender's violation of
 26 probation conditions;

27 (F) a description of how financial aid from the department,
 28 program fees, problem solving court user fees, and probation
 29 user fees will be used to provide services to adult felony
 30 offenders; and

31 (G) documentary evidence of compliance with:

32 (i) department rules for community corrections programs;

33 (ii) judicial conference of Indiana standards for probation
 34 departments and problem solving courts;

35 (iii) prosecuting attorneys council of Indiana diversion and
 36 deferral guidelines;

37 (iv) Indiana jail standards; and

38 (v) division of mental health and addiction standards for jail
 39 treatment programs.

40 (c) A community corrections plan must be annually updated,
 41 approved by the county executive or, in a ~~city having a consolidated~~
 42 ~~city~~, **Marion County**, by the city-county council, and submitted to the



1 commissioner.

2 (d) No amendment to or substantial modification of an approved

3 community corrections plan may be placed in effect until the

4 department and county executive, or in a **Marion** County, ~~having a~~

5 ~~consolidated city~~; the city-county council, have approved the

6 amendment or modification.

7 (e) A copy of the final plan as approved by the department shall be

8 made available to the board in a timely manner.

9 (f) The commissioner may, subject to availability of funds, give

10 priority in issuing additional financial aid to counties with a community

11 supervision collaboration plan approved by the department and the

12 office of judicial administration. The additional financial aid may be

13 used for any evidence based service or program in the approved plan.

14 (g) Purposes for which the commissioner may award financial aid

15 under this chapter include:

16 (1) assisting a county in defraying the expenses of incarceration;

17 (2) funding mental health, addiction, and cognitive behavior

18 treatment programs for incarcerated persons;

19 (3) funding mental health, addiction, and cognitive behavior

20 treatment programs for persons who are on probation, are

21 supervised by a community corrections program, or are

22 participating in a pretrial diversion program offered by a

23 prosecuting attorney;

24 (4) funding work release and other community corrections

25 programs;

26 (5) reimbursing a county for probation officer and community

27 correction officer salaries; and

28 (6) funding a court appointed forensic advocate program (as

29 described in IC 35-36-12) for persons who are on probation, are

30 supervised by a community corrections program, or are

31 participating in a pretrial diversion program.

32 (h) If the application described in subsection (a) is for a juvenile

33 justice program, the county executive, or in a **Marion** County, ~~having~~

34 ~~a consolidated city~~; the city-county council, may apply directly to the

35 division of youth services in a manner and form prescribed by the

36 commissioner.

37 SECTION 245. IC 11-12-11-6, AS ADDED BY P.L.204-2016,

38 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

39 APRIL 1, 2022]: Sec. 6. (a) The minimum allocation amount under this

40 chapter, which represents the dollar amount each county was entitled

41 to receive under level 3 funding in state fiscal year 1998, is as follows:

42 Adams County \$ 14,000



1	Allen County	129,500
2	Bartholomew County	35,000
3	Benton County	3,500
4	Blackford County	14,000
5	Boone County	14,000
6	Brown County	3,500
7	Carroll County	7,000
8	Cass County	17,500
9	Clark County	49,000
10	Clay County	7,000
11	Clinton County	17,500
12	Crawford County	3,500
13	Daviess County	7,000
14	Dearborn County	35,000
15	Decatur County	24,500
16	Dekalb County	24,500
17	Delaware County	35,000
18	Dubois County	45,500
19	Elkhart County	52,500
20	Fayette County	10,500
21	Floyd County	21,000
22	Fountain County	7,000
23	Franklin County	7,000
24	Fulton County	14,000
25	Gibson County	24,500
26	Grant County	28,000
27	Greene County	17,500
28	Hamilton County	28,000
29	Hancock County	10,500
30	Harrison County	24,500
31	Hendricks County	24,500
32	Henry County	17,500
33	Howard County	66,500
34	Huntington County	10,500
35	Jackson County	45,500
36	Jasper County	14,000
37	Jay County	7,000
38	Jefferson County	21,000
39	Jennings County	10,500
40	Johnson County	31,500
41	Knox County	14,000
42	Kosciusko County	42,000



1	LaGrange County	7,000
2	Lake County	234,500
3	LaPorte County	35,000
4	Lawrence County	52,500
5	Madison County	101,500
6	Marion County	294,000
7	Marshall County	35,000
8	Martin County	3,500
9	Miami County	24,500
10	Monroe County	35,000
11	Montgomery County	24,500
12	Morgan County	31,500
13	Newton County	7,000
14	Noble County	28,000
15	Ohio County	3,500
16	Orange County	7,000
17	Owen County	7,000
18	Parke County	7,000
19	Perry County	14,000
20	Pike County	10,500
21	Porter County	42,000
22	Posey County	14,000
23	Pulaski County	10,500
24	Putnam County	14,000
25	Randolph County	10,500
26	Ripley County	17,500
27	Rush County	7,000
28	St. Joseph County	112,000
29	Scott County	31,500
30	Shelby County	17,500
31	Spencer County	10,500
32	Starke County	10,500
33	Steuben County	14,000
34	Sullivan County	7,000
35	Switzerland County	7,000
36	Tippecanoe County	56,000
37	Tipton County	3,500
38	Union County	3,500
39	Vanderburgh County	161,000
40	Vermillion County	14,000
41	Vigo County	42,000
42	Wabash County	21,000



1	Warren County	7,000
2	Warrick County	21,000
3	Washington County	31,500
4	Wayne County	38,500
5	Wells County	10,500
6	White County	14,000
7	Whitley County	17,500
8	(b) The multiplier under this chapter for each county, which	
9	represents each county's approximate proportion of the total state	
10	population, is as follows:	
11	Adams County	.0053
12	Allen County	.0548 .0568
13	Bartholomew County	.0118 .0121
14	Benton County	.0014 .0013
15	Blackford County	.0020 .0018
16	Boone County	.0087 .0104
17	Brown County	.0024 .0023
18	Carroll County	.0031 .0030
19	Cass County	.0060 .0056
20	Clark County	.0170 .0178
21	Clay County	.0041 .0039
22	Clinton County	.0051 .0049
23	Crawford County	.0017 .0016
24	Daviess County	.0049
25	Dearborn County	.0077 .0075
26	Decatur County	.0040 .0039
27	Dekalb County	.0065 .0064
28	Delaware County	.0181 .0165
29	Dubois County	.0065 .0064
30	Elkhart County	.0305 .0310
31	Fayette County	.0037 .0034
32	Floyd County	.0115 .0119
33	Fountain County	.0027 .0024
34	Franklin County	.0036 .0034
35	Fulton County	.0032 .0030
36	Gibson County	.0052 .0049
37	Grant County	.0108 .0098
38	Greene County	.0051 .0045
39	Hamilton County	.0423 .0512
40	Hancock County	.0108 .0118
41	Harrison County	.0061 .0058
42	Hendricks County	.0224 .0258



1	Henry County	.0076 .0072
2	Howard County	.0128 .0123
3	Huntington County	.0057 .0054
4	Jackson County	.0065 .0068
5	Jasper County	.0052 .0048
6	Jay County	.0033 .0030
7	Jefferson County	.0050 .0049
8	Jennings County	.0044 .0041
9	Johnson County	.0215 .0238
10	Knox County	.0059 .0054
11	Kosciusko County	.0119 .0118
12	LaGrange County	.0057 .0060
13	Lake County	.0765 .0735
14	LaPorte County	.0172 .0166
15	Lawrence County	.0071 .0066
16	Madison County	.0203 .0192
17	Marion County	.1393 .1440
18	Marshall County	.0073 .0068
19	Martin County	.0016 .0014
20	Miami County	.0057 .0053
21	Monroe County	.0213 .0206
22	Montgomery County	.0059 .0056
23	Morgan County	.0106
24	Newton County	.0022 .0020
25	Noble County	.0073 .0070
26	Ohio County	.0009
27	Orange County	.0031 .0029
28	Owen County	.0033 .0031
29	Parke County	.0027 .0024
30	Perry County	.0030 .0028
31	Pike County	.0020 .0018
32	Porter County	.0253 .0255
33	Posey County	.0040 .0037
34	Pulaski County	.0021 .0018
35	Putnam County	.0059 .0054
36	Randolph County	.0040 .0036
37	Ripley County	.0044 .0043
38	Rush County	.0027 .0025
39	St. Joseph County	.0412 .0402
40	Scott County	.0037 .0034
41	Shelby County	.0069 .0066
42	Spencer County	.0032 .0029



1	Starke County	.0036 .0034
2	Steuben County	.0053 .0051
3	Sullivan County	.0033 .0031
4	Switzerland County	.0016 .0014
5	Tippecanoe County	.0266 .0274
6	Tipton County	.0025 .0023
7	Union County	.0012 .0010
8	Vanderburgh County	.0277 .0266
9	Vermillion County	.0025 .0023
10	Vigo County	.0166 .0156
11	Wabash County	.0051 .0046
12	Warren County	.0013 .0012
13	Warrick County	.0092 .0094
14	Washington County	.0044 .0042
15	Wayne County	.0106 .0098
16	Wells County	.0043 .0042
17	White County	.0038 .0036
18	Whitley County	.0051 .0050

19 SECTION 246. IC 12-15-11.5-1 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. As used in this
 21 chapter, "hospital" refers to an acute care hospital provider that:

- 22 (1) is licensed under IC 16-21;
 23 (2) qualifies as a disproportionate share hospital under
 24 IC 12-15-16; and
 25 (3) is the sole disproportionate share hospital in a city located in
 26 a Lake County, ~~having a population of more than four hundred~~
 27 ~~thousand (400,000) but less than seven hundred thousand~~
 28 ~~(700,000).~~

29 SECTION 247. IC 12-17.2-7.2-7, AS AMENDED BY
 30 P.L.268-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE APRIL 1, 2022]: Sec. 7. (a) The office may establish a
 32 prekindergarten pilot program to provide grants for:

- 33 (1) qualified early education services in a manner consistent with
 34 how funds are distributed under the Child Care and Development
 35 Fund (CCDF) grant program; and
 36 (2) expansion plans as described in section 7.4(a)(2) of this
 37 chapter.

38 (b) The office shall administer the prekindergarten pilot program.
 39 The prekindergarten pilot program may include:

- 40 (1) eligible providers in Indiana; and
 41 (2) potential eligible providers or existing eligible providers as
 42 described in section 7.4 of this chapter.



1 (c) Before July 1, 2017, the prekindergarten pilot program includes
2 eligible providers in the following pilot counties:

- 3 (1) Allen.
4 (2) Jackson.
5 (3) Lake.
6 (4) Marion.
7 (5) Vanderburgh.

8 The total number of grants the office awards to eligible children in a
9 county listed in this subsection during a state fiscal year may not be
10 less than the total number of grants the office awarded to eligible
11 children in that county during the immediately preceding state fiscal
12 year unless the office determines that there is an insufficient number of
13 eligible children or eligible providers in the county to justify the total
14 number of grants for that county. Beginning July 1, 2020, the total
15 number of grants during the immediately preceding state fiscal year
16 shall include the number of grants issued under a preschool program
17 established in March 2015 that operates in a **the** consolidated city.

18 (d) After June 30, 2017, and before July 1, 2019, in addition to the
19 counties listed under subsection (c), the prekindergarten pilot program
20 includes eligible providers in fifteen (15) additional counties. In
21 determining which counties are designated as pilot counties under this
22 subsection, the office shall give preference to counties that are
23 primarily rural. The total number of grants the office awards to eligible
24 children in a county designated under this subsection during a state
25 fiscal year may not be less than the total number of grants the office
26 awarded to eligible children in that county during the immediately
27 preceding state fiscal year unless the office determines that there is an
28 insufficient number of eligible children or eligible providers in the
29 county to justify the total number of grants for that county.

30 (e) In addition to the counties listed in subsection (c) and counties
31 designated under subsection (d), the prekindergarten pilot program
32 includes eligible providers in any county in Indiana.

33 (f) Subject to the requirements of this chapter, the office shall
34 determine:

- 35 (1) the eligibility requirements, application process, and selection
36 process for awarding grants under the prekindergarten pilot
37 program;
38 (2) the administration and reporting requirements for:
39 (A) eligible providers; and
40 (B) potential eligible providers or existing eligible providers;
41 participating in the prekindergarten pilot program; and
42 (3) with the assistance of the early learning advisory committee,



1 an appropriate outcomes based accountability system for:

2 (A) eligible providers; and

3 (B) potential eligible providers or existing eligible providers.

4 (g) Before implementing the prekindergarten pilot program, the
5 office shall submit the provisions of the prekindergarten pilot program
6 to the state board of education for the state board of education's review
7 and comment.

8 (h) The office shall, subject to the availability of funding, determine
9 the number of eligible children who will participate in the
10 prekindergarten pilot program. After December 31, 2019, the office
11 shall, subject to the availability of funding, determine the number of
12 limited eligibility children who will participate in the prekindergarten
13 pilot program.

14 SECTION 248. IC 12-20-20-2, AS AMENDED BY P.L.73-2005,
15 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 APRIL 1, 2022]: Sec. 2. (a) If money is not available for the payment
17 of township assistance claims under section 1 of this chapter, the
18 township board shall appeal to borrow money under IC 12-20-24.

19 (b) This subsection does not apply to a **Marion** County. ~~having a~~
20 ~~consolidated city~~. If the township board does not appeal to borrow
21 money under IC 12-20-24 or if an appeal fails, the board of
22 commissioners may borrow money or otherwise provide the money. If
23 the county commissioners determine to borrow the money or otherwise
24 provide the money, the county fiscal body shall promptly pass
25 necessary ordinances and make the necessary appropriations to enable
26 this to be done, after determining whether to borrow money by any of
27 the following:

28 (1) A temporary loan against taxes levied and in the process of
29 collection.

30 (2) The sale of county township assistance bonds or other county
31 obligations.

32 (3) Any other lawful method of obtaining money for the payment
33 of township assistance claims.

34 (c) This subsection applies only to a **Marion** County. ~~having a~~
35 ~~consolidated city~~. If a township board does not appeal to borrow money
36 under IC 12-20-24 or if an appeal fails, the board of commissioners
37 shall borrow money or otherwise provide the money. The county fiscal
38 body shall promptly pass necessary ordinances and make the necessary
39 appropriations to enable this to be done, after determining whether to
40 borrow money by any of the following methods:

41 (1) A temporary loan against taxes levied and in the process of
42 collection.



1 (2) The sale of county township assistance bonds or other county
2 obligations.

3 (3) Any other lawful method of obtaining money for the payment
4 of township assistance claims.

5 SECTION 249. IC 12-24-18-1, AS AMENDED BY P.L.119-2012,
6 SECTION 107, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to ~~a city~~
8 ~~having a population of more than thirty-six thousand five hundred~~
9 ~~(36,500) but less than thirty-six thousand eight hundred twenty-five~~
10 ~~(36,825): the city of Richmond.~~

11 SECTION 250. IC 12-30-3-17 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 17. (a) This section
13 applies to a county ~~that does not have a consolidated city: other than~~
14 **Marion County.**

15 (b) The amount to be charged for the care and maintenance of each
16 patient or resident in the county home shall be fixed as provided by law
17 and may not exceed the maximum amount established by law.

18 SECTION 251. IC 12-30-3-18, AS AMENDED BY P.L.145-2006,
19 SECTION 129, IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE APRIL 1, 2022]: Sec. 18. (a) This section applies to ~~a~~
21 **Marion County.** ~~having a consolidated city.~~

22 (b) The county home board shall fix a schedule of charges for the
23 care and maintenance of patients or residents and the effective date of
24 the schedule. A schedule of charges established under this section is
25 not effective until after the charges have been approved by resolution
26 of the city-county council. In establishing the schedule of charges, the
27 county home board may fix different rates based on different types or
28 classes of care. If the home is licensed under state or federal laws that
29 authorize or fix different classes of care, those classifications
30 authorized or fixed by law are a sufficient basis for classification in the
31 schedule of charges. The schedule of charges may also provide that
32 separate and additional charges may be charged for special treatments,
33 drugs, medical service, appliances, and other auxiliary services that are
34 not included in the classification of care.

35 (c) This section is the exclusive basis of determining the charges to
36 be made to patients and residents of a county home and the provisions
37 of any other laws regarding those rates, including laws concerning
38 county institutions, relief of poor persons, township trustees, county
39 offices of the division of family resources, and boards of
40 commissioners, do not apply. However, a rate established under this
41 section must be based on a fair and reasonable estimate of the cost of
42 the care and may not anticipate any profit from rendering the care.



1 SECTION 252. IC 12-30-4-11, AS AMENDED BY P.L.73-2005,
 2 SECTION 163, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE APRIL 1, 2022]: Sec. 11. (a) Each township trustee as
 4 the administrator of township assistance shall pay to the county the
 5 amount fixed for each individual admitted into the county home or
 6 other charitable institution from the township, except those otherwise
 7 able to pay the cost of their care from their own resources or from other
 8 assistance awards. Except as provided in subsection (b), the amount
 9 that may be charged to the township may not exceed one hundred
 10 dollars (\$100) per month per individual.

11 (b) This subsection applies to a **Lake County** ~~having a population~~
 12 ~~of more than four hundred thousand (400,000) but less than seven~~
 13 ~~hundred thousand (700,000)~~. The amount charged the township per
 14 individual may not exceed forty-eight dollars (\$48) per month or
 15 twelve dollars (\$12) per week.

16 (c) Each township shall levy a tax sufficient to meet those expenses.

17 (d) Payment and settlement shall be made in July and December of
 18 each year for the preceding year.

19 SECTION 253. IC 12-30-7-1, AS AMENDED BY P.L.119-2012,
 20 SECTION 108, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) This chapter applies to a
 22 **Allen County that meets if both of the following conditions apply to**
 23 **the county:**

24 (1) ~~The county has a population of more than three hundred~~
 25 ~~thousand (300,000) but less than four hundred thousand~~
 26 ~~(400,000).~~

27 (2) ~~(1)~~ The county maintains, owns, or maintains and owns a
 28 county home for the support and care of persons who are aged,
 29 blind, destitute, homeless, infirm, chronically ill, or in need of
 30 nursing or convalescent care, but who do not require
 31 hospitalization.

32 (3) ~~(2)~~ The county maintains, owns, or maintains and owns a
 33 hospital for the treatment of patients afflicted with tuberculosis
 34 and other chronic diseases that contracts with other counties for
 35 the treatment of citizens of the other counties.

36 (b) This chapter applies to a **St. Joseph County that meets the**
 37 **following conditions:**

38 (1) ~~The county has a population of more than two hundred fifty~~
 39 ~~thousand (250,000) but less than two hundred seventy thousand~~
 40 ~~(270,000).~~

41 (2) ~~if~~ the county maintains or owns a county home for the support
 42 and care of persons who are aged, blind, destitute, homeless,



1 infirm, chronically ill, or in need of nursing or convalescent care,
2 but who do not require hospitalization.

3 SECTION 254. IC 13-11-2-74, AS AMENDED BY P.L.278-2019,
4 SECTION 168, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE APRIL 1, 2022]: Sec. 74. "Executive" means the
6 following:

7 (1) The board of commissioners of a county ~~that does not have a~~
8 ~~consolidated city; other than Marion County.~~

9 (2) The mayor of the consolidated city, for a **Marion** County.
10 ~~having a consolidated city.~~

11 (3) The mayor of a city.

12 (4) The president of the town council of a town.

13 SECTION 255. IC 13-11-2-86 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 86. "Fiscal body"
15 means **the following:**

16 (1) The county council, for a county ~~not having a consolidated~~
17 ~~city; other than Marion County.~~

18 (2) The city-county council of ~~a the~~ consolidated city and **Marion**
19 County.

20 (3) The common council of a city.

21 (4) The town council of a town.

22 (5) The township board of a township. ~~or~~

23 (6) The board of directors of a conservancy district.

24 SECTION 256. IC 13-17-5-5.4, AS AMENDED BY P.L.119-2012,
25 SECTION 109, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE APRIL 1, 2022]: Sec. 5.4. (a) This section applies to the
27 following counties:

28 (1) ~~A county having a population of more than seventy-one~~
29 ~~thousand (71,000) but less than seventy-five thousand (75,000);~~
30 **Floyd County.**

31 (2) ~~A county having a population of more than one hundred ten~~
32 ~~thousand (110,000) but less than one hundred eleven thousand~~
33 ~~(111,000);~~ **Clark County.**

34 (b) For the purpose of determining the number of inspection stations
35 operating in a county under this subsection, a temporary or portable
36 inspection station counts as an inspection station. After July 1, 1997,
37 the department must maintain in a county under subsection (a) an equal
38 or greater number of inspection stations as were operating in the county
39 on July 1, 1996.

40 SECTION 257. IC 13-17-5-9, AS AMENDED BY P.L.119-2012,
41 SECTION 110, IS AMENDED TO READ AS FOLLOWS
42 [EFFECTIVE APRIL 1, 2022]: Sec. 9. (a) After December 31, 2006,



1 the board may not adopt a rule under air pollution control laws that
 2 requires motor vehicles to undergo a periodic test of emission
 3 characteristics in the following counties:

4 (1) ~~A county having a population of more than seventy-one~~
 5 ~~thousand (71,000) but less than seventy-five thousand (75,000):~~
 6 **Floyd County.**

7 (2) ~~A county having a population of more than one hundred ten~~
 8 ~~thousand (110,000) but less than one hundred eleven thousand~~
 9 ~~(111,000):~~ **Clark County.**

10 (b) After December 31, 2006, 326 IAC 13-1.1 is void to the extent
 11 it applies to a county referred to in subsection (a).

12 (c) Unless the budget agency approves a periodic vehicle inspection
 13 program for a county referred to in subsection (a), the board shall
 14 amend 326 IAC 13-1.1 so that it does not apply after December 31,
 15 2006, to a county referred to in subsection (a).

16 (d) The budget agency, after review by the budget committee, may
 17 approve in writing the implementation of a periodic vehicle inspection
 18 program for one (1) or more counties described in subsection (a) only
 19 if the budget agency determines that the implementation of a periodic
 20 vehicle inspection program in the designated counties is necessary to
 21 avoid a loss of federal highway funding for the state or a political
 22 subdivision. The approval must specify the counties to which the
 23 periodic vehicle inspection program applies and the time during which
 24 the periodic vehicle inspection program must be conducted in each
 25 designated county. The budget agency, after review by the budget
 26 committee, shall withdraw an approval given under this subsection for
 27 a periodic vehicle inspection program in a county if the budget agency
 28 determines that the suspension of the periodic vehicle inspection
 29 program will not adversely affect federal highway funding for the state
 30 or a political subdivision.

31 SECTION 258. IC 13-17-11-2, AS AMENDED BY P.L.119-2012,
 32 SECTION 111, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE APRIL 1, 2022]: Sec. 2. The department may not issue
 34 a permit for the construction or the operation of a thermal oxidation
 35 unit that would be used only to remediate soil contaminated by
 36 petroleum or a petroleum byproduct if the thermal oxidation unit would
 37 be constructed or operated in a county that:

38 (1) has a population of:

39 (A) ~~more than four hundred thousand (400,000) but less than~~
 40 ~~seven hundred thousand (700,000); or~~

41 (B) ~~more than one hundred fifty thousand (150,000) but less~~
 42 ~~than one hundred seventy thousand (170,000);~~ **is Lake**



1 **County or Porter County; and**
 2 (2) is located in an air quality control area that has been classified
 3 as a nonattainment area under the federal Clean Air Act (42
 4 U.S.C. 7401 et seq.);
 5 unless it can be demonstrated that the thermal oxidation unit is in
 6 compliance with a state implementation plan submitted under Section
 7 182 of the federal Clean Air Act (42 U.S.C. 7511a).
 8 SECTION 259. IC 13-17-12-2 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) For the
 10 maintenance of the quality of the air resource, a county may adopt and
 11 enforce ordinances controlling air pollution.
 12 (b) In a county ~~not having a consolidated city, other than Marion~~
 13 **County**, the ordinances may not include municipalities with an air
 14 pollution ordinance under air pollution control laws.
 15 (c) In a **Marion** County, ~~having a consolidated city~~, a county air
 16 pollution ordinance may apply throughout the entire county, including
 17 territory inside the corporate boundaries of excluded cities.
 18 SECTION 260. IC 13-17-12-3 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3. A town, city, or
 20 county within an air quality basin may administer its air pollution
 21 control program in cooperation with one (1) or more towns, cities, or
 22 counties of Indiana in accordance with IC 36-1-7. However, ~~a Marion~~
 23 **County having a consolidated city** is not required to enter into an
 24 agreement under IC 36-1-7 to regulate air pollution inside an excluded
 25 city in the county.
 26 SECTION 261. IC 13-17-12-6 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 6. ~~A Marion~~ County
 28 ~~having a consolidated city~~ may, subject to department approval,
 29 establish an air permit program that complies with:
 30 (1) the federal Clean Air Act (42 U.S.C. 7401 et seq.), as
 31 amended by the Clean Air Act Amendments of 1990 (P.L.
 32 101-549);
 33 (2) regulations implementing Title V of the Clean Air Act
 34 Amendments of 1990 (40 CFR 70 et seq.); and
 35 (3) rules adopted by the board.
 36 SECTION 262. IC 13-18-12-9 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 9. (a) This section
 38 applies only in a **Allen** County. ~~having a population of more than three~~
 39 ~~hundred thousand (300,000) but less than four hundred thousand~~
 40 ~~(400,000).~~
 41 (b) Except as provided in subsection (c), the point source discharge
 42 of sewage, treated or untreated, from a dwelling or its associated



- 1 residential sewage disposal system to waters is prohibited.
- 2 (c) The point source discharge of treated sewage from an onsite
3 residential sewage discharging disposal system to waters is permitted
4 if:
- 5 (1) the local health department for the jurisdiction in which the
6 system is located issues an operating permit for the system under
7 subsection (d); and
- 8 (2) the discharge is authorized under a general permit issued
9 under 40 CFR 122.28.
- 10 (d) In a county onsite waste management district established under
11 IC 36-11 that performs all the functions related to onsite waste
12 management listed in IC 36-11-2-1, the local health department for the
13 jurisdiction in which the system is located may issue an operating
14 permit for an onsite residential sewage discharging disposal system if
15 the system is installed to repair a sewage disposal system that fails to
16 meet public health and environmental standards and if:
- 17 (1) the local health department adopts procedural rules for
18 monitoring onsite residential sewage discharging disposal systems
19 in the jurisdiction, including fines or penalties, or both, for
20 noncompliance, to ensure that:
- 21 (A) required maintenance is performed on the systems; and
22 (B) the systems do not discharge effluent that violates water
23 quality standards;
- 24 (2) the local health department certifies, with respect to the
25 system for which the permit is issued, that:
- 26 (A) the system is capable of operating properly;
27 (B) the system does not discharge effluent that violates water
28 quality standards;
29 (C) an acceptable septic tank soil absorption system cannot be
30 located on the property served by the system because of:
- 31 (i) soil characteristics;
32 (ii) size; or
33 (iii) topographical conditions;
34 of the property;
- 35 (D) the system:
- 36 (i) was properly installed by a qualified installer; and
37 (ii) provides the best available technology for residential
38 discharging onsite sewage disposal systems; and
39 (E) the local health department has:
- 40 (i) investigated all technologies available for repair of the
41 sewage disposal system that fails to meet public health and
42 environmental standards other than the use of an onsite



- 1 residential sewage discharging disposal system; and
 2 (ii) determined that an onsite residential sewage discharging
 3 disposal system is the only possible technology that can be
 4 used to effect a repair of the sewage disposal system that
 5 fails to meet public health and environmental standards
 6 without causing unreasonable economic hardship to the
 7 system owner; and
 8 (3) the system for which the permit is issued cannot be connected
 9 to a sanitary sewer because:
 10 (A) there is not a sanitary sewer connection available;
 11 (B) the sanitary sewer operator refuses connection; or
 12 (C) unreasonable economic hardship would result to the
 13 system owner because of:
 14 (i) the connection requirements of the sanitary sewer
 15 operator; or
 16 (ii) the distance to the sanitary sewer.
- 17 SECTION 263. IC 13-20-11-1, AS AMENDED BY P.L.159-2011,
 18 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 APRIL 1, 2022]: Sec. 1. The department shall designate employees of
 20 the department as landfill inspectors. However, the department may not
 21 designate a landfill inspector for a **Marion** County. ~~that has a~~
 22 ~~consolidated city.~~
- 23 SECTION 264. IC 13-20-12-1 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 25 to a **Lake** County. ~~having a population of more than four hundred~~
 26 ~~thousand (400,000) but less than seven hundred thousand (700,000).~~
- 27 SECTION 265. IC 13-20-23-1, AS AMENDED BY P.L.119-2012,
 28 SECTION 112, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to
 30 townships located in a **St. Joseph** County. ~~having a population of more~~
 31 ~~than two hundred fifty thousand (250,000) but less than two hundred~~
 32 ~~seventy thousand (270,000).~~
- 33 SECTION 266. IC 13-21-3-5, AS AMENDED BY P.L.60-2017,
 34 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 APRIL 1, 2022]: Sec. 5. (a) Except as provided in subsections (b)
 36 through (e), the board of a county district consists of the following
 37 members:
 38 (1) Two (2) members appointed by the county executive from the
 39 membership of the county executive.
 40 (2) One (1) member appointed by the county fiscal body from the
 41 membership of the fiscal body.
 42 (3) One (1) member:



- 1 (A) who is the executive of the municipality having the largest
 2 population in the county if that municipality is a city; or
 3 (B) appointed from the membership of the legislative body of
 4 a town if the town is the municipality having the largest
 5 population in the county.
- 6 (4) One (1) member of the legislative body of the municipality
 7 with the largest population in the county appointed by the
 8 legislative body of that municipality.
- 9 (5) One (1) of the following:
- 10 (A) A member who is the executive of a city in the county that
 11 is not the municipality having the largest population in the
 12 county and who is appointed by the executive of the county to
 13 represent the municipalities in the county other than the
 14 municipality having the largest population.
- 15 (B) A member who is a member of the legislative body of a
 16 town in the county that is not the municipality having the
 17 largest population in the county and who is appointed by the
 18 executive of the county to represent the municipalities in the
 19 county other than the municipality having the largest
 20 population.
- 21 (C) If the county contains only one (1) municipality, a member
 22 who is a freeholder whose freehold is located in the
 23 conservancy district that:
- 24 (i) is located entirely within the county; and
 25 (ii) contains the greatest number of freeholds of any
 26 conservancy district located in the county;
 27 and who is appointed to the board of the county district by the
 28 board of the conservancy district.
- 29 (6) One (1) additional member appointed by the county executive
 30 from the membership of the county executive.
- 31 (b) If a **Lake** County having a population of more than four hundred
 32 thousand (400,000) but less than seven hundred thousand (700,000) is
 33 designated as a county district, the executives of the three (3) cities in
 34 the county having the largest populations each serve as a member of
 35 the board or may appoint a member of the legislative body of their city
 36 to serve as a member of the board. If a **St. Joseph** County having a
 37 population of more than two hundred fifty thousand (250,000) but less
 38 than two hundred seventy thousand (270,000) is designated as a county
 39 district, the executives of the two (2) cities in the county having the
 40 largest populations each serve as a member of the board. If a **St.**
 41 **Joseph** County having a population of more than two hundred fifty
 42 thousand (250,000) but less than two hundred seventy thousand



1 (~~270,000~~) is designated as a county district, the board of that county
2 district must include the following:

3 (1) One (1) member of the legislative body of the city having the
4 second largest population in the county, appointed by the
5 president of the city legislative body.

6 (2) One (1) member of the legislative body of a town located in
7 the county, appointed by the judge of the circuit court in the
8 county.

9 (c) If a **Marion** County ~~having a consolidated city~~ is designated a
10 county district, the board of public works established under IC 36-3-5-6
11 constitutes the board of the county district.

12 (d) If a **Lake** County is designated as a county district, ~~has a~~
13 ~~population of more than four hundred thousand (400,000) but less than~~
14 ~~seven hundred thousand (700,000)~~; the board of the district consists of
15 the following members:

16 (1) One (1) member appointed by the county executive from the
17 membership of the county executive.

18 (2) Two (2) members appointed from the county fiscal body
19 appointed from the membership of the county fiscal body.

20 (3) The executive of each second or third class city or a member
21 of the legislative body of their city appointed by the executive.

22 (4) One (1) member of the legislative body of each town
23 appointed by the legislative body.

24 (5) One (1) member of the legislative body of the municipality
25 with the largest population in the county appointed by the
26 legislative body of that municipality.

27 (6) If a local government unit in the county has an operating final
28 disposal facility located within the unit's jurisdiction, one (1)
29 member of the unit's board of public works appointed by the
30 board of public works.

31 (e) This subsection applies only to a county that does not contain a
32 city. If the county executive and the county fiscal body of a county
33 designated as a county district agree, the board of the district shall
34 consist of the following nine (9) or ten (10) members:

35 (1) The three (3) members of the county executive.

36 (2) Two (2) members of the county fiscal body, chosen by the
37 county fiscal body.

38 (3) One (1) member of each of the town legislative bodies of the
39 four (4) or five (5) towns in the county having the largest
40 population, chosen by each town legislative body.

41 SECTION 267. IC 13-21-3-6, AS AMENDED BY P.L.119-2012,
42 SECTION 114, IS AMENDED TO READ AS FOLLOWS

HB 1401—LS 7204/DI 75



1 [EFFECTIVE APRIL 1, 2022]: Sec. 6. (a) Except as provided in
 2 subsections (b) through (d), the board of a joint district consists of the
 3 following:

4 (1) One (1) member of the county executive of each participating
 5 county.

6 (2) One (1) member of the county fiscal body of each
 7 participating county.

8 (3) One (1) member:

9 (A) who is the executive of the municipality having the largest
 10 population in the county if that municipality is a city; or

11 (B) if a town is the municipality having the largest population
 12 in the county, who is appointed from the membership of the
 13 fiscal body of that town.

14 (4) One (1) member of the legislative body of the municipality
 15 having the largest population in each participating county,
 16 appointed by the legislative body of that municipality.

17 (5) One (1) or more members who are the executives of cities
 18 under subsection (b), if applicable.

19 (6) Additional members appointed by the executive of each
 20 participating county from the membership of the executive, as
 21 permitted under subsection (c).

22 (7) One (1) additional member appointed by the executive of the
 23 participating county having the largest population from the
 24 membership of the executive if the appointments made under
 25 subdivisions (1) through (6) result in an even number of
 26 members.

27 (b) If a **Lake** County having a population of more than four hundred
 28 thousand (400,000) but less than seven hundred thousand (700,000)
 29 has joined in a joint district, the executive of the three (3) cities in the
 30 county having the largest populations each serve as a member of the
 31 board. If a **St. Joseph** County having a population of more than two
 32 hundred fifty thousand (250,000) but less than two hundred seventy
 33 thousand (270,000) has joined in a joint district, the executive of the
 34 two (2) cities in the county having the largest populations each serve
 35 as a member of the board.

36 (c) An agreement between two (2) or more counties establishing a
 37 joint district may allow the executive of each county to appoint a
 38 certain number of additional members from the membership of the
 39 executive based upon the proportion of each county's population to the
 40 population of the entire district.

41 (d) An agreement among three (3) or more counties establishing a
 42 joint district may provide that:



- 1 (1) the membership; and
 2 (2) the terms of office of members;
 3 of the board will be determined by the terms of an agreement entered
 4 into by the executive of each county governing the operation of the
 5 district. All members of a board appointed under this subsection must
 6 be elected officials of a county or a municipality.
- 7 (e) The board of a joint district established under subsection (d) or
 8 IC 13-9.5-2-6(d) (before its repeal) after March 1, 1991:
 9 (1) must include representation from the largest municipality in
 10 each county included in the joint district as recommended by the
 11 executive of the largest municipality and approved by the
 12 legislative body of the largest municipality; and
 13 (2) may include representation from other municipalities in each
 14 county included in the joint district as recommended by the
 15 executive of a municipality and approved by the legislative body
 16 of the municipality.
- 17 (f) The board of a joint district may allow a member who is
 18 appointed from:
 19 (1) the county executive;
 20 (2) a county fiscal body; or
 21 (3) a municipal legislative body;
 22 to have the body on which the member serves designate an alternate
 23 member from that body to participate and exercise the right to vote
 24 with the board if the member is unable to attend a meeting.
- 25 SECTION 268. IC 13-21-3-7 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 7. (a) In:
 27 (1) a joint district; or
 28 (2) a single district **in Lake County; having a population of more**
 29 **than four hundred thousand (400,000) but less than seven**
 30 **hundred thousand (700,000);**
 31 the board appointed under section 5 of this chapter may elect from the
 32 board's membership an executive committee having an odd number of
 33 members.
- 34 (b) An executive committee elected under subsection (a) for a joint
 35 district has only the powers invested in the committee by resolution of
 36 the board. An executive committee may exercise any powers of the
 37 board under this article that are delegated to the executive committee
 38 by resolution of the board.
- 39 (c) The board of the joint district may appoint one (1) or more
 40 alternates from among the membership of the board to:
 41 (1) participate; and
 42 (2) exercise the power to vote;



1 with the executive committee if a member of the executive committee
2 is absent.

3 (d) A meeting of an executive committee may serve as the regularly
4 scheduled monthly meeting of a board as required under IC 13-21-5-2.

5 SECTION 269. IC 13-21-3-12, AS AMENDED BY P.L.189-2016,
6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 APRIL 1, 2022]: Sec. 12. (a) Except as provided in section 14.5 of this
8 chapter and subject to subsection (b), the powers of a district include
9 the following:

10 (1) The power to develop and implement a district solid waste
11 management plan under IC 13-21-5.

12 (2) The power to impose district fees on the final disposal of solid
13 waste within the district under IC 13-21-13.

14 (3) The power to receive and disburse money, if the primary
15 purpose of activities undertaken under this subdivision is to carry
16 out the provisions of this article.

17 (4) The power to sue and be sued.

18 (5) The power to plan, design, construct, finance, manage, own,
19 lease, operate, and maintain facilities for solid waste
20 management.

21 (6) The power to enter with any person into a contract or an
22 agreement that is necessary or incidental to the management of
23 solid waste. Contracts or agreements that may be entered into
24 under this subdivision include those for the following:

25 (A) The design, construction, operation, financing, ownership,
26 or maintenance of facilities by the district or any other person.

27 (B) The managing or disposal of solid waste.

28 (C) The sale or other disposition of materials or products
29 generated by a facility.

30 Notwithstanding any other statute, the maximum term of a
31 contract or an agreement described in this subdivision may not
32 exceed forty (40) years.

33 (7) The power to enter into agreements for the leasing of facilities
34 in accordance with IC 36-1-10 or IC 36-9-30.

35 (8) The power to purchase, lease, or otherwise acquire real or
36 personal property for the management or disposal of solid waste.

37 (9) The power to sell or lease any facility or part of a facility to
38 any person.

39 (10) The power to make and contract for plans, surveys, studies,
40 and investigations necessary for the management or disposal of
41 solid waste.

42 (11) The power to enter upon property to make surveys,



- 1 soundings, borings, and examinations.
 2 (12) The power to:
 3 (A) accept gifts, grants, loans of money, other property, or
 4 services from any source, public or private; and
 5 (B) comply with the terms of the gift, grant, or loan.
 6 (13) The power to levy a tax within the district to pay costs of
 7 operation in connection with solid waste management, subject to
 8 the following:
 9 (A) Regular budget and tax levy procedures.
 10 (B) Section 16 of this chapter.
 11 However, except as provided in sections 15 and 15.5 of this
 12 chapter, a property tax rate imposed under this article may not
 13 exceed eight and thirty-three hundredths cents (\$0.0833) on each
 14 one hundred dollars (\$100) of assessed valuation of property in
 15 the district.
 16 (14) The power to borrow in anticipation of taxes.
 17 (15) The power to hire the personnel necessary for the
 18 management or disposal of solid waste in accordance with an
 19 approved budget and to contract for professional services.
 20 (16) The power to otherwise do all things necessary for the:
 21 (A) reduction, management, and disposal of solid waste; and
 22 (B) recovery of waste products from the solid waste stream;
 23 if the primary purpose of activities undertaken under this
 24 subdivision is to carry out the provisions of this article.
 25 (17) The power to adopt resolutions. However, a resolution is not
 26 effective in a municipality unless the municipality adopts the
 27 language of the resolution by ordinance or resolution.
 28 (18) The power to do the following:
 29 (A) Implement a household hazardous waste and conditionally
 30 exempt small quantity generator (as described in 40 CFR
 31 261.5(a)) collection and disposal project.
 32 (B) Apply for a household hazardous waste collection and
 33 disposal project grant under IC 13-20-20 and carry out all
 34 commitments contained in a grant application.
 35 (C) Establish and maintain a program of self-insurance for a
 36 household hazardous waste and conditionally exempt small
 37 quantity generator (as described in 40 CFR 261.5(a))
 38 collection and disposal project, so that at the end of the
 39 district's fiscal year the unused and unencumbered balance of
 40 appropriated money reverts to the district's general fund only
 41 if the district's board specifically provides by resolution to
 42 discontinue the self-insurance fund.



- 1 (D) Apply for a household hazardous waste project grant as
 2 described in IC 13-20-22-2 and carry out all commitments
 3 contained in a grant application.
- 4 (19) The power to enter into an interlocal cooperation agreement
 5 under IC 36-1-7 to obtain:
 6 (A) fiscal;
 7 (B) administrative;
 8 (C) managerial; or
 9 (D) operational;
 10 services from a county or municipality.
- 11 (20) The power to compensate advisory committee members for
 12 attending meetings at a rate determined by the board.
- 13 (21) The power to reimburse board and advisory committee
 14 members for travel and related expenses at a rate determined by
 15 the board.
- 16 (22) The power to pay a fee from district money to:
 17 (A) in a joint district, the county or counties in which a final
 18 disposal facility is located; or
 19 (B) a county that:
 20 (i) was part of a joint district;
 21 (ii) has withdrawn from the joint district as of January 1,
 22 2008; and
 23 (iii) has established its own district in which a final disposal
 24 facility is located.
- 25 (23) The power to make grants or loans of:
 26 (A) money;
 27 (B) property; or
 28 (C) services;
 29 to public or private recycling programs, composting programs, or
 30 any other programs that reuse any component of the waste stream
 31 as a material component of another product, if the primary
 32 purpose of activities undertaken under this subdivision is to carry
 33 out the provisions of this article.
- 34 (24) The power to establish by resolution a nonreverting capital
 35 fund. A district's board may appropriate money in the fund for:
 36 (A) equipping;
 37 (B) expanding;
 38 (C) modifying; or
 39 (D) remodeling;
 40 an existing facility. Expenditures from a capital fund established
 41 under this subdivision must further the goals and objectives
 42 contained in a district's solid waste management plan. Not more



1 than five percent (5%) of the district's total annual budget for the
 2 year may be transferred to the capital fund that year. The balance
 3 in the capital fund may not exceed twenty-five percent (25%) of
 4 the district's total annual budget. If a district's board determines
 5 by resolution that a part of a capital fund will not be needed to
 6 further the goals and objectives contained in the district's solid
 7 waste management plan, that part of the capital fund may be
 8 transferred to the district's general fund, to be used to offset
 9 tipping fees, property tax revenues, or both tipping fees and
 10 property tax revenues.

11 (25) The power to conduct promotional or educational programs
 12 that include giving awards and incentives that further:

13 (A) the district's solid waste management plan; and

14 (B) the objectives of minimum educational standards
 15 established by the department of environmental management.

16 (26) The power to conduct educational programs under
 17 IC 13-20-17.5 to provide information to the public concerning:

18 (A) the reuse and recycling of mercury in:

19 (i) mercury commodities; and

20 (ii) mercury-added products; and

21 (B) collection programs available to the public for:

22 (i) mercury commodities; and

23 (ii) mercury-added products.

24 (27) The power to implement mercury collection programs under
 25 IC 13-20-17.5 for the public and small businesses.

26 (28) The power to conduct educational programs under
 27 IC 13-20.5 to provide information to the public concerning:

28 (A) reuse and recycling of electronic waste;

29 (B) collection programs available to the public for the disposal
 30 of electronic waste; and

31 (C) proper disposal of electronic waste.

32 (b) Before the county district of a ~~Lake County that has a population~~
 33 ~~of more than four hundred thousand (400,000) but less than seven~~
 34 ~~hundred thousand (700,000)~~ may exercise a power set forth in
 35 subsection (a) to:

36 (1) enter into a contract or other agreement to construct a final
 37 disposal facility;

38 (2) enter into an agreement for the leasing of a final disposal
 39 facility;

40 (3) sell or lease a final disposal facility; or

41 (4) borrow in anticipation of taxes;

42 the county district must submit a recommendation to the county



1 executive of the county concerning the county district's proposed
2 exercise of the power, subject to subsections (c) and (d).

3 (c) In response to a recommendation submitted under subsection
4 (b), the county executive may adopt a resolution:

5 (1) confirming the authority of the county district to exercise the
6 power or powers referred to in subsection (b), as proposed in the
7 recommendation; or

8 (2) denying the county district the authority to exercise the power
9 or powers as proposed in the recommendation;

10 subject to subsection (d).

11 (d) The county district may exercise one (1) or more powers referred
12 to in subsection (b), as proposed in a recommendation submitted to the
13 county executive under subsection (b), if:

14 (1) the county executive, in response to the recommendation,
15 adopts a confirming resolution under subsection (c)(1)
16 authorizing the county district to exercise the power or powers; or
17 (2) the county executive adopts no resolution under subsection (c)
18 within forty-five (45) calendar days after the day on which the
19 county district submits the recommendation to the county
20 executive under subsection (b).

21 SECTION 270. IC 13-21-3-12.2, AS AMENDED BY P.L. 119-2012,
22 SECTION 115, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE APRIL 1, 2022]: Sec. 12.2. (a) This section applies to a
24 **Vanderburgh** County. ~~having a population of more than one hundred~~
25 ~~seventy-five thousand (175,000) but less than one hundred eighty-five~~
26 ~~thousand (185,000).~~

27 (b) In addition to the powers granted to a district under section 12
28 of this chapter, a district may make grants or loans of money, property,
29 or services to a public or private program to plant or maintain trees in
30 an area of the district that is a right-of-way, public property, or vacant
31 property.

32 SECTION 271. IC 13-21-3-14.5, AS AMENDED BY P.L. 119-2012,
33 SECTION 116, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE APRIL 1, 2022]: Sec. 14.5. (a) This section does not
35 apply to the following:

36 (1) The continuation of waste management services that a solid
37 waste district provides with its facilities or work force before
38 March 15, 1996.

39 (2) Waste management services provided to the district under an
40 agreement entered into by the district before March 15, 1996,
41 with another person until the agreement terminates by its terms or
42 is terminated for cause.



1 (3) The development, operation, and contracting for the
 2 development or operation of a publicly owned solid waste landfill
 3 in a **LaPorte** County ~~having a population of more than one~~
 4 ~~hundred eleven thousand (111,000) but less than one hundred~~
 5 ~~fifteen thousand (115,000): if the operation of the landfill must~~
 6 ~~have begun~~ **began** before July 1, 2001.

7 (4) A contract entered into between the board and a third party
 8 before May 1, 1997, for the development or operation of a solid
 9 waste landfill in a **Lake** County ~~having a population of more than~~
 10 ~~four hundred thousand (400,000) but less than seven hundred~~
 11 ~~thousand (700,000): if the third party is limited to those parties~~
 12 ~~that~~ submitted proposals to the board under a formal request for
 13 proposals that were selected by the board, before December 1,
 14 1995, as finalists in the contract negotiations.

15 (5) A contract between a board and a third party to operate a
 16 facility that is owned by the district and for which construction
 17 was substantially complete before March 1, 1996.

18 (6) Activities conducted as part of household hazardous waste (as
 19 defined in IC 13-11-2-104) collection and disposal projects.

20 (7) A contract executed before April 1, 1998.

21 (b) Except as provided in subsection (c), a district may not:

22 (1) undertake to provide waste management services by means of
 23 its own work force; or

24 (2) contract with any person to provide waste management
 25 services.

26 (c) A district may perform the activities described in subsection (b):

27 (1) if:

28 (A) the board is able to adopt a resolution under subsection
 29 (d); and

30 (B) a private sector entity is not willing or able to provide
 31 waste management services at a reasonable cost to the district;

32 or

33 (2) if the district is requested to do so by a unit of government that
 34 performs the activities with the unit's work force.

35 (d) The board may adopt a resolution determining that the district
 36 must either provide waste management services by means of its own
 37 work force or contract with a person to provide waste management
 38 services, only if the board finds that:

39 (1) the waste management service is not currently available in the
 40 district at a reasonable cost; and

41 (2) providing the waste management service by means of its own
 42 work force or by contract will benefit the public health, welfare,



1 and safety of residents of the district.

2 The board's determination must be supported with findings of fact.

3 (e) A district shall provide notice by publication under IC 5-3-1 and
4 at the time of publication serve by first class mail to any person that
5 delivers to the district an annual written request for notices before
6 January 1 of any meeting to consider adoption of a resolution making
7 a preliminary determination that it is necessary for the district to
8 undertake to provide waste management services by means of its own
9 work force or contract with any person to provide waste management
10 services.

11 (f) Whenever a district evaluates the reasonableness of cost under
12 this section, it shall:

13 (1) compare the cost of the same level of service provided in the
14 district or in similar demographic areas within Indiana; and

15 (2) if the district wishes to provide waste management services
16 with its own facilities or work force, the district must disclose the
17 entire cost of providing the service by the district, including the
18 following:

19 (A) Subsidies arising from taxes, fees, grants, or
20 intergovernmental transfers.

21 (B) In-kind contributions of real estate, interests in real estate,
22 equipment, personnel, or other assets.

23 (C) Discounts.

24 (D) Tax exemptions.

25 (g) A resolution adopted under subsection (d) may authorize a
26 district to perform more than one (1) solid waste recycling, collection,
27 or disposal event in the manner described in subsection (b) if:

28 (1) the duration of each event authorized by the resolution is not
29 more than one (1) day; and

30 (2) all events authorized by the resolution will take place in one
31 (1) calendar year.

32 SECTION 272. IC 13-21-3-15, AS AMENDED BY P.L.119-2012,
33 SECTION 117, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE APRIL 1, 2022]: Sec. 15. (a) A district located in a
35 **Gibson** County ~~having a population of more than thirty-three thousand~~
36 ~~five hundred (33,500) but less than thirty-four thousand (34,000)~~ may
37 appeal to the department of local government finance to have a
38 property tax rate in excess of the rate permitted by section 12 of this
39 chapter. The appeal may be granted if the district establishes that all of
40 the following conditions exist:

41 (1) The district is in the process of constructing a landfill.

42 (2) A higher property tax rate is necessary to pay the fees charged



- 1 by out of county landfills to dispose of solid waste generated in
 2 the district during the design and construction phases of the
 3 landfill being established by the district.
- 4 (b) The procedure applicable to maximum levy appeals under
 5 IC 6-1.1-18.5 applies to an appeal under this section. Any additional
 6 levy granted under this section may not exceed seven and thirty-three
 7 hundredths cents (\$0.0733) on each one hundred dollars (\$100) of
 8 assessed valuation of property in the district.
- 9 (c) The department of local government finance shall establish the
 10 tax rate if a higher tax rate is permitted.
- 11 (d) A property tax rate imposed under this section expires not later
 12 than December 31, 1997.
- 13 SECTION 273. IC 13-21-3-20, AS AMENDED BY P.L.113-2010,
 14 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 APRIL 1, 2022]: Sec. 20. (a) Notwithstanding this chapter, IC 13-21-5,
 16 and IC 13-21-13, and except as provided in subsection (b), unless the
 17 legislative body of a **Marion** County ~~having a consolidated city~~ elects
 18 by ordinance to participate in the rules, ordinances, and governmental
 19 structures enacted or created under this article, the management of
 20 solid waste activities and the collection of fees on the disposal of solid
 21 waste in a final disposal facility located in that county are exempt from
 22 regulation or control under this article.
- 23 (b) The exemption under subsection (a) does not apply to
 24 IC 13-20-22-1.
- 25 SECTION 274. IC 13-21-13-1, AS AMENDED BY P.L.119-2012,
 26 SECTION 118, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) A board may impose fees on
 28 the disposal of solid waste in a final disposal facility located within the
 29 district. A fee imposed by a board in a **LaPorte** County ~~with a~~
 30 ~~population of more than one hundred eleven thousand (111,000) but~~
 31 ~~less than one hundred fifteen thousand (115,000)~~ under this section
 32 may not exceed two dollars and fifty cents (\$2.50) a ton. A fee imposed
 33 by a board in other counties under this section may not exceed:
- 34 (1) two dollars and fifty cents (\$2.50) a ton; or
 35 (2) the amount of a fee imposed by the board;
 36 (A) under this section; and
 37 (B) in effect on January 1, 1993;
 38 whichever is greater.
- 39 (b) The board shall do the following:
 40 (1) Set the amount of fees imposed under this section after a
 41 public hearing.
 42 (2) Give public notice of the hearing.



1 (c) If solid waste has been subject to a district fee under this section,
 2 the total amount of the fee that was paid shall be credited against a
 3 district fee to which the solid waste may later be subject under this
 4 section.

5 (d) Except as provided in section 4 of this chapter, fees imposed
 6 under this chapter shall be imposed uniformly on public facilities and
 7 on privately owned or operated facilities throughout the district.

8 (e) A resolution adopted by a board that establishes fees under this
 9 chapter may contain a provision that authorizes the board to impose a
 10 penalty of not more than five hundred dollars (\$500) per day because
 11 of:

12 (1) nonpayment of fees; or

13 (2) noncompliance with a condition in the resolution.

14 (f) A board may not impose fees for material used as alternate daily
 15 cover pursuant to a permit issued by the department under 329
 16 IAC 10-20-13.

17 SECTION 275. IC 14-13-1-15 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 15. (a) The
 19 commission may design and implement a plan for the establishment
 20 and development of park, exposition, educational, athletic, and
 21 recreational projects to be located within one (1) mile of the banks of
 22 the White River in a ~~consolidated city and~~ **Marion** County. The
 23 projects may include any of the following:

24 (1) Parks.

25 (2) Recreational facilities.

26 (3) Exposition facilities.

27 (4) Zoos, aquariums, aviaries, or other facilities for animal life.

28 (5) Facilities for entertainment, meetings, industrial and trade
 29 shows, athletic events, and other displays and events of cultural,
 30 educational, entertainment, and recreational value.

31 (6) Other facilities that the commission considers appropriate to
 32 the general public welfare and to the cultural, recreational,
 33 educational, or civic well-being of the public.

34 (b) In designing and implementing this plan, the commission may
 35 employ the architects, engineers, surveyors, planners, advisors, and
 36 consultants that the commission considers appropriate. The
 37 commission may seek and accept the advice and comments of other
 38 persons and entities, including political subdivisions and public
 39 agencies, that the commission considers appropriate.

40 SECTION 276. IC 14-13-2-7, AS AMENDED BY P.L.160-2012,
 41 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 APRIL 1, 2022]: Sec. 7. (a) The commission has:

HB 1401—LS 7204/DI 75



- 1 (1) before July 1, 2012, five (5) members appointed by the
 2 governor; and
 3 (2) after June 30, 2012, nine (9) members appointed by the
 4 governor.
- 5 (b) The following requirements apply to the governor's
 6 appointments under subsection (a)(1):
- 7 (1) One (1) member must be a representative of the department of
 8 natural resources. The member may not be an employee or elected
 9 official of a city, town, or county governmental unit.
- 10 (2) The remaining four (4) members must meet the following
 11 requirements:
- 12 (A) Four (4) members must reside in a:
- 13 (i) city;
 14 (ii) town; or
 15 (iii) township (if the member resides in an unincorporated
 16 area of the county);
 17 that borders the Little Calumet River.
- 18 (B) At least three (3) of the members must have a background
 19 in:
- 20 (i) construction;
 21 (ii) project management; or
 22 (iii) flood control;
 23 or a similar professional background.
- 24 (C) A member may not be an employee or elected official of
 25 a city, town, or county governmental unit.
- 26 (c) The following apply to the membership of the commission after
 27 June 30, 2012:
- 28 (1) Before August 1, 2012, the governor shall appoint four (4)
 29 additional members to the commission for four (4) year terms as
 30 follows:
- 31 (A) One (1) member nominated by the mayor of ~~a~~ **the** city
 32 ~~having a population of more than eighty thousand five hundred~~
 33 ~~(80,500) but less than one hundred thousand (100,000): of~~
 34 **Hammond.**
- 35 (B) One (1) member nominated by the mayor of ~~a~~ **the** city
 36 ~~having a population of more than eighty thousand (80,000) but~~
 37 ~~less than eighty thousand four hundred (80,400): of~~ **Gary.**
- 38 (C) Two (2) members nominated by the board of county
 39 commissioners of Lake County.
- 40 (2) Notwithstanding section 8 of this chapter, the term of the
 41 member described in subsection (b)(1) expires January 7, 2013.
 42 The governor shall appoint one (1) member nominated by the



- 1 department of natural resources for a four (4) year term beginning
 2 January 7, 2013.
- 3 (3) Notwithstanding section 8 of this chapter, the terms of the
 4 members described in subsection (b)(2) expire January 1, 2014.
 5 The governor shall appoint for four (4) year terms beginning
 6 January 1, 2014, four (4) members, each of whom must have been
 7 nominated by the executive of a municipality located in the
 8 watershed other than a city described in subdivision (1).
- 9 (4) A member appointed to succeed a member appointed under
 10 subdivision (1) or (2) must be nominated by the nominating
 11 authority that nominated the member's predecessor, and a member
 12 appointed to succeed a member appointed under subdivision (3)
 13 must be nominated by the executive of a municipality located in
 14 the watershed other than a city described in subdivision (1).
- 15 (d) The following apply to a member appointed under subsection (c)
 16 and to any member appointed to succeed a member appointed under
 17 subsection (c):
- 18 (1) After July 31, 2012, not more than five (5) members of the
 19 commission may belong to the same political party.
- 20 (2) Each member must have a background in:
- 21 (A) construction;
 22 (B) project management;
 23 (C) flood control; or
 24 (D) a similar professional background.
- 25 (3) A member may not be an employee or elected official of a
 26 city, town, or county governmental unit.
- 27 (4) The members:
- 28 (A) appointed under subsection (c)(3); or
 29 (B) appointed to succeed members appointed under subsection
 30 (c)(3);
 31 must be from different municipalities.
- 32 (5) Neither the two (2) members appointed under subsection
 33 (c)(1)(C) nor any two (2) members appointed to succeed them
 34 may be from the same district created under IC 36-2-2-4(b).
- 35 SECTION 277. IC 14-13-8-1 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) This section
 37 applies to a marina located in a **Lake County**, **having a population of**
 38 **more than four hundred thousand (400,000) but less than seven**
 39 **hundred thousand (700,000).**
- 40 (b) The state may not give money or other consideration to a marina
 41 unless the marina fulfills the following conditions:
- 42 (1) Provides a boat ramp without charge for access by Indiana



1 residents to the waters served by the marina.
 2 (2) Provides access to marina property without charge for fishing
 3 by Indiana residents in the waters served by the marina.
 4 (3) Dedicates at least eight percent (8%) of the total number of
 5 parking spaces at the marina for parking of vehicles, including
 6 boat trailers, by Indiana residents without charge.
 7 SECTION 278. IC 14-15-3-17, AS AMENDED BY P.L.195-2017,
 8 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 APRIL 1, 2022]: Sec. 17. (a) Except as provided in subsection (b), a
 10 person may not operate a motorboat within two hundred (200) feet of
 11 the shore line of a lake or channel of the lake at a speed greater than
 12 idle speed.
 13 (b) This subsection applies to lakes formed by hydroelectric dams
 14 in a county having a population of: **either of the following counties:**
 15 (1) ~~more than twenty-four thousand five hundred (24,500) but less~~
 16 ~~than twenty-five thousand (25,000); or White County.~~
 17 (2) ~~more than twenty thousand (20,000) but less than twenty~~
 18 ~~thousand five hundred (20,500): Carroll County.~~
 19 A person may not operate a motorboat within fifty (50) feet of the shore
 20 line at a speed greater than idle speed. However, on tributaries of lakes
 21 described in this subsection that are formed by hydroelectric dams, a
 22 person operating a motor boat may not approach or pass within two
 23 hundred (200) feet of the shore line of the tributary at a speed greater
 24 than idle speed. For the purposes of this chapter, tributaries on lakes
 25 formed by hydroelectric dams do not include the principal body of
 26 water flowing into the lakes.
 27 SECTION 279. IC 14-25-3-5 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) Whenever the
 29 department designates a restricted use area, the department shall
 30 approve an order to that effect and adopt a rule under IC 4-22-2.
 31 (b) In addition to the publication of notice provided for in IC 4-22-2,
 32 the department shall, for the purposes of this chapter only, do the
 33 following:
 34 (1) Give notice by publication one (1) time each week for three
 35 (3) consecutive weeks in all of the newspapers of general
 36 circulation in the area to be designated as a restricted use area.
 37 (2) Give ten (10) days written notice to all public utilities
 38 privately or publicly owned engaged in furnishing water to
 39 residents of the restricted use area.
 40 (3) Give ten (10) days written notice to:
 41 (A) the executive of each city and town;
 42 (B) the president of each county executive in a county ~~that~~



1 does not have a consolidated city; **other than Marion**
 2 **County**; and
 3 (C) the county executive in a **Marion** County; ~~that has a~~
 4 ~~consolidated city~~;
 5 in the restricted use area.
 6 (4) Have the notice posted at least ten (10) days before the
 7 hearing as follows:
 8 (A) At the door of the courthouse.
 9 (B) At the city or town hall if there is a city or town hall in the
 10 restricted use area.
 11 (C) In at least three (3) other public places.
 12 (c) Proof of the notice shall be made at the hearing by the affidavits
 13 of the publishers of the newspapers and of the persons who posted and
 14 sent the other notices required by this section.
 15 SECTION 280. IC 14-26-2-3 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3. (a) As used in this
 17 chapter, "public freshwater lake" means a lake that has been used by
 18 the public with the acquiescence of a riparian owner.
 19 (b) The term does not include the following:
 20 (1) Lake Michigan.
 21 (2) A lake lying wholly or in part within the corporate boundaries
 22 of any of the three (3) cities having the largest population in a
 23 **Lake** County. ~~having a population of more than four hundred~~
 24 ~~thousand (400,000) but less than seven hundred thousand~~
 25 ~~(700,000)~~.
 26 (3) A privately owned body of water:
 27 (A) used for the purpose of; or
 28 (B) created as a result of;
 29 surface coal mining.
 30 SECTION 281. IC 14-26-2-11 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 11. (a) This section
 32 applies to a private lake that lies wholly or in part within any of the
 33 three (3) cities having the largest population in a **Lake** County. ~~having~~
 34 ~~a population of more than four hundred thousand (400,000) but less~~
 35 ~~than seven hundred thousand (700,000)~~.
 36 (b) Sand mining may be conducted at the lake only if approved by
 37 resolution of the legislative body of the city after a public hearing.
 38 (c) A sand mining operation at the lake:
 39 (1) is subject to and shall be conducted in accordance with the
 40 regulations and permit process of the United States Army Corps
 41 of Engineers and the United States Environmental Protection
 42 Agency; and



- 1 (2) is subject to local supervision and monitoring by the city
- 2 engineer of the city in which the lake lies.
- 3 (d) A person performing the sand mining is liable for any damages
- 4 directly attributable to the sand mining operation to any real property
- 5 located within a one (1) mile radius of the lake.
- 6 (e) After mining operations are completed, the lake may not be used
- 7 as a sanitary landfill or as a hazardous waste site.
- 8 SECTION 282. IC 14-26-6-2, AS AMENDED BY P.L.119-2012,
- 9 SECTION 120, IS AMENDED TO READ AS FOLLOWS
- 10 [EFFECTIVE APRIL 1, 2022]: Sec. 2. This chapter does not apply to
- 11 any of the following:
- 12 (1) An artificial lake that is created or used in or in connection
- 13 with the following:
- 14 (A) Supplying a city or town with water.
- 15 (B) The generation of electric energy.
- 16 (C) The storage of water for a use described in clause (A) or
- 17 (B).
- 18 (2) The waters of Lake Michigan.
- 19 (3) A lake owned or controlled by the department.
- 20 (4) The waters of an artificial lake in a town located in a **Noble**
- 21 **County. having a population of more than forty-seven thousand**
- 22 **five hundred (47,500) but less than forty-eight thousand (48,000).**
- 23 SECTION 283. IC 14-27-6-1, AS AMENDED BY P.L.119-2012,
- 24 SECTION 121, IS AMENDED TO READ AS FOLLOWS
- 25 [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to the
- 26 following:
- 27 (1) ~~A city having a population of more than one hundred ten~~
- 28 ~~thousand (110,000) but less than one hundred fifty thousand~~
- 29 ~~(150,000): The city of Evansville.~~
- 30 (2) ~~The county in which a city described in subdivision (1) exists:~~
- 31 ~~**Vanderburgh County.**~~
- 32 SECTION 284. IC 14-28-1-22.2, AS ADDED BY P.L.199-2021,
- 33 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 APRIL 1, 2022]: Sec. 22.2. (a) This section applies to local floodplain
- 35 administrators in a **Hendricks County. having a population of more**
- 36 **than one hundred forty thousand (140,000) but less than one hundred**
- 37 **fifty thousand (150,000):**
- 38 (b) A local floodplain administrator may issue a variance approving
- 39 a structure located within a floodway without a permit issued by the
- 40 director of the department under section 22 of this chapter if:
- 41 (1) the structure is not used as an abode or residence;
- 42 (2) the structure is constructed after January 1, 2018, but not later



1 than July 1, 2020; and
 2 (3) the lowest floor of the structure is not more than
 3 fifteen-hundredths (0.15) of a foot below two (2) feet above the
 4 one hundred (100) year flood elevation.
 5 (c) This section expires July 1, 2022.
 6 SECTION 285. IC 14-32-4-18, AS AMENDED BY P.L.129-2011,
 7 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 APRIL 1, 2022]: Sec. 18. (a) The supervisors of a district:
 9 (1) may employ necessary personnel, subject to IC 36-2-5-3 and
 10 IC 36-2-5-7; and
 11 (2) shall:
 12 (A) determine the qualifications and duties of the personnel;
 13 and
 14 (B) provide supervision to personnel.
 15 (b) In any district except a district containing a **the** consolidated
 16 city, an employee of the district:
 17 (1) is considered to be an employee of the county in which the
 18 employee works, except as provided in subsection (c); and
 19 (2) is eligible for and shall be included in all fringe benefit
 20 programs provided for employees of the county.
 21 (c) An employee of a district whose position is funded entirely from
 22 sources outside the county in which the employee works solely on the
 23 basis of the funding of the employee's position is not considered an
 24 employee of the county.
 25 SECTION 286. IC 14-33-2-18, AS AMENDED BY P.L.119-2012,
 26 SECTION 122, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE APRIL 1, 2022]: Sec. 18. (a) This section applies only
 28 to a district to be located in a **Hendricks** County. ~~having a population~~
 29 ~~of more than one hundred forty thousand (140,000) but less than one~~
 30 ~~hundred fifty thousand (150,000).~~
 31 (b) If the court determines that a petition conforms to the
 32 requirements, the court shall enter an order referring the petition to the
 33 commission.
 34 (c) The commission shall make a determination and report to the
 35 court whether the proposed district should be established after
 36 determining whether the proposed district meets the following
 37 conditions:
 38 (1) The proposed district appears to be necessary.
 39 (2) The proposed district holds promise of economic and
 40 engineering feasibility.
 41 (3) The proposed district seems to offer benefits in excess of costs
 42 and damages for purposes other than the following:



- 1 (A) Water supply.
- 2 (B) Storage of water for augmentation of stream flow.
- 3 (C) Sewage disposal.
- 4 (4) Whether the public health will be served immediately or
- 5 prospectively by the establishment of the district for any of the
- 6 following purposes:
- 7 (A) Water supply.
- 8 (B) Sewage disposal.
- 9 (C) Storage of water for augmentation of stream flow.
- 10 (D) Any combination of these purposes.
- 11 (5) The proposed district proposes to cover and serve a proper
- 12 area.
- 13 (6) The proposed district can be established and operated in a
- 14 manner compatible with established:
- 15 (A) districts;
- 16 (B) flood control projects;
- 17 (C) reservoirs;
- 18 (D) lakes;
- 19 (E) drains;
- 20 (F) levees;
- 21 (G) regional water districts;
- 22 (H) regional sewer districts; and
- 23 (I) other water management or water supply projects.
- 24 (d) The fact that all the land included in the proposed district is
- 25 owned by one (1) freeholder or a limited number of freeholders is not
- 26 a sufficient reason for the commission or the court to make unfavorable
- 27 findings on:
- 28 (1) the question of the establishment of the district; and
- 29 (2) later, if the district is established, the approval of the district
- 30 plan.
- 31 However, it must appear from the evidence that the land is subdivided
- 32 or intended for subdivision and development and that the
- 33 accomplishment of the purposes proposed and in the manner proposed
- 34 would be necessary and desirable for the person acquiring and using
- 35 the land after subdivision and development.
- 36 SECTION 287. IC 14-33-5.4-1, AS AMENDED BY P.L.119-2012,
- 37 SECTION 123, IS AMENDED TO READ AS FOLLOWS
- 38 [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) This chapter applies only to
- 39 conservancy districts located wholly within a **Starke** County. ~~having~~
- 40 ~~a population of more than twenty-three thousand three hundred~~
- 41 ~~(23,300) but less than twenty-four thousand (24,000).~~
- 42 (b) This article governs conservancy districts located wholly within



1 a **Starke** County having a population of more than twenty-three
 2 thousand three hundred (23,300) but less than twenty-four thousand
 3 (~~24,000~~) generally except when this article conflicts with a section of
 4 this chapter.

5 SECTION 288. IC 14-33-9-4 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 4. (a) This section
 7 applies to districts:

8 (1) established after July 1, 1983; and

9 (2) containing all or part of a **Allen** County. ~~having a population~~
 10 ~~of more than three hundred thousand (300,000) but less than four~~
 11 ~~hundred thousand (400,000):~~

12 (b) Each year the board shall submit two (2) copies of the estimated
 13 budget formulated by the district for the next budget year to the fiscal
 14 body of the county described in subsection (a) at least ten (10) days
 15 before the board holds the public hearing on the estimated budget
 16 under IC 6-1.1-17-3.

17 (c) The fiscal body:

18 (1) shall hold a public hearing on the budget; and

19 (2) may lower but may not increase any item in the estimated
 20 budget.

21 Notice of the hearing shall be published in accordance with IC 5-3-1,
 22 except that notice must be published at least five (5) days before the
 23 hearing date.

24 (d) The county fiscal body shall deliver two (2) copies of the budget
 25 approved under subsection (c) to the board at least two (2) days before
 26 the date fixed for the public hearing on the budget held by the board
 27 under IC 6-1.1-17-3. The board may not approve a total budget in
 28 excess of the amount approved by the county fiscal body.

29 SECTION 289. IC 14-33-17-1 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 31 to two (2) districts:

32 (1) where at least part of the external boundaries of the two (2)
 33 districts coincide;

34 (2) that are located in a **Lake** County; ~~having a population of~~
 35 ~~more than four hundred thousand (400,000) but less than seven~~
 36 ~~hundred thousand (700,000); and~~

37 (3) where the territory of each district contains part of the same
 38 town.

39 SECTION 290. IC 14-33-22-1 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 41 only to a district located in whole or in part in a **Marion** County.
 42 ~~having a consolidated city:~~



1 SECTION 291. IC 14-33-24-6, AS ADDED BY P.L.148-2020,
 2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 APRIL 1, 2022]: Sec. 6. A proposed conservancy district may be
 4 established as a reservoir conservancy district under this chapter if:

5 (1) the proposed conservancy district will be established for the
 6 purposes of:

7 (A) developing forests, wildlife areas, parks, and recreational
 8 facilities if feasible in connection with beneficial water
 9 management, as provided in IC 14-33-1-1(a)(6);

10 (B) the operation, maintenance, and improvement of:

11 (i) a work of improvement for water based recreational
 12 purposes; or

13 (ii) another work of improvement that could have been built
 14 for any other purpose authorized by IC 14-33-1-1;

15 as provided in IC 14-33-1-1(a)(9); or

16 (C) both of the purposes set forth in clauses (A) and (B);

17 (2) the boundaries of the proposed conservancy district will
 18 encompass part or all of a reservoir located partly within ~~a~~ **the**
 19 consolidated city; and

20 (3) at least twenty-five percent (25%) of the surface of the
 21 reservoir located within the boundaries of the proposed
 22 conservancy district is owned by a utility governed by a board of
 23 directors for utilities under IC 8-1-11.1-3.

24 SECTION 292. IC 16-19-3-27 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 27. (a) The state
 26 department of health shall:

27 (1) study the use of:

28 (A) effluent filters;

29 (B) recirculation media filters;

30 (C) aeration treatment units;

31 (D) drip irrigation;

32 (E) graveless trenches; and

33 (F) new technologies;

34 for residential septic systems that will cause systems to perform
 35 satisfactorily as alternatives to currently operating systems that do
 36 not perform satisfactorily because of soil characteristics, lot sizes,
 37 topographical conditions, or high water tables; and

38 (2) take all actions necessary to develop plans and specifications
 39 for use of the technologies listed in subdivision (1) in residential
 40 septic systems.

41 (b) The executive board shall adopt reasonable rules under
 42 IC 4-22-2 to:

HB 1401—LS 7204/DI 75



1 (1) promulgate the plans and specifications developed under
2 subsection (a); and

3 (2) allow for the issuance of operating permits for:

4 (A) residential septic systems that are installed in compliance
5 with the plans and specifications promulgated under
6 subdivision (1); and

7 (B) onsite residential sewage discharging disposal systems in
8 a **Allen** County having a population of more than three
9 hundred thousand ~~(300,000)~~ but less than four hundred
10 thousand ~~(400,000)~~ that comply with IC 13-18-12-9.

11 SECTION 293. IC 16-20-1-30, AS ADDED BY P.L.220-2011,
12 SECTION 311, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE APRIL 1, 2022]: Sec. 30. (a) ~~In a county having a~~
14 ~~population of more than two hundred seventy thousand (270,000) and~~
15 ~~less than four hundred thousand (400,000); as reported by the 1980~~
16 ~~decennial census; employees~~ **An individual** who were employees of
17 **was an employee of** a city-county health department in **Allen County**
18 under IC 16-1-7-16 (before its repeal) on December 31, 1985, **are is**
19 entitled to the benefits relating to vacation, sick leave, insurance, and
20 clothing allowance permitted under IC 16-1-7-16 (before its repeal).

21 (b) The benefits provided under subsection (a) are subject to
22 satisfactory job performance.

23 SECTION 294. IC 16-20-2-2, AS AMENDED BY P.L.119-2012,
24 SECTION 124, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) Except as provided in
26 IC 16-20-3, the executive of each county shall by ordinance establish
27 and maintain a local health department.

28 (b) The executive of a **Tippecanoe** County having a population of
29 more than one hundred seventy thousand ~~(170,000)~~ but less than one
30 hundred seventy-five thousand ~~(175,000)~~ may only establish and
31 maintain one (1) local health department having countywide
32 jurisdiction.

33 (c) The county executive in a **Tippecanoe** County having a
34 population of more than one hundred seventy thousand ~~(170,000)~~ but
35 less than one hundred seventy-five thousand ~~(175,000)~~ may adopt
36 health ordinances that apply to the entire county.

37 (d) A health ordinance adopted by a city legislative body after
38 December 31, 1993, in a **Tippecanoe** County having a population of
39 more than one hundred seventy thousand ~~(170,000)~~ but less than one
40 hundred seventy-five thousand ~~(175,000)~~ is void.

41 SECTION 295. IC 16-20-2-7, AS AMENDED BY P.L.5-2017,
42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 APRIL 1, 2022]: Sec. 7. (a) In the following counties, the county
 2 executive and the executive of the most populous city located in the
 3 county shall appoint the members of the local board of health as
 4 provided in subsection (b):

5 (1) ~~A Vanderburgh County, having a population of more than~~
 6 ~~one hundred seventy-five thousand (175,000) but less than one~~
 7 ~~hundred eighty-five thousand (185,000):~~

8 (2) ~~A Floyd County, having a population of more than~~
 9 ~~seventy-one thousand (71,000) but less than seventy-five~~
 10 ~~thousand (75,000):~~

11 (b) The executive of each second class city located in a county
 12 described in subsection (a) shall appoint a number of members of the
 13 board in the proportion that the city's population is to the total county
 14 population to the nearest whole fraction. The appointments made under
 15 this subsection shall be made in order, according to the population of
 16 a city, with the city having the largest population making the first
 17 appointments. The county executive shall appoint the remaining
 18 number of members of the county board of health.

19 SECTION 296. IC 16-20-2-18, AS AMENDED BY P.L.119-2012,
 20 SECTION 127, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE APRIL 1, 2022]: Sec. 18. (a) This section applies to a
 22 **Tippecanoe** County, ~~having a population of more than one hundred~~
 23 ~~seventy thousand (170,000) but less than one hundred seventy-five~~
 24 ~~thousand (175,000):~~

25 (b) Each year the county fiscal officer shall transfer to the
 26 community health clinic located in the county an amount equal to the
 27 revenue raised from a property tax rate of one hundred sixty-seven
 28 thousandths of one cent (\$0.00167) for each one hundred dollars
 29 (\$100) of assessed valuation of the taxable property in the county.

30 (c) The transfer shall be made in four (4) equal installments before
 31 the end of January, April, July, and October. The transfer shall be made
 32 without the necessity of an appropriation.

33 SECTION 297. IC 16-20-4-5, AS AMENDED BY P.L.119-2012,
 34 SECTION 128, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) Except as provided in
 36 subsection (b), the legislative body of a second class city may by
 37 resolution provide for a full-time city health department.

38 (b) A local official, city legislative body, city fiscal body, or county
 39 may not establish a full-time or part-time city health department in a
 40 **Tippecanoe** County, ~~having a population of more than one hundred~~
 41 ~~seventy thousand (170,000) but less than one hundred seventy-five~~
 42 ~~thousand (175,000):~~



1 (c) A health ordinance adopted by a city legislative body after
 2 December 31, 1993, in a **Tippecanoe** County ~~having a population of~~
 3 ~~more than one hundred seventy thousand (170,000) but less than one~~
 4 ~~hundred seventy-five thousand (175,000)~~ is void.

5 SECTION 298. IC 16-20-4-27, AS AMENDED BY P.L.119-2012,
 6 SECTION 130, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE APRIL 1, 2022]: Sec. 27. (a) This section applies to ~~each~~
 8 ~~city having a population of any of the following cities:~~

9 (1) ~~More than twenty-nine thousand five hundred (29,500) but~~
 10 ~~less than twenty-nine thousand six hundred (29,600). The city of~~
 11 ~~West Lafayette.~~

12 (2) ~~More than sixty-five thousand (65,000) but less than seventy~~
 13 ~~thousand (70,000). The city of Lafayette.~~

14 (b) Each year the fiscal officer of each city shall transfer to the
 15 community health clinic located in ~~the county in which the city is~~
 16 ~~located~~ **Tippecanoe County** an amount equal to the revenue raised
 17 from a property tax rate of sixty-seven hundredths of one cent
 18 (\$0.0067) for each one hundred dollars (\$100) of assessed valuation of
 19 the taxable property in the city.

20 (c) The transfer shall be made in four (4) equal installments before
 21 the end of January, April, July, and October. The transfer shall be made
 22 without the necessity of an appropriation.

23 SECTION 299. IC 16-22-2-3.1, AS AMENDED BY P.L.119-2012,
 24 SECTION 131, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE APRIL 1, 2022]: Sec. 3.1. (a) This section applies to a
 26 hospital operated under IC 16-12-4-2 (before its repeal on July 1, 1993)
 27 that is located in a **Jackson** County. ~~having a population of more than~~
 28 ~~forty-two thousand three hundred (42,300) but less than forty-three~~
 29 ~~thousand (43,000):~~

30 (b) The management of a hospital is under the control of a
 31 governing board. The governing board consists of nine (9) members
 32 appointed by the county executive as follows:

33 (1) Three (3) members must be members of the county executive.

34 (2) Six (6) members meeting the following requirements:

35 (A) At least four (4) members must be residents of the county.

36 (B) Not more than two (2) members appointed under this
 37 subdivision may reside in a county other than the county in
 38 which the hospital is located. A member who is not a resident
 39 of the county in which the hospital is located must:

40 (i) be an Indiana resident; and

41 (ii) be appointed upon a submission made under section 11
 42 of this chapter by the governing board of the hospital to the



1 appointing authority.
2 (C) One (1) member appointed under this subdivision may
3 also be a licensed physician.
4 (c) The term of each member of the governing board is three (3)
5 years.
6 (d) If a vacancy occurs due to the expiration of an appointed
7 member's term and the county executive does not fill the vacancy
8 within sixty (60) days from the date of expiration, the member whose
9 term has expired is automatically reappointed for another term.
10 SECTION 300. IC 16-22-2-4, AS AMENDED BY P.L.119-2012,
11 SECTION 132, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE APRIL 1, 2022]: Sec. 4. (a) This section applies to the
13 governing ~~boards~~ **board** of a county ~~hospitals~~ **hospital** in a **Knox**
14 County. ~~having a population of more than thirty-eight thousand two~~
15 ~~hundred (38,200) but less than thirty-eight thousand five hundred~~
16 ~~(38,500)~~.
17 (b) Subject to subsection (c), the governing board of a county
18 hospital consists of seven (7) members, as follows:
19 (1) Three (3) members must be the members of the county
20 executive.
21 (2) Four (4) members, one (1) of whom may be a licensed
22 physician, shall be appointed by the judge of the circuit court of
23 the county.
24 (c) Not more than two (2) members of a governing board appointed
25 under this section may reside in a county other than the county in
26 which the hospital is located. A member who is not a resident of the
27 county in which the hospital is located must:
28 (1) be an Indiana resident; and
29 (2) be appointed upon a submission made under section 11 of this
30 chapter by the governing board of the hospital to the appointing
31 authority.
32 (d) The term of office for members of the governing board, other
33 than the members of the county executive, is two (2) years.
34 SECTION 301. IC 16-22-2-5, AS AMENDED BY P.L.119-2012,
35 SECTION 133, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) This section applies to a
37 county ~~hospitals~~ **hospital** in ~~counties~~ **having a population of more than**
38 ~~seventeen thousand three hundred fifty (17,350) but less than eighteen~~
39 ~~thousand (18,000)~~: **Rush County**.
40 (b) Subject to subsection (e), the hospital and the affairs and
41 business of the hospital shall be under the management and control of
42 a governing board consisting of seven (7) members as follows:



- 1 (1) Three (3) members must be members of the county executive.
 2 (2) Two (2) members shall be appointed by the county fiscal
 3 body, one (1) of whom may be a licensed physician.
 4 (3) Two (2) members shall be appointed by the county executive.
 5 (c) One (1) of the members initially appointed by the county fiscal
 6 body serves for one (1) year and one (1) of the members initially
 7 appointed serves for two (2) years. After the initial appointment, the
 8 members serve for two (2) years.
 9 (d) One (1) of the members initially appointed by the county
 10 executive serves for one (1) year and one (1) of the members initially
 11 appointed serves for two (2) years. After the initial appointment, the
 12 members serve for two (2) years.
 13 (e) Not more than two (2) members of a governing board appointed
 14 under this section may reside in a county other than the county in
 15 which the hospital is located. A member who is not a resident of the
 16 county in which the hospital is located must:
 17 (1) be an Indiana resident; and
 18 (2) be appointed upon a submission made under section 11 of this
 19 chapter by the governing board of the hospital to the appointing
 20 authority.
 21 SECTION 302. IC 16-22-2-7, AS AMENDED BY P.L.119-2012,
 22 SECTION 134, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE APRIL 1, 2022]: Sec. 7. (a) Except as provided in
 24 subsection (d), a governing board of four (4) members in existence on
 25 September 2, 1971, may petition the county executive to increase the
 26 size of the board to five (5), six (6), seven (7), eight (8), or nine (9)
 27 members. If the county executive approves the petition, the county
 28 executive shall appoint new members to increase the number of board
 29 members to the chosen size in the following manner:
 30 (1) All members must be residents of the county in which the
 31 hospital is located except in the following circumstances:
 32 (A) If a determination is made to increase a board size to five
 33 (5) or six (6) members, one (1) member may be a resident of
 34 an Indiana county other than the county in which the hospital
 35 is located if the member to be appointed was recommended by
 36 the governing board as set forth in section 11 of this chapter to
 37 fill the vacancy.
 38 (B) If a determination is made to increase a board size to at
 39 least seven (7) members, not more than two (2) members may
 40 be residents of an Indiana county other than the county in
 41 which the hospital is located if the member to be appointed
 42 was recommended by the governing board as set forth in



- 1 section 11 of this chapter to fill the vacancy.
- 2 (2) If a board size of five (5) members is chosen, a new member
- 3 shall be appointed for an initial term of one (1) year.
- 4 (3) If a board size of six (6) members is chosen, the new members
- 5 shall be appointed in the following order as necessary:
- 6 (A) One (1) new member for an initial term of one (1) year.
- 7 (B) One (1) new member for an initial term of two (2) years.
- 8 (4) If a board size of seven (7) members is chosen, the new
- 9 members shall be appointed in the following order as necessary:
- 10 (A) One (1) new member for an initial term of one (1) year.
- 11 (B) One (1) new member for an initial term of two (2) years.
- 12 (C) One (1) new member for an initial term of three (3) years.
- 13 (5) If a board size of eight (8) members is chosen, the new
- 14 members shall be appointed in the following order as necessary:
- 15 (A) One (1) new member for an initial term of one (1) year.
- 16 (B) One (1) new member for an initial term of two (2) years.
- 17 (C) One (1) new member for an initial term of three (3) years.
- 18 (D) One (1) new member for an initial term of four (4) years.
- 19 (6) If a board size of nine (9) members is chosen, the new
- 20 members shall be appointed in the following order as necessary:
- 21 (A) Two (2) new members for an initial term of one (1) year.
- 22 (B) One (1) new member for an initial term of two (2) years.
- 23 (C) One (1) new member for an initial term of three (3) years.
- 24 (D) One (1) new member for an initial term of four (4) years.
- 25 (7) If a board size of seven (7), eight (8), or nine (9) members is
- 26 chosen, two (2) members may be licensed physicians.
- 27 (b) A governing board that has increased its size may petition the
- 28 county executive to decrease the size of the board. However, a decrease
- 29 under this subsection may only be accomplished through:
- 30 (1) the vacancy of a member's position, either through expiration
- 31 of the member's term or any other cause; or
- 32 (2) removal of a member as provided under applicable law.
- 33 (c) There is no limit to the number of times a governing board may
- 34 seek to increase or decrease its size under this section.
- 35 (d) For a governing board of four (4) members located in: ~~a county~~
- 36 ~~having a population of:~~
- 37 (1) ~~more than fourteen thousand (14,000) but less than fifteen~~
- 38 ~~thousand (15,000); **Newton County;**~~
- 39 (2) ~~more than twenty-four thousand five hundred (24,500) but less~~
- 40 ~~than twenty-five thousand (25,000); **White County;** or~~
- 41 (3) ~~more than thirty-three thousand two hundred (33,200) but less~~
- 42 ~~than thirty-three thousand two hundred fifty (33,250); **Clinton**~~



1 **County;**
 2 the county executive may increase the number of board members to
 3 five (5), six (6), or seven (7), subject to the limitations of this section.
 4 After the initial appointments, each board member shall be appointed
 5 to serve for a term of four (4) years.
 6 SECTION 303. IC 16-22-2-12, AS AMENDED BY P.L.119-2012,
 7 SECTION 135, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE APRIL 1, 2022]: Sec. 12. (a) This section applies to
 9 governing boards of a county hospital in a ~~county having a population~~
 10 of more than: **the following counties:**
 11 (1) ~~seventeen thousand three hundred fifty (17,350) but less than~~
 12 ~~eighteen thousand (18,000);~~ **Rush County.**
 13 (2) ~~twenty-six thousand (26,000) but less than twenty-six~~
 14 ~~thousand five hundred (26,500); and~~ **Randolph County.**
 15 (3) ~~forty-two thousand three hundred (42,300) but less than~~
 16 ~~forty-three thousand (43,000);~~ **Jackson County.**
 17 (b) The appointing authority shall appoint a member to fill a
 18 vacancy on the governing board within sixty (60) days after the
 19 vacancy occurs.
 20 SECTION 304. IC 16-22-3-27.5 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 27.5. (a) This section
 22 applies in a county when:
 23 (1) the board has authorized the hospital to enter into a lease or
 24 sublease contract or a loan agreement with the state authority
 25 under this chapter; and
 26 (2) the lease or sublease contract or the loan agreement provides
 27 that a portion of the lease or loan payment is to be paid from
 28 taxes.
 29 (b) The county council or the city-county council in the case of a
 30 **Marion** County ~~with a consolidated city~~ shall annually levy a tax that
 31 is sufficient to produce each year along with other available funds an
 32 amount that is sufficient to pay the portion of the lease or loan payment
 33 that is required to be paid from taxes.
 34 (c) The board shall transfer the following to a fund to be used to pay
 35 the portion of the lease or loan payment that is not required to be paid
 36 from taxes:
 37 (1) Any net revenue of the hospital that is required to be used for
 38 the lease or loan payment.
 39 (2) Any net revenue of the hospital that is required to be retained
 40 as a reserve for a purpose that the board determines if the board
 41 determines that the money is not needed in reserve for additional
 42 construction, equipment, betterment, maintenance, or operation.



1 (d) In fixing and determining the levy that is necessary for the lease
2 or loan payment that is payable from taxes, the county council shall
3 consider the amounts that have been transferred from the net revenues
4 of the hospital under subsection (c).

5 (e) If funds other than taxes are not available to pay the portion of
6 the lease or loan payment that is required to come from taxes, a county
7 is not relieved from the county's obligation to pay from taxes any lease
8 or loan payment that is payable from taxes.

9 (f) The tax levy provided in this section is reviewable in the manner
10 that other tax levies are reviewable to ascertain that the levy is
11 sufficient to produce the amount of the lease or loan payment that is
12 required to be paid from taxes.

13 (g) One-half (1/2) of the annual lease or loan payment shall be paid
14 semiannually to the state authority after the semiannual settlement of
15 tax collections.

16 SECTION 305. IC 16-22-8-6 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 6. (a) There is created
18 in a **Marion** County ~~containing a consolidated city~~ a distinct municipal
19 corporation known as "The Health and Hospital Corporation of
20 _____ **Marion** County".

21 (b) The municipal corporation, in its corporate name, may do the
22 following:

23 (1) Sue and be sued in a court of competent jurisdiction.

24 (2) Enter into contracts.

25 (3) Acquire and dispose of real, personal, and mixed property by
26 deed, purchase, gift, grant, devise, lease, condemnation, or
27 otherwise.

28 (4) Make and adopt appropriate ordinances, regulations, orders,
29 rules, and resolutions.

30 (5) Do all things reasonable or necessary to carry out the work
31 and perform the corporation's duties under this chapter.

32 SECTION 306. IC 16-22-8-34, AS AMENDED BY P.L.229-2019,
33 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 APRIL 1, 2022]: Sec. 34. (a) The board or corporation may do all acts
35 necessary or reasonably incident to carrying out the purposes of this
36 chapter, including the following:

37 (1) As a municipal corporation, sue and be sued in any court with
38 jurisdiction.

39 (2) To serve as the exclusive local board of health and local
40 department of health within the county with the powers and duties
41 conferred by law upon local boards of health and local
42 departments of health.



- 1 (3) To adopt and enforce ordinances consistent with Indiana law
 2 and administrative rules for the following purposes:
 3 (A) To protect property owned or managed by the corporation.
 4 (B) To determine, prevent, and abate public health nuisances.
 5 (C) To establish isolation and quarantine regulations in
 6 accordance with IC 16-41-9.
 7 (D) To license, regulate, and establish minimum sanitary
 8 standards for the operation of a business handling, producing,
 9 processing, preparing, manufacturing, packing, storing,
 10 selling, distributing, or transporting articles used for food,
 11 drink, confectionery, or condiment in the interest of the public
 12 health.
 13 (E) To control:
 14 (i) rodents, mosquitos, and other animals, including insects,
 15 capable of transmitting microorganisms and disease to
 16 humans and other animals; and
 17 (ii) the animals' breeding places.
 18 (F) Subject to subsection (c), to require persons to connect to
 19 available sewer systems and to regulate the disposal of
 20 domestic or sanitary sewage by private methods. However, the
 21 board and corporation have no jurisdiction over publicly
 22 owned or financed sewer systems or sanitation and disposal
 23 plants.
 24 (G) To control rabies.
 25 (H) For the sanitary regulation of water supplies for domestic
 26 use.
 27 (I) To protect, promote, or improve public health. For public
 28 health activities and to enforce public health laws, the state
 29 health data center described in IC 16-19-10 shall provide
 30 health data, medical information, and epidemiological
 31 information to the corporation.
 32 (J) To detect, report, prevent, and control disease affecting
 33 public health.
 34 (K) To investigate and diagnose health problems and health
 35 hazards.
 36 (L) To regulate the sanitary and structural conditions of
 37 residential and nonresidential buildings and unsafe premises.
 38 (M) To regulate the remediation of lead hazards.
 39 (N) To license and regulate the design, construction, and
 40 operation of public pools, spas, and beaches.
 41 (O) To regulate the storage, containment, handling, use, and
 42 disposal of hazardous materials.



- 1 (P) To license and regulate tattoo and body piercing facilities.
 2 (Q) To regulate the storage and disposal of waste tires.
 3 (4) To manage the corporation's hospitals, medical facilities, and
 4 mental health facilities.
 5 (5) To furnish health and nursing services to elementary and
 6 secondary schools within the county.
 7 (6) To furnish medical care to insured and uninsured residents of
 8 the county.
 9 (7) To furnish dental services to the insured and uninsured
 10 residents of the county.
 11 (8) To establish public health programs.
 12 (9) To adopt an annual budget ordinance and levy taxes.
 13 (10) To incur indebtedness in the name of the corporation.
 14 (11) To organize the corporation into divisions.
 15 (12) To acquire and dispose of property.
 16 (13) To receive charitable contributions and gifts as provided in
 17 26 U.S.C. 170.
 18 (14) To make charitable contributions and gifts.
 19 (15) To establish a charitable foundation as provided in 26 U.S.C.
 20 501.
 21 (16) To receive and distribute federal, state, local, or private
 22 grants.
 23 (17) To receive and distribute grants from charitable foundations.
 24 (18) To establish corporations and enter into partnerships and
 25 joint ventures to carry out the purposes of the corporation. This
 26 subdivision does not authorize the merger of the corporation with
 27 a hospital licensed under IC 16-21.
 28 (19) To erect, improve, remodel, or repair corporation buildings.
 29 (20) To determine operating procedures.
 30 (21) To do the following:
 31 (A) Adopt a schedule of reasonable charges for nonresidents
 32 of the county for medical and mental health services.
 33 (B) Collect the charges from the patient, the patient's insurance
 34 company, or a government program.
 35 (C) Require security for the payment of the charges.
 36 (22) To adopt a schedule of and to collect reasonable charges for
 37 medical and mental health services.
 38 (23) To enforce Indiana laws, administrative rules, ordinances,
 39 and the code of the health and hospital corporation of the county.
 40 (24) To purchase supplies, materials, and equipment.
 41 (25) To employ personnel and establish personnel policies.
 42 (26) To employ attorneys admitted to practice law in Indiana.



- 1 (27) To acquire, erect, equip, and operate the corporation's
 2 hospitals, medical facilities, and mental health facilities.
 3 (28) To dispose of surplus property in accordance with a policy by
 4 the board.
 5 (29) To determine the duties of officers and division directors.
 6 (30) To fix the compensation of the officers and division
 7 directors.
 8 (31) To carry out the purposes and object of the corporation.
 9 (32) To obtain loans for hospital expenses in amounts and upon
 10 terms agreeable to the board. The board may secure the loans by
 11 pledging accounts receivable or other security in hospital funds.
 12 (33) To establish fees for licenses, services, and records. The
 13 corporation may accept payment by credit card for fees.
 14 IC 5-14-3-8(d) does not apply to fees established under this
 15 subdivision for certificates of birth, death, or stillbirth
 16 registration.
 17 (34) To use levied taxes or other funds to make intergovernmental
 18 transfers to the state to fund governmental health care programs,
 19 including Medicaid and Medicaid supplemental programs.
 20 (b) The board shall exercise the board's powers and duties in a
 21 manner consistent with Indiana law, administrative rules, and the code
 22 of the health and hospital corporation of the county.
 23 (c) This subsection does not affect a septic tank elimination program
 24 approved by the commission. Except as provided in subsection (d), if,
 25 within a **Marion** County: ~~containing a consolidated city:~~
 26 (1) a main sewer line is extended for the purpose of connecting
 27 one (1) or more residential or commercial properties to a sanitary
 28 sewer system; and
 29 (2) the extension connecting the residential or commercial
 30 property or properties referred to in subdivision (1) to the sanitary
 31 sewer system, when completed, will be located close enough to
 32 the property line of a residential property served by a septic
 33 system to authorize the board or corporation to order the
 34 connection of the residential property to the extension under the
 35 ordinances adopted under section 6(b)(4) of this chapter;
 36 the board or corporation may not exercise its power under subsection
 37 (a)(3)(F) to require the residential property served by the septic system
 38 to be connected to the extension referred to in subdivision (1).
 39 (d) The board or corporation may exercise its power under
 40 subsection (a)(3)(F) to require a residential property served by a septic
 41 system to be connected to an extension described in subsection (c) if:
 42 (1) the state department of health; or



1 (2) the board or corporation;
 2 determines that the septic system serving the residential property is
 3 failing, as described in IC 36-9-23-30.1(b).

4 SECTION 307. IC 16-22-9-1 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 6 to a ~~county containing~~ any of the following:

7 (1) A **county containing** a second class city.

8 (2) ~~A consolidated city:~~ **Marion County.**

9 SECTION 308. IC 16-23-7-1, AS AMENDED BY P.L.119-2012,
 10 SECTION 136, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a
 12 nonprofit hospital corporation:

13 (1) in: a city having a population of:

14 (A) ~~more than one hundred ten thousand (110,000) but less~~
 15 ~~than one hundred fifty thousand (150,000);~~ **the city of**
 16 **Evansville;** or

17 (B) ~~more than one hundred thousand (100,000) but less than~~
 18 ~~one hundred ten thousand (110,000);~~ **the city of South Bend;**

19 (2) in a city without a city hospital or other means for furnishing
 20 the city's citizens hospital care; and

21 (3) that owns property in the city that:

22 (A) is used for hospital purposes; and

23 (B) has a value of at least four hundred thousand dollars
 24 (\$400,000).

25 SECTION 309. IC 16-23-8-1, AS AMENDED BY P.L.119-2012,
 26 SECTION 137, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a
 28 nonprofit hospital corporation:

29 (1) in: a city having a population of:

30 (A) ~~more than fifty-five thousand (55,000) but less than sixty~~
 31 ~~thousand (60,000);~~ **the city of Anderson;** or

32 (B) ~~more than sixty thousand (60,000) but less than sixty-five~~
 33 ~~thousand (65,000);~~ **the city of Terre Haute;**

34 (2) in a county without a city or other public hospital;

35 (3) that admits persons for care and treatment without regard to
 36 race, color, or religious creed;

37 (4) the revenue of which derived from the care of persons able to
 38 pay and from all other sources is expended in the maintenance
 39 and operation of the hospital and for the care of persons who are
 40 unable to pay to the extent of the hospital's ability to do so;

41 (5) the revenue of which is insufficient to support and maintain
 42 the hospital and enable the hospital to supply the need and



1 demand for hospital care and nursing in the city, either alone or
 2 in conjunction with other hospitals in the city; and
 3 (6) in a city that has no city hospital under the city's control that
 4 is supported entirely by public money.

5 SECTION 310. IC 16-23-9-1, AS AMENDED BY P.L.119-2012,
 6 SECTION 138, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a
 8 nonprofit hospital corporation that:

9 (1) is located in a ~~township having a population of more than~~
 10 ~~eight thousand (8,000) but less than ten thousand (10,000) located~~
 11 ~~in a county having a population of more than forty-seven thousand~~
 12 ~~(47,000) but less than forty-seven thousand five hundred~~
 13 ~~(47,500); German Township in Marshall County;~~

14 (2) has a majority of members who are residents of the township;
 15 (3) is managed by directors, a majority of whom are residents of
 16 the township and who serve without compensation;

17 (4) is free from political or sectarian influence and is required by
 18 the hospital's articles of incorporation to be so managed and
 19 maintained perpetually; and

20 (5) is unable to be maintained and supported and to perform the
 21 hospital service reasonably needed and required for the people of
 22 the township without assistance, as determined by the township
 23 trustee and township board.

24 SECTION 311. IC 16-23.5-1-3, AS ADDED BY P.L.2-2007,
 25 SECTION 191, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE APRIL 1, 2022]: Sec. 3. "Board of commissioners"
 27 includes, in the case of a **Marion** County, ~~having a consolidated city;~~
 28 the city-county council.

29 SECTION 312. IC 16-23.5-1-6, AS ADDED BY P.L.2-2007,
 30 SECTION 191, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE APRIL 1, 2022]: Sec. 6. "County council" includes, in
 32 the case of a **Marion** County, ~~having a consolidated city;~~ the
 33 city-county council.

34 SECTION 313. IC 16-24-1-4, AS AMENDED BY P.L.119-2012,
 35 SECTION 139, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE APRIL 1, 2022]: Sec. 4. (a) The county executive of a **St.**
 37 **Joseph** County ~~having a population of more than two hundred fifty~~
 38 ~~thousand (250,000) but less than two hundred seventy thousand~~
 39 ~~(270,000)~~ may use the county's tuberculosis hospitals to treat patients
 40 with tuberculosis and for other purposes necessary to qualify under the
 41 Medicare and Medicaid programs. At the discretion of the county
 42 executive, tuberculosis hospitals may become affiliated with a hospital



1 in the community to enable the tuberculosis hospital to be fully utilized
2 under all programs available.

3 (b) The superintendent of hospitals located in a county described
4 under subsection (a) must be a qualified hospital administrator or an
5 experienced physician selected by the governing board. The board shall
6 delegate to the superintendent and all other personnel the duties of the
7 board's respective positions.

8 SECTION 314. IC 16-24-1-9, AS AMENDED BY P.L.119-2012,
9 SECTION 140, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE APRIL 1, 2022]: Sec. 9. (a) This section applies to a
11 county having a population of: **the following counties:**

12 (1) ~~more than three hundred thousand (300,000) but less than four~~
13 ~~hundred thousand (400,000); or Allen County.~~

14 (2) ~~more than two hundred fifty thousand (250,000) but less than~~
15 ~~two hundred seventy thousand (270,000): St. Joseph County.~~

16 (b) The board of managers of the hospital consists of seven (7)
17 members chosen by the county executive. The members must:

18 (1) be chosen without regard for political affiliation;

19 (2) be citizens of the county; and

20 (3) include at least two (2) licensed physicians.

21 (c) The term of office of each member of the board is four (4) years.
22 The terms of not more than two (2) of the managers expire annually.
23 The terms of the members of the board may not be altered. The initial
24 appointments are for the respective terms of three (3) years, two (2)
25 years, and one (1) year. Appointments of successors are for terms of
26 four (4) years. Appointments to fill vacancies are for the unexpired
27 term.

28 SECTION 315. IC 16-24-1-15, AS AMENDED BY P.L.119-2012,
29 SECTION 141, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE APRIL 1, 2022]: Sec. 15. (a) This section applies to a
31 county having a population of **any of the following counties:**

32 (1) ~~More than one hundred seventy-five thousand (175,000) but~~
33 ~~less than one hundred eighty-five thousand (185,000):~~
34 **Vanderburgh County.**

35 (2) ~~More than one hundred twenty-five thousand (125,000) but~~
36 ~~less than one hundred thirty-five thousand (135,000):~~ **Madison**
37 **County.**

38 (3) ~~More than one hundred eighty-five thousand (185,000) but~~
39 ~~less than two hundred fifty thousand (250,000):~~ **Elkhart County.**

40 (4) ~~More than one hundred fifteen thousand (115,000) but less~~
41 ~~than one hundred twenty-five thousand (125,000):~~ **Delaware**
42 **County.**



1 (b) The board of managers of a hospital for the treatment of patients
 2 afflicted with tuberculosis or other diseases, including chronic diseases
 3 and those requiring convalescent care, that contracts with other
 4 counties for the treatment of the citizens of other counties, may provide
 5 not more than one-half (1/2) of the cost of a program of group life
 6 insurance and group health, accident, and hospitalization insurance for
 7 the hospital's employees. The members of the families and dependents
 8 of the employees may participate in a program of group health,
 9 accident, and hospitalization insurance at no cost to the hospital.

10 SECTION 316. IC 16-24-1-16, AS AMENDED BY P.L.119-2012,
 11 SECTION 142, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE APRIL 1, 2022]: Sec. 16. (a) The governing board shall
 13 appoint a business manager for a tuberculosis hospital located in the
 14 following counties:

15 (1) ~~Having a consolidated city:~~ **Marion County.**

16 (2) ~~Having a population of more than three hundred thousand~~
 17 ~~(300,000) but less than four hundred thousand (400,000):~~ **Allen**
 18 **County.**

19 (3) ~~Having a population of more than two hundred fifty thousand~~
 20 ~~(250,000) but less than two hundred seventy thousand (270,000):~~
 21 **St. Joseph County.**

22 (b) The business manager is directly responsible to and serves at the
 23 pleasure of the governing board. The governing board shall prescribe
 24 the duties of the business manager.

25 SECTION 317. IC 16-24-2-1, AS AMENDED BY P.L.119-2012,
 26 SECTION 143, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) As used in this section,
 28 "county" refers to any of the following:

29 (1) ~~A county having a population of more than three hundred~~
 30 ~~thousand (300,000) but less than four hundred thousand~~
 31 ~~(400,000):~~ **Allen County.**

32 (2) ~~A county having a population of more than two hundred fifty~~
 33 ~~thousand (250,000) but less than two hundred seventy thousand~~
 34 ~~(270,000):~~ **St. Joseph County.**

35 (3) ~~A county having a population of more than one hundred~~
 36 ~~seventy-five thousand (175,000) but less than one hundred~~
 37 ~~eighty-five thousand (185,000):~~ **Vanderburgh County.**

38 (4) ~~A county having a population of more than one hundred~~
 39 ~~twenty-five thousand (125,000) but less than one hundred~~
 40 ~~thirty-five thousand (135,000):~~ **Madison County.**

41 (b) This chapter applies to a county, if the county meets the
 42 following conditions:



1 (1) The county owns a hospital for the treatment of patients with
 2 tuberculosis or other diseases, including chronic diseases and
 3 diseases requiring convalescent care.

4 (2) The county contracts with other counties for the treatment of
 5 the citizens of those other counties.

6 SECTION 318. IC 16-41-22-3 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3. As used in this
 8 chapter, "governing body" means the following:

9 (1) County executive of a county.

10 (2) City-county fiscal and legislative body of a ~~the~~ consolidated
 11 city.

12 (3) Fiscal and legislative body of a city.

13 (4) Town fiscal and legislative body.

14 SECTION 319. IC 16-41-25-1, AS AMENDED BY P.L.261-2019,
 15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 APRIL 1, 2022]: Sec. 1. (a) The state department shall adopt rules
 17 under IC 4-22-2 that provide for a reasonable period not exceeding
 18 thirty (30) days in which a plan review and permit for residential septic
 19 systems must be approved or disapproved.

20 (b) This subsection applies to a **Kosciusko** County. ~~with a~~
 21 ~~population of more than seventy-seven thousand (77,000) but less than~~
 22 ~~eighty thousand (80,000)~~. As used in this subsection, "fill soil" means
 23 soil transported and deposited by humans or soil recently transported
 24 and deposited by natural erosion forces. A rule that the state
 25 department adopts concerning the installation of residential septic
 26 systems in fill soil may not prohibit the installation of a residential
 27 septic system in fill soil on a plat if:

28 (1) before the effective date of the rule, the plat of the affected lot
 29 was recorded;

30 (2) there is not an available sewer line within seven hundred fifty
 31 (750) feet of the property line of the affected lot; and

32 (3) the local health department determines that the soil, although
 33 fill soil, is suitable for the installation of a residential septic
 34 system.

35 SECTION 320. IC 20-20-8-8, AS AMENDED BY
 36 P.L.215-2018(ss), SECTION 7, IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 8. (a) The report must
 38 include the following information:

39 (1) Student enrollment.

40 (2) Graduation rate (as defined in IC 20-26-13-6) and the
 41 graduation rate excluding students that receive a graduation
 42 waiver under IC 20-32-4-4 or IC 20-32-4-4.1.



- 1 (3) Attendance rate.
- 2 (4) The following test scores, including the number and
- 3 percentage of students meeting academic standards:
- 4 (A) All state standardized assessment scores.
- 5 (B) Scores for assessments under IC 20-32-5-21 (before its
- 6 expiration on July 1, 2018), if appropriate.
- 7 (C) For a freeway school, scores on a locally adopted
- 8 assessment program, if appropriate.
- 9 (5) Average class size.
- 10 (6) The school's performance category or designation of school
- 11 improvement assigned under IC 20-31-8.
- 12 (7) The number and percentage of students in the following
- 13 groups or programs:
- 14 (A) Alternative education, if offered.
- 15 (B) Career and technical education.
- 16 (C) Special education.
- 17 (D) High ability.
- 18 (E) Limited English language proficiency.
- 19 (F) Students receiving free or reduced price lunch under the
- 20 national school lunch program.
- 21 (G) Students in foster care.
- 22 (8) Advanced placement, including the following:
- 23 (A) For advanced placement tests, the percentage of students:
- 24 (i) scoring three (3), four (4), and five (5); and
- 25 (ii) taking the test.
- 26 (B) For the Scholastic Aptitude Test:
- 27 (i) the average test scores for all students taking the test;
- 28 (ii) the average test scores for students completing the
- 29 Indiana diploma with a Core 40 with academic honors
- 30 designation program; and
- 31 (iii) the percentage of students taking the test.
- 32 (9) Course completion, including the number and percentage of
- 33 students completing the following programs:
- 34 (A) Academic honors curriculum.
- 35 (B) Core 40 curriculum.
- 36 (C) Career and technical programs.
- 37 (10) The percentage of graduates considered college and career
- 38 ready in a manner prescribed by the state board.
- 39 (11) School safety, including:
- 40 (A) the number of students receiving suspension or expulsion
- 41 for the possession of alcohol, drugs, or weapons; and
- 42 (B) the number of incidents reported under IC 20-33-9.



- 1 (12) Financial information and various school cost factors
 2 required to be provided to the office of management and budget
 3 under IC 20-42.5-3-5.
- 4 (13) The number and percentage of each of the following within
 5 the school corporation:
 6 (A) Teachers who are certificated employees (as defined in
 7 IC 20-29-2-4).
 8 (B) Teachers who teach the subject area for which the teacher
 9 is certified and holds a license.
 10 (C) Teachers with national board certification.
- 11 (14) The percentage of grade 3 students reading at grade 3 level.
- 12 (15) The number of students expelled, including the percentage
 13 of students expelled disaggregated by race, grade, gender, free or
 14 reduced price lunch status, eligibility for special education, and
 15 students in foster care.
- 16 (16) Chronic absenteeism, which includes the number of students
 17 who have been absent from school for ten percent (10%) or more
 18 of a school year for any reason.
- 19 (17) Habitual truancy, which includes the number of students who
 20 have been absent ten (10) days or more from school within a
 21 school year without being excused or without being absent under
 22 a parental request that has been filed with the school.
- 23 (18) The number of students who have dropped out of school,
 24 including the:
 25 (A) reasons for dropping out; and
 26 (B) percentage of students who have dropped out,
 27 disaggregated by race, grade, gender, free or reduced price
 28 lunch status, eligibility for special education, and students in
 29 foster care.
- 30 (19) The number of out of school suspensions assigned, including
 31 the percentage of students suspended disaggregated by race,
 32 grade, gender, free or reduced price lunch status, eligibility for
 33 special education, and students in foster care.
- 34 (20) The number of in school suspensions assigned, including the
 35 percentage of students suspended disaggregated by race, grade,
 36 gender, free or reduced price lunch status, eligibility for special
 37 education, and students in foster care.
- 38 (21) The number of student work permits revoked.
- 39 (22) The number of students receiving an international
 40 baccalaureate diploma.
- 41 (b) Section 3(a) of this chapter does not apply to the publication of
 42 information required under this subsection. This subsection applies to



1 schools, including charter schools, located in a **Marion** County, ~~having~~
 2 ~~a consolidated city~~, including schools located in excluded cities (as
 3 defined in IC 36-3-1-7). A separate report including the information
 4 reported under subsection (a) must be:

5 (1) disaggregated by race, grade, gender, free or reduced price
 6 lunch status, eligibility for special education, and students in
 7 foster care; and

8 (2) made available on the Internet as provided in section 3(b) of
 9 this chapter.

10 SECTION 321. IC 20-23-4-11, AS AMENDED BY P.L.233-2015,
 11 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 APRIL 1, 2022]: Sec. 11. (a) A county committee for the
 13 reorganization of school corporations consists of nine (9) members. All
 14 the members of the committee are appointed by the judge of the circuit
 15 court of the county. Appointments under this subsection are subject to
 16 subsections (f) through (h).

17 (b) Before the time specified in this section, the judge of the circuit
 18 court shall call into a county convention each of the township trustees
 19 of the county and the members of each local board of school trustees
 20 or board of school commissioners in the county to advise the judge in
 21 the selection of the members of the county committee. Except as
 22 provided in subsection (c), the judge must give at least ten (10) days
 23 notice of the convention by publication in:

24 (1) one (1) newspaper of general circulation published in the
 25 affected area; or

26 (2) if a newspaper is not published in the affected area, in a
 27 newspaper having a general circulation in the affected area.

28 (c) In a **Lake** County, ~~having a population of more than four~~
 29 ~~hundred thousand (400,000) but less than seven hundred thousand~~
 30 ~~(700,000)~~, the judge of the circuit court shall publish the notice
 31 referred to in subsection (b) in two (2) newspapers of general
 32 circulation published in the affected area or having a general
 33 circulation in the affected area. The notice must specify:

34 (1) the date, time, place, and purpose of the county convention;
 35 and

36 (2) that the county convention is open to all residents of the
 37 county.

38 (d) At the county convention, the judge of the circuit court shall:

39 (1) explain or have explained; and

40 (2) afford an opportunity for attendees to discuss;

41 the provisions of this chapter.

42 (e) Not later than ten (10) days after the date of the county



1 convention, the judge of the circuit court shall select the appointive
2 members of the county committee.

3 (f) One (1) member of the county committee:

4 (1) must be a member of:

5 (A) the board of school trustees if the county has a board of
6 school trustees; or

7 (B) the board of school commissioners if the county has a
8 board of school commissioners; and

9 (2) may not be a township trustee.

10 (g) One (1) member of the county committee must be:

11 (1) a superintendent of schools;

12 (2) a principal of:

13 (A) a school city;

14 (B) a school town; or

15 (C) a consolidated school or corporation; or

16 (3) a superintendent of a community school corporation.

17 (h) The members of the county committee not referred to in
18 subsections (f) through (g):

19 (1) may not be members of or employed by a governing body;

20 (2) may not be:

21 (A) township trustees; or

22 (B) employees of township trustees; and

23 (3) are appointed without regard to political affiliation.

24 (i) The judge of the circuit court shall give written notice
25 immediately to each person selected for appointment to the county
26 committee. Each person selected shall notify the judge of the circuit
27 court in writing not later than ten (10) days after receipt of the notice
28 whether the person accepts the appointment. If a person:

29 (1) refuses an appointment; or

30 (2) fails to notify the judge of the circuit court of the person's
31 acceptance or refusal of an appointment;

32 the judge shall select a qualified replacement for appointment to the
33 county committee.

34 (j) Not later than thirty (30) days after the date of the county
35 convention, the county committee shall meet to organize and to elect
36 from its membership:

37 (1) a chairperson;

38 (2) a treasurer; and

39 (3) a secretary.

40 The secretary may be the county superintendent or the superintendent
41 of one (1) of the school corporations in the county.

42 (k) The chairperson and the members of the county committee serve



1 without compensation. Subject to approval by the state board, the
2 chairperson of the county committee shall:

- 3 (1) secure necessary office space and equipment;
4 (2) engage necessary clerical help; and
5 (3) receive reimbursement for any necessary expenses incurred by
6 the chairperson with respect to duties in connection with the
7 county committee.

8 (l) Members of the county committee hold office for terms of four
9 (4) years until the reorganization program in the county is completed,
10 subject to replacement as prescribed in this chapter. An appointed
11 member who ceases to be a resident of the county may not continue to
12 serve on a county committee.

13 (m) An individual appointed member of a county committee or the
14 appointed members as a group are not disqualified from serving on a
15 county committee because they fail at any time to meet the
16 qualifications for appointment by the judge of the circuit court, other
17 than county residence, if they met the qualifications at the time of their
18 appointments.

19 (n) Vacancies shall be filled by the remaining members of the
20 committee without regard for the qualifications for appointment by the
21 judge of the circuit court.

22 (o) Meetings of the county committee shall be held:

- 23 (1) upon call of the chairperson; or
24 (2) by a petition to hold a meeting signed by a majority of the
25 members of the committee.

26 (p) A majority of the committee constitutes a quorum.

27 SECTION 322. IC 20-23-4-34, AS ADDED BY P.L.1-2005,
28 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 APRIL 1, 2022]: Sec. 34. (a) This section applies to a community
30 school corporation located in a **Marion** County. ~~containing a~~
31 ~~consolidated city.~~

32 (b) The same method used to cast votes for all other offices for
33 which candidates have qualified to be on the election ballot must be
34 used for the school board offices on the election ballot.

35 SECTION 323. IC 20-23-4-36, AS ADDED BY P.L.1-2005,
36 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 APRIL 1, 2022]: Sec. 36. (a) This section applies to a school
38 corporation located in a **Marion** County. ~~containing a consolidated~~
39 ~~city.~~

40 (b) The same method used to cast votes for all other offices for
41 which candidates have qualified to be on the election ballot must be
42 used for the governing body offices on the election ballot.



1 SECTION 324. IC 20-23-4-44, AS AMENDED BY P.L.119-2012,
 2 SECTION 145, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE APRIL 1, 2022]: Sec. 44. (a) This section applies only
 4 to a school corporation with territory in a **Tippecanoe** County. ~~having~~
 5 ~~a population of more than one hundred seventy thousand (170,000) but~~
 6 ~~less than one hundred seventy-five thousand (175,000).~~

7 (b) This section applies if there is a:

- 8 (1) tie vote in an election for a member of the governing body of
 9 a school corporation; or
 10 (2) vacancy on the governing body of a school corporation.

11 (c) Notwithstanding any other law, if a tie vote occurs among any of
 12 the candidates for the governing body or a vacancy occurs on the
 13 governing body, the remaining members of the governing body, even
 14 if the remaining members do not constitute a majority of the governing
 15 body, shall by a majority vote of the remaining members:

- 16 (1) select one (1) of the candidates who shall be declared and
 17 certified elected; or
 18 (2) fill the vacancy by appointing an individual to fill the vacancy.

19 (d) An individual appointed to fill a vacancy under subsection
 20 (c)(2):

- 21 (1) must satisfy all the qualifications required of a member of the
 22 governing body; and
 23 (2) shall fill the remainder of the unexpired term of the vacating
 24 member.

25 (e) If a tie vote occurs among the remaining members of the
 26 governing body or the governing body fails to act within thirty (30)
 27 days after the election or the vacancy occurs, the fiscal body (as
 28 defined in IC 3-5-2-25) of the township in which the greatest
 29 percentage of population of the school district resides shall break the
 30 tie or make the appointment. A member of the fiscal body who was a
 31 candidate and is involved in a tie vote may not cast a vote under this
 32 subsection.

33 (f) If the fiscal body of a township is required to act under this
 34 section and a vote in the fiscal body results in a tie, the deciding vote
 35 to break the tie vote shall be cast by the executive.

36 SECTION 325. IC 20-23-5-6, AS ADDED BY P.L.1-2005,
 37 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 APRIL 1, 2022]: Sec. 6. As used in this chapter, "school corporation"
 39 means:

- 40 (1) a school corporation created under IC 20-23-4; and
 41 (2) any other school corporation established under any other
 42 statute of the state of Indiana, which has common boundaries with



1 any school corporation or corporations formed under IC 20-23-4.
 2 The term does not include any public school corporation located in
 3 whole or any part in a **Marion** County. ~~containing a consolidated city.~~

4 SECTION 326. IC 20-23-7-9, AS ADDED BY P.L.1-2005,
 5 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 APRIL 1, 2022]: Sec. 9. (a) This section applies to a metropolitan or
 7 consolidated school corporation located in a **Marion** County.
 8 ~~containing a consolidated city.~~

9 (b) The same method used to cast votes for other offices for which
 10 candidates have qualified to be on the election ballot shall be used for
 11 the school board offices on the election ballot.

12 SECTION 327. IC 20-23-8-7, AS AMENDED BY P.L.119-2012,
 13 SECTION 146, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE APRIL 1, 2022]: Sec. 7. (a) A plan or proposed plan
 15 must contain the following items:

16 (1) The number of members of the governing body, which shall
 17 be:

18 (A) three (3);

19 (B) five (5); or

20 (C) seven (7);

21 members.

22 (2) Whether the governing board shall be elected, appointed, or
 23 both.

24 (3) If appointed, when and by whom, and a general description of
 25 the manner of appointment that conforms with the requirements
 26 of IC 20-23-4-28.

27 (4) A provision that the members of an elected governing board
 28 shall be elected at the general election at which county officials
 29 are elected.

30 (5) If the governing board will have members who are elected and
 31 members who are appointed, the following information:

32 (A) The number of appointed members.

33 (B) When and by whom each of the appointed members are
 34 appointed.

35 (C) A general description of the manner of appointment that
 36 conforms with the requirements of IC 20-23-4-28.

37 (D) The number of elected members.

38 (E) A general description of the manner of election that
 39 conforms with the requirements of IC 20-23-4-27.

40 (6) The limitations on:

41 (A) residence;

42 (B) term of office; and



- 1 (C) other qualifications;
 2 required by members of the governing body.
 3 (7) The time the plan takes effect.
 4 A plan or proposed plan may have additional details to make the
 5 provisions of the plan workable. The details may include provisions
 6 relating to the commencement or length of terms of office of the
 7 members of the governing body taking office under the plan.
 8 (b) Except as provided in subsection (a)(1), in a city having a
 9 population of more than fifty-five thousand (55,000) but less than sixty
 10 thousand (60,000); the city of Anderson, the governing body
 11 described in a plan may have up to nine (9) members.
 12 SECTION 328. IC 20-23-8-13, AS AMENDED BY P.L.43-2021,
 13 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 APRIL 1, 2022]: Sec. 13. (a) This section applies to a school
 15 corporation located in a city having a population of more than eighty
 16 thousand (80,000) but less than eighty thousand four hundred (80,400);
 17 the city of Gary.
 18 (b) The city legislative body may adopt an ordinance to increase the
 19 membership of the governing body of a school corporation to seven (7)
 20 members.
 21 (c) The ordinance must provide the following:
 22 (1) The additional members of the governing body are to be
 23 appointed by the city executive.
 24 (2) If the plan is subsequently changed to provide for the election
 25 of governing body members:
 26 (A) the membership of the governing body may not be less
 27 than seven (7); and
 28 (B) the members of the governing body are to be elected.
 29 (3) The initial terms of the members appointed under this section.
 30 (4) The effective date of the ordinance.
 31 (d) An ordinance adopted under this section:
 32 (1) supersedes a part of the plan that conflicts with the ordinance;
 33 (2) must be filed with the secretary of education under section 22
 34 of this chapter; and
 35 (3) may only be amended or repealed by the city legislative body.
 36 SECTION 329. IC 20-23-12-2, AS AMENDED BY P.L.119-2012,
 37 SECTION 148, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE APRIL 1, 2022]: Sec. 2. As used in this chapter, "school
 39 corporation" means a school corporation that is located in a city having
 40 a population of more than eighty thousand (80,000) but less than eighty
 41 thousand four hundred (80,400); the city of Gary.
 42 SECTION 330. IC 20-23-13-1, AS AMENDED BY P.L.219-2013,



1 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 APRIL 1, 2022]: Sec. 1. (a) In a community school corporation
3 established under IC 20-23-4 ~~that has a population of more than eighty~~
4 ~~thousand five hundred (80,500) but less than one hundred thousand~~
5 ~~(100,000); in the city of Hammond~~, the governing body consists of a
6 board of trustees of five (5) members elected in the manner provided
7 in this chapter.

8 (b) The governing body members shall be elected at the times
9 provided and shall succeed the retiring members in the order and
10 manner as set forth in this chapter.

11 (c) The term of each person elected to serve on the governing body
12 begins on the date set in the school corporation's organization plan. The
13 date set in the organization plan for an elected member of the
14 governing body to take office may not be more than fourteen (14)
15 months after the date of the member's election. If the school
16 corporation's organization plan does not set a date for an elected
17 member of the governing body to take office, the member takes office
18 January 1 that immediately follows the person's election.

19 SECTION 331. IC 20-23-14-2, AS AMENDED BY P.L.119-2012,
20 SECTION 150, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE APRIL 1, 2022]: Sec. 2. As used in this chapter, "school
22 corporation" means a school corporation that is located in a ~~city having~~
23 ~~a population of more than twelve thousand five hundred (12,500) but~~
24 ~~less than twelve thousand seven hundred (12,700); the city of Lake~~
25 **Station.**

26 SECTION 332. IC 20-23-15-2, AS AMENDED BY P.L.119-2012,
27 SECTION 151, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE APRIL 1, 2022]: Sec. 2. As used in this chapter, "school
29 corporation" means a school corporation that:

30 (1) is located in: a ~~county having a population of:~~

31 (A) ~~more than three hundred thousand (300,000) but less than~~
32 ~~four hundred thousand (400,000); Allen County; or~~

33 (B) ~~more than two hundred fifty thousand (250,000) but less~~
34 ~~than two hundred seventy thousand (270,000); St. Joseph~~
35 **County; and**

36 (2) has at least twenty thousand (20,000) students.

37 SECTION 333. IC 20-23-17-1, AS AMENDED BY P.L.119-2012,
38 SECTION 153, IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a school
40 corporation

41 ~~(1) located in a city that has a population of more than forty-seven~~
42 ~~thousand (47,000) but less than forty-nine thousand (49,000); the~~



1 **city of Mishawaka. and**
 2 **(2) for which a referendum has been held:**
 3 **(A) as required by statute; and**
 4 **(B) in which a majority of the votes cast approves choosing the**
 5 **members of the governing body as provided in this chapter.**
 6 SECTION 334. IC 20-23-17.2-1, AS AMENDED BY P.L.119-2012,
 7 SECTION 154, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a school
 9 corporation located in a city that has a population of more than
 10 twenty-nine thousand six hundred (29,600) but less than twenty-nine
 11 thousand nine hundred (29,900): **the city of East Chicago.**
 12 SECTION 335. IC 20-24-1-2.5, AS AMENDED BY P.L.81-2019,
 13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 APRIL 1, 2022]: Sec. 2.5. "Authorizer" means, for a charter school, one
 15 (1) of the following:
 16 (1) Subject to IC 20-24-2.2-1.2, a governing body.
 17 (2) A state educational institution that offers a four (4) year
 18 baccalaureate degree.
 19 (3) The executive (as defined in IC 36-1-2-5) of a **the**
 20 consolidated city.
 21 (4) The charter board.
 22 (5) Subject to IC 20-24-2.2-1.2, a governing board of a nonprofit
 23 college or university that provides a four (4) year educational
 24 program for which it awards a baccalaureate or more advanced
 25 degree, including the following:
 26 Anderson University
 27 Bethel University
 28 Butler University
 29 Calumet College of St. Joseph
 30 DePauw University
 31 Earlham College
 32 Franklin College
 33 Goshen College
 34 Grace College
 35 Hanover College
 36 Holy Cross College
 37 Huntington University
 38 Indiana Tech
 39 Indiana Wesleyan University
 40 Manchester University
 41 Marian University
 42 Martin University



- 1 Oakland City University
- 2 Rose-Hulman Institute of Technology
- 3 Saint Mary-of-the-Woods College
- 4 Saint Mary's College
- 5 Taylor University
- 6 Trine University
- 7 University of Evansville
- 8 University of Indianapolis
- 9 University of Notre Dame
- 10 University of Saint Francis
- 11 Valparaiso University
- 12 Wabash College.

13 SECTION 336. IC 20-24-2.3-1, AS ADDED BY P.L.280-2013,
 14 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 APRIL 1, 2022]: Sec. 1. This chapter applies only to an authorizer that
 16 is the executive of ~~a~~ **the** consolidated city.

17 SECTION 337. IC 20-24-2.3-3, AS ADDED BY P.L.280-2013,
 18 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 APRIL 1, 2022]: Sec. 3. (a) The Indianapolis charter school board is
 20 established.

21 (b) The Indianapolis charter school board is composed of the
 22 following nine (9) members appointed to four (4) year terms:

- 23 (1) Six (6) members are appointed by the executive.
- 24 (2) Three (3) members are appointed by the president of the
 25 city-county council ~~for the consolidated city-~~ **of Marion County.**

26 (c) The executive shall appoint the chairperson of the Indianapolis
 27 charter school board.

28 (d) A majority of the members appointed to the Indianapolis charter
 29 school board constitutes a quorum. The affirmative votes of a majority
 30 of the voting members appointed to the Indianapolis charter school
 31 board are required for the Indianapolis charter school board to take
 32 action.

33 SECTION 338. IC 20-24-3-5.5, AS AMENDED BY P.L.127-2016,
 34 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 APRIL 1, 2022]: Sec. 5.5. (a) This section applies to an authorizer that
 36 is not the executive of ~~a~~ **the** consolidated city.

37 (b) Before issuing a charter, the authorizer must conduct a public
 38 hearing concerning the establishment of the proposed charter school.
 39 The public hearing must be held within the school corporation where
 40 the proposed charter school would be located. If the location of the
 41 proposed charter school has not been identified, the public hearing
 42 must be held within the county where the proposed charter school



1 would be located. At the public hearing, the governing body of the
 2 school corporation in which the proposed charter school will be located
 3 must be given an opportunity to comment on the effect of the proposed
 4 charter school on the school corporation, including any foreseen
 5 negative impacts on the school corporation.

6 SECTION 339. IC 20-24-3-18.5, AS AMENDED BY P.L.218-2015,
 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 APRIL 1, 2022]: Sec. 18.5. (a) Notwithstanding IC 20-24-1-2.5 and
 9 except as provided in subsection (b), an adult high school as defined in
 10 IC 20-24-1-2.3 may only be authorized by the charter board or the
 11 executive of ~~a~~ **the** consolidated city.

12 (b) This section does not prohibit an authorizer from renewing a
 13 charter of an adult high school that was initially authorized by the
 14 authorizer prior to July 1, 2014.

15 (c) An authorizer may not authorize an adult high school under this
 16 section unless the general assembly makes an appropriation for the
 17 adult high school under IC 20-24-7-13.5.

18 SECTION 340. IC 20-24-5-5, AS AMENDED BY P.L.216-2021,
 19 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 APRIL 1, 2022]: Sec. 5. (a) Except as provided in subsections (b), (c),
 21 (d), (e), (f), and (g) and section 4.5 of this chapter, a charter school
 22 must enroll any eligible student who submits a timely application for
 23 enrollment.

24 (b) This subsection applies if the number of applications for a
 25 program, class, grade level, or building exceeds the capacity of the
 26 program, class, grade level, or building. If a charter school receives a
 27 greater number of applications than there are spaces for students, each
 28 timely applicant must be given an equal chance of admission. The
 29 organizer must determine which of the applicants will be admitted to
 30 the charter school or the program, class, grade level, or building by
 31 random drawing in a public meeting, with each timely applicant limited
 32 to one (1) entry in the drawing. However, the organizer of a charter
 33 school located in ~~a~~ **Marion** County ~~with a consolidated city~~ shall
 34 determine which of the applicants will be admitted to the charter school
 35 or the program, class, grade level, or building by using a publicly
 36 verifiable random selection process.

37 (c) A charter school may limit new admissions to the charter school
 38 to:

- 39 (1) ensure that a student who attends the charter school during a
 40 school year may continue to attend the charter school in
 41 subsequent years;
- 42 (2) ensure that a student who attends a charter school during a



- 1 school year may continue to attend a different charter school held
 2 by the same organizer in subsequent years;
- 3 (3) allow the siblings of a student alumnus or a current student
 4 who attends a charter school or a charter school held by the same
 5 organizer to attend the same charter school the student is
 6 attending or the student alumnus attended;
- 7 (4) allow preschool students who attend a Level 3 or Level 4
 8 Paths to QUALITY program preschool to attend kindergarten at
 9 a charter school if the charter school and the preschool provider
 10 have entered into an agreement to share services or facilities;
- 11 (5) allow each student who qualifies for free or reduced price
 12 lunch under the national school lunch program to receive
 13 preference for admission to a charter school if the preference is
 14 specifically provided for in the charter school's charter and is
 15 approved by the authorizer; and
- 16 (6) allow each student who attends a charter school that is
 17 co-located with the charter school to receive preference for
 18 admission to the charter school if the preference is specifically
 19 provided for in the charter school's charter and is approved by the
 20 charter school's authorizer.
- 21 (d) This subsection applies to an existing school that converts to a
 22 charter school under IC 20-24-11. During the school year in which the
 23 existing school converts to a charter school, the charter school may
 24 limit admission to:
- 25 (1) those students who were enrolled in the charter school on the
 26 date of the conversion; and
- 27 (2) siblings of students described in subdivision (1).
- 28 (e) A charter school may give enrollment preference to children of
 29 the charter school's founders, governing body members, and charter
 30 school employees, as long as the enrollment preference under this
 31 subsection is not given to more than ten percent (10%) of the charter
 32 school's total population.
- 33 (f) A charter school may give enrollment preference to children who
 34 attend another charter school that is closed or non-renewed under
 35 IC 20-24-4-3 or IC 20-24-9-4.
- 36 (g) A charter school may not suspend or expel a charter school
 37 student or otherwise request a charter school student to transfer to
 38 another school on the basis of the following:
- 39 (1) Disability.
- 40 (2) Race.
- 41 (3) Color.
- 42 (4) Gender.



1 (5) National origin.

2 (6) Religion.

3 (7) Ancestry.

4 A charter school student may be expelled or suspended only in a
5 manner consistent with discipline rules established under IC 20-24-5.5.

6 SECTION 341. IC 20-24-7-4, AS AMENDED BY P.L.221-2015,
7 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 APRIL 1, 2022]: Sec. 4. (a) Services that a school corporation provides
9 to a charter school, including transportation, may be provided at not
10 more than one hundred three percent (103%) of the actual cost of the
11 services.

12 (b) This subsection applies to an authorizer that is a state
13 educational institution described in IC 20-24-1-2.5(2). Except as
14 provided in subsection (f), in a state fiscal year, a state educational
15 institution may receive from the organizer of a charter school
16 authorized by the state educational institution an administrative fee
17 equal to not more than three percent (3%) of the total amount the
18 organizer receives during the state fiscal year from basic tuition support
19 (as defined in IC 20-43-1-8).

20 (c) This subsection applies to the executive of ~~a~~ **the** consolidated
21 city that authorizes a charter school. Except as provided in subsection
22 (f), in a state fiscal year, the executive may collect from the organizer
23 of a charter school authorized by the executive an administrative fee
24 equal to not more than three percent (3%) of the total amount the
25 organizer receives during the state fiscal year for basic tuition support.

26 (d) This subsection applies to an authorizer that is a nonprofit
27 college or university that is approved by the state board of education.
28 Except as provided in IC 20-24-2.2-1.5 and subsection (f), in a state
29 fiscal year, a private college or university may collect from the
30 organizer of a charter school authorized by the private college or
31 university an administrative fee equal to not more than three percent
32 (3%) of the total amount the organizer receives during the state fiscal
33 year for basic tuition support.

34 (e) This subsection applies to the charter board. Except as provided
35 in subsection (f), in a state fiscal year, the charter school board may
36 collect from the organizer of a charter school authorized by the charter
37 board an administrative fee equal to not more than three percent (3%)
38 of the total amount the organizer receives during the state fiscal year
39 for basic tuition support.

40 (f) This subsection applies to an adult high school. An authorizer
41 described in subsections (b) through (e) may collect an administrative
42 fee equal to not more than three percent (3%) of the total state



1 appropriation to the adult high school for a state fiscal year under
2 section 13.5 of this chapter.

3 (g) An authorizer's administrative fee may not include any costs
4 incurred in delivering services that a charter school may purchase at its
5 discretion from the authorizer. The authorizer shall use its funding
6 provided under this section exclusively for the purpose of fulfilling
7 authorizing obligations.

8 (h) Except for oversight services, a charter school may not be
9 required to purchase services from its authorizer as a condition of
10 charter approval or of executing a charter contract, nor may any such
11 condition be implied.

12 (i) A charter school may choose to purchase services from its
13 authorizer. In that event, the charter school and authorizer shall execute
14 an annual service contract, separate from the charter contract, stating
15 the parties' mutual agreement concerning the services to be provided
16 by the authorizer and any service fees to be charged to the charter
17 school. An authorizer may not charge more than market rates for
18 services provided to a charter school.

19 (j) Not later than ninety (90) days after the end of each fiscal year,
20 each authorizer shall provide to each charter school it authorizes an
21 itemized accounting of the actual costs of services purchased by the
22 charter school from the authorizer. Any difference between the amount
23 initially charged to the charter school and the actual cost shall be
24 reconciled and paid to the owed party. If either party disputes the
25 itemized accounting, any charges included in the accounting, or
26 charges to either party, either party may request a review by the
27 department. The requesting party shall pay the costs of the review.

28 SECTION 342. IC 20-25-1-1, AS ADDED BY P.L.1-2005,
29 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 APRIL 1, 2022]: Sec. 1. This article applies to a common school
31 corporation that:

32 (1) is located in whole or in part in the most populous township
33 in a **Marion** County; ~~having a population of more than seven~~
34 ~~hundred thousand (700,000); and~~

35 (2) serves the largest geographical territory of any school
36 corporation in the township.

37 SECTION 343. IC 20-25-5-9, AS ADDED BY P.L.1-2005,
38 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 APRIL 1, 2022]: Sec. 9. As used in this chapter, "school corporation"
40 means a public school corporation of the state located in whole or in
41 part in a **Marion** County. ~~containing a consolidated city.~~

42 SECTION 344. IC 20-25.7-5-5, AS AMENDED BY P.L.220-2021,



1 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 APRIL 1, 2022]: Sec. 5. (a) IC 20-24-5-5 (with the exception of
3 IC 20-24-5-5(g)) does not apply to a participating innovation network
4 charter school that enters into an agreement with the board to
5 reconstitute or establish an eligible school.

6 (b) Except as provided in subsections (c) and (d), a participating
7 innovation network charter school must enroll any eligible student who
8 submits a timely application for enrollment.

9 (c) A participating innovation network charter school that
10 reconstitutes or establishes an eligible school may limit new
11 admissions to the participating innovation network charter school to:

12 (1) ensure that any student with legal settlement in the attendance
13 area, or in the school corporation if the school does not have a
14 defined attendance area, may attend the charter school;

15 (2) ensure that a student who attends the participating innovation
16 network charter school during a school year may continue to
17 attend the charter school in subsequent years;

18 (3) allow the siblings of a student alumnus or a current student
19 who attends the participating innovation network charter school
20 to attend the charter school;

21 (4) allow preschool students who attend a Level 3 or Level 4
22 Paths to QUALITY program preschool to attend kindergarten at
23 the participating innovation network charter school if the
24 participating innovation network charter school and the school
25 corporation or preschool provider have entered into an agreement
26 to share services or facilities;

27 (5) allow each student who qualifies for free or reduced price
28 lunch under the national school lunch program to receive
29 preference for admission to the participating innovation network
30 charter school if the preference is specifically provided for in the
31 charter and is approved by the authorizer; and

32 (6) allow each student who attended a turnaround academy or
33 attends a school that is located in the same school building as the
34 participating innovation network charter school to receive
35 preference for admission to the participating innovation network
36 charter school if the preference is specifically provided for in the
37 participating innovation network charter school's charter and is
38 approved by the authorizer of the participating innovation
39 network charter school.

40 (d) A participating innovation network charter school with a
41 curriculum that includes study in a foreign country may deny admission
42 to a student if:



- 1 (1) the student:
- 2 (A) has completed fewer than twenty-two (22) academic
- 3 credits required for graduation; and
- 4 (B) will be in the grade 11 cohort during the school year in
- 5 which the student seeks to enroll in the participating
- 6 innovation network charter school; or
- 7 (2) the student has been suspended (as defined in IC 20-33-8-7)
- 8 or expelled (as defined in IC 20-33-8-3) during the twelve (12)
- 9 months immediately preceding the student's application for
- 10 enrollment for:
- 11 (A) ten (10) or more school days;
- 12 (B) a violation under IC 20-33-8-16;
- 13 (C) causing physical injury to a student, a school employee, or
- 14 a visitor to the school; or
- 15 (D) a violation of a school corporation's drug or alcohol rules.
- 16 For purposes of subdivision (2)(A), student discipline received under
- 17 IC 20-33-8-25(b)(7) for a violation described in subdivision (2)(B)
- 18 through (2)(D) must be included in the calculation of the number of
- 19 school days that a student has been suspended.
- 20 (e) A participating innovation network charter school may give
- 21 enrollment preferences to children of the participating innovation
- 22 network charter school's founders, governing board members, and
- 23 participating innovation network charter school employees, as long as
- 24 the enrollment preference under this subsection is not given to more
- 25 than ten percent (10%) of the participating innovation charter school's
- 26 total population and there is sufficient capacity for a program, class,
- 27 grade level, or building to ensure that any student with legal settlement
- 28 in the attendance area may attend the school.
- 29 (f) This subsection applies to an existing charter school that enters
- 30 into an innovation network agreement with the board. During the
- 31 charter school's first year of operation as a participating innovation
- 32 network charter school, the charter school may limit admission to:
- 33 (1) those students who were enrolled in the charter school on the
- 34 date it entered into the innovation network agreement; and
- 35 (2) siblings of students described in subdivision (1).
- 36 (g) This subsection applies if the number of applications for a
- 37 program, class, grade level, or building exceeds the capacity of the
- 38 program, class, grade level, or building. If a participating innovation
- 39 network charter school receives a greater number of applications than
- 40 there are spaces for students, each timely applicant must be given an
- 41 equal chance of admission. The participating innovation network
- 42 charter school that is not in a **Marion** County ~~containing a consolidated~~



1 city must determine which of the applicants will be admitted to the
 2 participating innovation network charter school or the program, class,
 3 grade level, or building by random drawing in a public meeting with
 4 each timely applicant limited to one (1) entry in the drawing. However,
 5 the participating innovation network charter school located in a
 6 **Marion** County ~~with a consolidated city~~ shall determine which of the
 7 applicants will be admitted to the participating innovation network
 8 charter school or the program, class, grade level, or building by using
 9 a publicly verifiable random selection process.

10 SECTION 345. IC 20-26-11-6.5, AS AMENDED BY P.L. 155-2020,
 11 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 APRIL 1, 2022]: Sec. 6.5. (a) Notwithstanding this chapter, a school
 13 corporation shall accept a transferring student who does not have legal
 14 settlement in the school corporation if:

15 (1) the student's parent is a current employee of the transferee
 16 school corporation with an annual salary of at least:

17 (A) eight thousand dollars (\$8,000); or

18 (B) three thousand dollars (\$3,000) earned due to being
 19 included as an employee in the extracurricular portion of the
 20 transferee school corporation's current collective bargaining
 21 agreement;

22 (2) the student's parent currently resides in Indiana; and

23 (3) the transferee school corporation has the capacity to accept the
 24 student.

25 (b) If the number of students who request to transfer to a transferee
 26 school corporation under this section causes the school corporation to
 27 exceed the school corporation's maximum student capacity, the
 28 governing body shall determine which students will be admitted as
 29 transfer students by random drawing in a public meeting. However, the
 30 governing body of a school corporation located in a **Marion** County
 31 ~~with a consolidated city~~ shall determine which students will be
 32 admitted by using a publicly verifiable random selection process.

33 (c) Notwithstanding this chapter and IC 20-43, if a school
 34 corporation has adopted a policy of not accepting the transfer of any
 35 student who does not have legal settlement within the school
 36 corporation, the school corporation may not enroll and may not report
 37 for purposes of state tuition support a student under this section whose
 38 parent does not meet the requirements described in subsection (a).

39 SECTION 346. IC 20-46-8-1, AS AMENDED BY P.L. 159-2020,
 40 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 APRIL 1, 2022]: Sec. 1. (a) A school corporation may impose an
 42 annual property tax levy for its operations fund.



1 (b) For property taxes first due and payable in 2019, the maximum
 2 permissible property tax levy a school corporation may impose for its
 3 operations fund (IC 20-40-18) is the following:

4 STEP ONE: Determine the sum of the following:

5 (A) The 2018 maximum permissible transportation levy
 6 determined under IC 20-46-4 (repealed January 1, 2019).

7 (B) The 2018 maximum permissible school bus replacement
 8 levy determined under IC 20-46-5 (repealed January 1, 2019).

9 (C) The 2018 amount that would be raised from a capital
 10 projects fund tax rate equal to the sum of:

11 (i) the maximum capital projects fund rate that the school
 12 corporation was authorized to impose for 2018 under
 13 IC 20-46-6 (repealed January 1, 2019), after any adjustment
 14 under IC 6-1.1-18-12 (but excluding any rate imposed for
 15 qualified utility and insurance costs); plus

16 (ii) the capital projects fund rate imposed for qualified utility
 17 and insurance costs in 2018.

18 (D) For school corporations described in IC 36-10-13-7, the
 19 2018 levy as provided in section 6 of this chapter (repealed
 20 January 1, 2019) to provide funding for an art association.

21 (E) For a school corporation in a **St. Joseph** County, ~~having a~~
 22 ~~population of more than two hundred fifty thousand (250,000)~~
 23 ~~but less than two hundred seventy thousand (270,000);~~ the
 24 2018 levy as provided in section 7 of this chapter (repealed
 25 January 1, 2019) to provide funding for a historical society.

26 (F) For a school corporation described in IC 36-10-14-1, the
 27 2018 levy as provided in section 8 of this chapter (repealed
 28 January 1, 2019) to provide funding for a public playground.

29 STEP TWO: Determine the product of:

30 (A) The amount determined in STEP ONE, after eliminating
 31 the effects of temporary excessive levy appeals and any other
 32 temporary adjustments made to each of these levies for 2018
 33 (regardless of whether the school corporation imposed the
 34 entire amount of that maximum permissible levy for the
 35 previous year); multiplied by

36 (B) the maximum levy growth quotient determined under
 37 IC 6-1.1-18.5-2.

38 STEP THREE: Determine the result of the following:

39 (A) Determine the sum of:

40 (i) the amount determined in STEP TWO; plus

41 (ii) the amount granted due to an appeal to increase the levy
 42 for transportation for 2019.



- 1 (B) Make the school bus replacement adjustment for 2019.
- 2 (c) After 2019, the maximum permissible property tax levy a school
- 3 corporation may impose for its operations fund for a particular year is
- 4 the following:
- 5 STEP ONE: Determine the product of:
- 6 (A) the maximum permissible property tax levy for the school
- 7 corporation's operations fund for the previous year, after
- 8 eliminating the effects of temporary excessive levy appeals
- 9 and any other temporary adjustments made to the levy for the
- 10 previous year (regardless of whether the school corporation
- 11 imposed the entire amount of the maximum permissible levy
- 12 for the previous year); multiplied by
- 13 (B) the maximum levy growth quotient determined under
- 14 IC 6-1.1-18.5-2.
- 15 STEP TWO: Determine the result of the following:
- 16 (A) Determine the sum of:
- 17 (i) the amount determined in STEP ONE; plus
- 18 (ii) the amount granted due to an appeal to increase the
- 19 maximum permissible operations fund levy for the year
- 20 under section 3 of this chapter for transportation.
- 21 (B) Make the school bus replacement adjustment permitted by
- 22 section 3 of this chapter.
- 23 SECTION 347. IC 21-17-5-5, AS AMENDED BY P.L.30-2011,
- 24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 APRIL 1, 2022]: Sec. 5. (a) This section applies only to a police officer
- 26 who meets the minimum basic training and educational requirements
- 27 adopted by the law enforcement training board under IC 5-2-1-9 as
- 28 necessary for employment as a law enforcement officer.
- 29 (b) A police officer appointed under this chapter may exercise the
- 30 powers granted under this chapter upon any real property owned or
- 31 occupied by the educational institution employing the police officer,
- 32 including the streets passing through and adjacent to the educational
- 33 institution. An institution may extend a police officer's territorial
- 34 jurisdiction in accordance with subsection (c).
- 35 (c) An institution may extend a police officer's territorial jurisdiction
- 36 to the entire state, or to any part of the state, if:
- 37 (1) the board of trustees adopts a resolution specifically
- 38 describing the territorial jurisdiction of a police officer appointed
- 39 under this chapter; and
- 40 (2) the board of trustees notifies the:
- 41 (A) superintendent of the state police department; and
- 42 (B) sheriff of the county in which the institution is primarily



- 1 located (or the chief of police of the consolidated city, if the
2 institution is primarily located in ~~a consolidated city~~; **Marion**
3 **County**);
4 of the boundaries of the extended territorial jurisdiction.
5 The institution shall provide the persons described in subdivision
6 (2)(A) and (2)(B) with notice of the extended jurisdiction every two (2)
7 years, by January 31 of the second year.
- 8 (d) If a police officer appointed under this section exercises the
9 officer's police powers outside of the county in which the institution is
10 primarily located, the officer shall notify the sheriff (or, in the case of
11 ~~a the consolidated city~~, the chief of police) as soon as practicable.
- 12 SECTION 348. IC 21-39-4-6, AS AMENDED BY P.L.30-2011,
13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 APRIL 1, 2022]: Sec. 6. (a) A police officer may exercise the powers
15 granted under this chapter as follows:
- 16 (1) A police officer may exercise the officer's powers upon real
17 property owned or occupied by the state educational institution
18 employing the police officer, including the streets passing through
19 and adjacent to the state educational institution.
- 20 (2) This subdivision applies only to a police officer who meets the
21 minimum basic training and educational requirements adopted by
22 the law enforcement training board under IC 5-2-1-9 as necessary
23 for employment as a law enforcement officer. An institution may
24 extend a police officer's territorial jurisdiction to the entire state,
25 or to any part of the state, if:
- 26 (A) the board of trustees adopts a resolution specifically
27 describing the territorial jurisdiction of a police officer
28 appointed under this chapter; and
29 (B) the board of trustees notifies the:
- 30 (i) superintendent of the state police department; and
31 (ii) sheriff of the county in which the institution is primarily
32 located (or the chief of police of the consolidated city, if the
33 institution is primarily located in ~~a consolidated city~~);
34 **Marion County**);
35 of the boundaries of the extended territorial jurisdiction.
36 The institution shall provide the persons described in clause (B)(i)
37 and (B)(ii) with notice of the extended jurisdiction every two (2)
38 years, by January 31 of the second year.
- 39 (b) If a police officer appointed under this section exercises the
40 officer's police powers outside of the county in which the institution is
41 primarily located, the officer shall notify the sheriff (or, in the case of
42 ~~a the consolidated city~~, the chief of police) as soon as practicable.



1 SECTION 349. IC 22-11-3.1-2, AS AMENDED BY P.L.119-2012,
 2 SECTION 157, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) A contractor doing work,
 4 other than work for a political subdivision, in: a county having a
 5 population of:

6 (1) more than four hundred thousand (400,000); but less than
 7 seven hundred thousand (700,000); **Lake County**; or

8 (2) more than one hundred fifty thousand (150,000) but less than
 9 one hundred seventy thousand (170,000); **Porter County**;

10 must obtain a unified license bond as provided in this chapter. This
 11 unified license bond is in lieu of any other bond for this type of work
 12 required by the county or a city or town within that county, and the
 13 bond must be in an amount equal to five thousand dollars (\$5,000).

14 (b) The unified license bond shall be held for compliance with the
 15 ordinances and regulations governing business in the county, or a city
 16 or town within that county. The unified license bond required by this
 17 chapter shall be filed with the county recorder.

18 SECTION 350. IC 22-13-2-8.5, AS AMENDED BY P.L.218-2014,
 19 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 APRIL 1, 2022]: Sec. 8.5. (a) The commission shall adopt rules under
 21 IC 4-22-2 for outdoor event equipment at outdoor performances to
 22 protect the safety of persons at the outdoor performances. The
 23 commission may:

24 (1) exempt small assemblies of outdoor event equipment, as
 25 defined by the commission, from some or all fees or other
 26 requirements that otherwise would apply to outdoor event
 27 equipment under a rule adopted under this section or another
 28 building law; or

29 (2) establish alternative procedures, fees, or other requirements,
 30 or any combination, for small assemblies of outdoor event
 31 equipment, as defined by the commission.

32 (b) The commission may adopt temporary rules in the manner
 33 provided for the adoption of emergency rules under IC 4-22-2-37.1 to
 34 carry out subsection (a), including temporary rules concerning a
 35 schedule of fees for design releases or inspections, or both. A
 36 temporary rule adopted under this subsection expires on the earliest of
 37 the following:

38 (1) The date specified in the temporary rule.

39 (2) The date another temporary rule adopted under this subsection
 40 or a rule adopted under IC 4-22-2 supersedes or repeals the
 41 previously adopted temporary rule.

42 (3) January 1, 2016.



1 (c) Subject to this section, a city, town, or county that regulated
 2 outdoor event equipment before March 15, 2012, under an ordinance
 3 adopted before March 15, 2012, may, if the ordinance is in effect on
 4 March 15, 2012, continue to regulate outdoor event equipment under
 5 the ordinance after March 14, 2012, in the same manner that the city,
 6 town, or county applied the ordinance before March 15, 2012.
 7 However, a statewide code of fire safety laws or building laws
 8 governing outdoor event equipment that is adopted by the commission
 9 under this section after March 14, 2012, takes precedence over any part
 10 of a city, town, or county ordinance that is in conflict with the
 11 commission's adopted code. The ordinances to which this section
 12 applies include Chapter 536 of the Revised Code of the Consolidated
 13 City and County Indianapolis/Marion, Indiana Codified through
 14 Ordinance No. 36, 2011, passed August 15, 2011. (Supp. No. 27). A
 15 city, town, or county to which this subsection applies need not be
 16 certified or approved under IC 22-15-3-1 or another law to continue to
 17 regulate outdoor event equipment after March 14, 2012.

18 (d) This subsection applies to cities, towns, and counties described
 19 in subsection (c) and any other city, town, or county that, after March
 20 14, 2012, adopts an ordinance governing outdoor event equipment that
 21 is approved by the commission or the state building commissioner. The
 22 city, town, or county shall require compliance with:

- 23 (1) the rules adopted under this section;
- 24 (2) orders issued under IC 22-13-2-11 that grant a variance to the
- 25 rules adopted under this section;
- 26 (3) orders issued under IC 22-12-7 that apply the rules adopted
- 27 under this section; and
- 28 (4) a written interpretation of the rules adopted under this section
- 29 binding on the unit under IC 22-13-5-3 or IC 22-13-5-4;

30 on both private and public property located within the boundaries of
 31 the city, town, or county, including, in the case of a ~~a~~ **the** consolidated
 32 city, the state fairgrounds. This subsection does not limit the authority
 33 of a unit (as defined in IC 36-1-2-23) under IC 36-7-2-9 to enforce
 34 building laws and orders and written interpretations related to building
 35 laws.

36 SECTION 351. IC 23-2-6-28, AS AMENDED BY P.L.27-2007,
 37 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 APRIL 1, 2022]: Sec. 28. (a) The commissioner may make
 39 investigations in or outside Indiana that the commissioner finds
 40 necessary or appropriate to:

- 41 (1) determine whether any person has violated or is about to
- 42 violate this chapter or any rule or order of the commissioner; or



- 1 (2) aid in the enforcement of this chapter.
- 2 (b) The commissioner may charge as costs of an investigation or
3 examination all reasonable expenses, including a per diem prorated on
4 the salary of the commissioner or an employee. All reasonable
5 expenses of investigation, examination, or hearing shall be paid by the
6 party under investigation or examination.
- 7 (c) The commissioner may publish information concerning any
8 violation of this chapter or any rule or order of the commissioner. The
9 commissioner shall upon request make available for inspection and
10 copying under IC 5-14-3 information concerning any violation of this
11 chapter or any rule or order of the commissioner.
- 12 (d) For purposes of an investigation or a proceeding under this
13 chapter, the commissioner or an officer or employee designated by rule
14 or order may do any of the following:
- 15 (1) Administer oaths and affirmations.
16 (2) Subpoena witnesses and compel the attendance of witnesses.
17 (3) Take evidence.
18 (4) Require the production of books, papers, correspondence,
19 memoranda, agreements, or other documents or records that the
20 commissioner finds to be relevant or material to the investigation
21 or proceeding.
- 22 (e) If a person does not give testimony or produce the documents
23 required by the commissioner or the commissioner's designee under an
24 administrative subpoena, the commissioner or the designee may
25 petition for a court order compelling compliance with the subpoena or
26 the giving of the required testimony.
- 27 (f) A petition for an order of compliance under subsection (e) may
28 be filed in any of the following:
- 29 (1) The circuit or superior court of a **Marion** County. ~~containing~~
30 ~~a consolidated city.~~
31 (2) The circuit or superior court where service may be obtained on
32 the person refusing to comply with the subpoena if the person is
33 within Indiana.
34 (3) The appropriate court of the state having jurisdiction over the
35 person refusing to comply with the subpoena if the person is
36 outside Indiana.
- 37 (g) Costs of investigations, examinations, and hearings and civil
38 penalties recovered under this chapter shall be deposited in the
39 securities division enforcement account established under
40 IC 23-19-6-1(f). With the approval of the budget agency, the funds in
41 the securities division enforcement account may be used to augment
42 and supplement the funds appropriated for the administration of this



1 chapter.

2 SECTION 352. IC 25-37-1-11 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 11. (a) Towns and
4 cities may tax, license, and regulate transient merchants and charge a
5 fee for the transaction of business by them. Towns and cities may
6 provide for punishment of violators, subject to the limitations of
7 IC 36-1-3.

8 (b) This subsection does not apply to a **Marion** County. ~~having a~~
9 ~~consolidated city~~. A city or town license may not be in lieu of a county
10 license. This chapter does not supersede any ordinance regulating
11 transient merchants.

12 (c) This subsection applies to a **Marion** County. ~~having a~~
13 ~~consolidated city~~. A transient merchant is not required to obtain a
14 county transient merchant license under this chapter. A transient
15 merchant may not transact business in a municipality located wholly or
16 partially within the county unless the transient merchant and the owner
17 of the property to be offered for sale (or sold if the property is not
18 owned by the vendor) have first obtained a license from the fiscal
19 officer of the municipality under this chapter.

20 SECTION 353. IC 25-37-1-14 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 14. (a) This section
22 applies to a **Marion** County. ~~having a consolidated city~~.

23 (b) A veteran who holds an honorable discharge from the armed
24 forces of the United States is exempt from the payment of a fee for a
25 transient merchant license issued under this chapter by a municipality
26 located wholly or partially within the county.

27 (c) Upon the presentation of the veteran's certificate and papers of
28 discharge and proof of the veteran's identity, the official designated by
29 the municipality shall issue a transient merchant license to the veteran.
30 A person licensed under this section shall comply with all ordinances
31 of the county or municipality governing transient merchants.

32 SECTION 354. IC 25-37-1-15, AS AMENDED BY P.L.119-2012,
33 SECTION 158, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE APRIL 1, 2022]: Sec. 15. ~~A county having a population~~
35 ~~of more than seventeen thousand two hundred fifty (17,250) but less~~
36 ~~than seventeen thousand three hundred fifty (17,350) Parke County~~
37 may require that the holder of a registered retail merchant's certificate
38 under IC 6-2.5-8 obtain a transient merchant license.

39 SECTION 355. IC 28-7-1-0.5, AS AMENDED BY P.L.129-2020,
40 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 APRIL 1, 2022]: Sec. 0.5. The following definitions apply throughout
42 this chapter:



- 1 (1) "Automated teller machine" (ATM) means a piece of
 2 unmanned electronic or mechanical equipment that performs
 3 routine financial transactions for authorized individuals.
- 4 (2) "Branch" office" means an office, agency, or other place of
 5 business at which deposits are received, share drafts are paid, or
 6 money is lent to members of a credit union. The term does not
 7 include:
- 8 (A) the principal office of a credit union;
 9 (B) the principal office of a credit union affiliate;
 10 (C) a branch office of a credit union affiliate;
 11 (D) an automated teller machine; or
 12 (E) a night depository.
- 13 (3) "Credit union" is a cooperative, nonprofit association,
 14 incorporated under this chapter, for the purposes of educating its
 15 members in the concepts of thrift and to encourage savings among
 16 its members. A credit union should provide a source of credit at
 17 a fair and reasonable rate of interest and provide an opportunity
 18 for its members to use and control their own money in order to
 19 improve their economic and social condition.
- 20 (4) "Department" refers to the department of financial institutions.
- 21 (5) "Surplus" means the credit balance of undivided earnings after
 22 losses. The term does not include statutory reserves.
- 23 (6) "Unimpaired shares" means paid in shares less any losses for
 24 which no reserve exists and for which there is no charge against
 25 undivided earnings.
- 26 (7) "Related credit union service organization" means, in
 27 reference to a credit union, a credit union service organization (as
 28 defined and formed under Part 712 of the regulations of the
 29 National Credit Union Administration, 12 CFR 712) in which the
 30 credit union has invested under section 9(a)(4) of this chapter.
- 31 (8) "Premises" means any office, branch, suboffice, service
 32 center, parking lot, real estate, or other facility where the credit
 33 union transacts or will transact business.
- 34 (9) "Furniture, fixtures, and equipment" means office furnishings,
 35 office machines, computer hardware, computer software,
 36 automated terminals, and heating and cooling equipment.
- 37 (10) "Fixed assets" means:
- 38 (A) premises; and
 39 (B) furniture, fixtures, and equipment.
- 40 (11) "Audit period" means a twelve (12) month period designated
 41 by the board of directors of a credit union.
- 42 (12) "Community" means:



- 1 (A) a second class city;
 2 (B) a third class city;
 3 (C) a town;
 4 (D) a county other than a **Marion** County; ~~containing a~~
 5 ~~consolidated city~~;
 6 (E) a census tract;
 7 (F) a township; or
 8 (G) any other municipal corporation (as defined in
 9 IC 36-1-2-10).
- 10 (13) "Control of a related interest" refers to a situation in which
 11 an individual directly or indirectly, or through or in concert with
 12 one (1) or more other individuals, possesses any of the following:
 13 (A) The ownership of, control of, or power to vote at least
 14 twenty-five percent (25%) of any class of voting securities of
 15 the related interest.
 16 (B) The control in any manner of the election of a majority of
 17 the directors of the related interest.
 18 (C) The power to exercise a controlling influence over the
 19 management or policies of the related interest. For purposes of
 20 this clause, an individual is presumed to have control,
 21 including the power to exercise a controlling influence over
 22 the management or policies of a related interest, if the
 23 individual:
 24 (i) is an executive officer or a director of the related interest
 25 and directly or indirectly owns, controls, or has the power to
 26 vote more than ten percent (10%) of any class of voting
 27 securities of the related interest; or
 28 (ii) directly or indirectly owns, controls, or has the power to
 29 vote more than ten percent (10%) of any class of voting
 30 securities of the related interest and no other person owns,
 31 controls, or has the power to vote a greater percentage of
 32 that class of voting securities.
- 33 (14) "Executive officer" includes any of the following officers of
 34 a credit union:
 35 (A) The chairman of the board of directors.
 36 (B) The president.
 37 (C) A vice president.
 38 (D) The cashier.
 39 (E) The secretary.
 40 (F) The treasurer.
- 41 (15) "Immediate family", for purposes of section 17.2 of this
 42 chapter, means the spouse of an individual, the individual's minor



- 1 children, and any of the individual's children, including adults,
- 2 residing in the individual's home.
- 3 (16) "Officer" means any individual who is not solely a director
- 4 or committee member and participates or has the authority to
- 5 participate in major policymaking functions of a credit union,
- 6 regardless of whether:
- 7 (A) the individual has an official title;
- 8 (B) the individual's title designates the individual as an
- 9 assistant; or
- 10 (C) the individual is serving without salary or other
- 11 compensation.
- 12 (17) "Related interest", with respect to an individual, means:
- 13 (A) a partnership, a corporation, or another business
- 14 organization that is controlled by the individual; or
- 15 (B) a political campaign committee:
- 16 (i) controlled by the individual; or
- 17 (ii) the funds or services of which benefit the individual.
- 18 (18) Except as provided in section 9(a)(4) of this chapter, "capital
- 19 and surplus" means the sum of:
- 20 (A) undivided profits;
- 21 (B) reserve for contingencies;
- 22 (C) regular reserve; and
- 23 (D) allowance for loan and lease losses.

24 SECTION 356. IC 31-9-2-12 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 12. "Center", for
 26 purposes of IC 31-31-9, means any secure juvenile detention center that
 27 operates in a **Marion** County ~~containing a consolidated city~~ except for
 28 a center operated by the federal government. The term includes a
 29 juvenile detention facility.

30 SECTION 357. IC 31-9-2-25 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 25. "Council", for
 32 purposes of IC 31-31-9, refers to the city-county council of ~~the~~
 33 ~~consolidated city within the~~ **Marion** County.

34 SECTION 358. IC 31-12-2-1 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 36 only to the following:

- 37 (1) ~~A judicial circuit in which there is located a consolidated city~~
- 38 **Marion County** and if the judges of the superior court and the
- 39 judge of the circuit court determine that the social conditions in
- 40 the county and the number of domestic relations cases in the
- 41 courts make the procedures provided under this chapter necessary
- 42 for the full and proper consideration of the cases and the



1 effectuation of the purposes of this chapter.

2 (2) ~~A county having a population of more than four hundred~~
 3 ~~thousand (400,000) but less than seven hundred thousand~~
 4 ~~(700,000) in which Lake County and if~~ the judge of the circuit
 5 court determines that the social conditions in the county and the
 6 number of domestic relations cases in the county's courts make
 7 the procedures provided under this chapter necessary for the full
 8 and proper consideration of the cases and the effectuation of the
 9 purposes of this chapter.

10 SECTION 359. IC 31-12-2-2 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. For:

12 (1) ~~any judicial circuit in which there is located a consolidated~~
 13 ~~city; Marion County,~~ the judges described in section 1(1) of this
 14 chapter may establish a bureau of the courts; and

15 (2) ~~a county having a population of more than four hundred~~
 16 ~~thousand (400,000) but less than seven hundred thousand~~
 17 ~~(700,000); Lake County,~~ the judge of the circuit court may
 18 establish a bureau of the court;

19 known as the "Domestic Relations Counseling Bureau".

20 SECTION 360. IC 31-31-8-4, AS AMENDED BY P.L.119-2012,
 21 SECTION 160, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE APRIL 1, 2022]: Sec. 4. (a) This section applies to a
 23 ~~county having a population of more than one hundred eleven thousand~~
 24 ~~(111,000) but less than one hundred fifteen thousand (115,000):~~
 25 **LaPorte County.**

26 (b) Notwithstanding section 3 of this chapter, the juvenile court
 27 shall operate a juvenile detention facility or juvenile shelter care
 28 facility established in the county. However, the county legislative body
 29 shall determine the budget for the juvenile detention facility or juvenile
 30 shelter care facility. The expenses for the juvenile detention facility
 31 shall be paid from the county general fund.

32 SECTION 361. IC 31-31-9-1 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 34 to a **Marion County.** ~~having a consolidated city.~~

35 SECTION 362. IC 31-33-3-1, AS AMENDED BY P.L.146-2008,
 36 SECTION 574, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) A community child
 38 protection team is established in each county. The community child
 39 protection team is a countywide, multidisciplinary child protection
 40 team. The team must include the following thirteen (13) members who
 41 reside in, or provide services to residents of, the county in which the
 42 team is to be formed:



- 1 (1) The director of the local office that provides child welfare
 2 services in the county or the local office director's designee.
 3 (2) Two (2) designees of the juvenile court judge.
 4 (3) The county prosecuting attorney or the prosecuting attorney's
 5 designee.
 6 (4) The county sheriff or the sheriff's designee.
 7 (5) Either:
 8 (A) the president of the county executive in a county ~~not~~
 9 ~~containing a consolidated city other than Marion County~~ or
 10 the president's designee; or
 11 (B) the executive of ~~a the~~ consolidated city in ~~a~~ Marion
 12 County ~~containing a consolidated city~~ or the executive's
 13 designee.
 14 (6) A director of a court appointed special advocate or guardian
 15 ad litem program or the director's designee in the county in which
 16 the team is to be formed.
 17 (7) Either:
 18 (A) a public school superintendent or the superintendent's
 19 designee; or
 20 (B) a director of a local special education cooperative or the
 21 director's designee.
 22 (8) Two (2) persons, each of whom is a physician or nurse, with
 23 experience in pediatrics or family practice.
 24 (9) Two (2) residents of the county.
 25 (10) The chief law enforcement officer of the largest law
 26 enforcement agency in the county (other than the county sheriff)
 27 or the chief law enforcement officer's designee.
 28 (b) The director of the local office serving the county shall appoint,
 29 subject to the approval of the director of the department, the members
 30 of the team under subsection (a)(7), (a)(8), and (a)(9).
 31 SECTION 363. IC 32-24-2-1 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. As used in this
 33 chapter, "fiscal officer" means:
 34 (1) the city controller of ~~a the~~ consolidated city or second class
 35 city;
 36 (2) the city clerk-treasurer of a third class city; or
 37 (3) the town clerk-treasurer of a town.
 38 SECTION 364. IC 32-25-4-3.5, AS AMENDED BY P.L.119-2012,
 39 SECTION 161, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE APRIL 1, 2022]: Sec. 3.5. (a) This section applies only
 41 to a condominium located on the shore of a lake located in ~~a township~~
 42 ~~with a population of more than three thousand (3,000) but less than~~



1 three thousand one hundred (3,100) located in a county having a
 2 population of more than forty-seven thousand (47,000) but less than
 3 forty-seven thousand five hundred (47,500): **Union Township in**
 4 **Marshall County.**

5 (b) Except as otherwise provided in a statement described in:

6 (1) IC 32-25-7-1(a)(10) and included in:

7 (A) the declaration; or

8 (B) an amendment to the declaration, if the amendment is
 9 approved by at least ninety-five percent (95%) of co-owners;

10 or

11 (2) IC 32-25-8-2(12) and included in:

12 (A) the bylaws; or

13 (B) an amendment to the bylaws, if the amendment is
 14 approved by the percentage of votes set forth in the bylaws
 15 under IC 32-25-8-2(11);

16 part or all of the common areas and facilities of a condominium may be
 17 conveyed or subjected to a security interest by the association of
 18 co-owners if at least ninety-five percent (95%) of the co-owners,
 19 including at least ninety-five percent (95%) of the co-owners of
 20 condominium units not owned by the declarant, agree to the action.
 21 However, if the common areas and facilities proposed to be conveyed
 22 or encumbered under this section include any limited common areas
 23 and facilities, all the owners of the limited common areas and facilities
 24 to be conveyed or encumbered must agree to the conveyance or
 25 encumbrance.

26 (c) An agreement to convey or encumber common areas and
 27 facilities under this section must be evidenced by an agreement:

28 (1) executed in the same manner as a deed or any other instrument
 29 recognized by the state for the conveyance or transfer of interests
 30 in title; and

31 (2) signed by:

32 (A) at least ninety-five percent (95%) of the co-owners, as
 33 required by this section; or

34 (B) another percentage of the co-owners specified in a
 35 statement described in subsection (b)(1) or (b)(2).

36 An agreement under this subsection is effective upon being recorded.

37 (d) Proceeds from the conveyance or encumbrance of common areas
 38 and facilities under this section shall be distributed to co-owners as
 39 common profits under IC 32-25-8-6. However, if the common areas
 40 and facilities conveyed or encumbered under this section include
 41 limited common areas and facilities, proceeds from the conveyance or
 42 encumbrance of the limited common areas and facilities shall be



1 distributed to the owners of the limited common areas and facilities
 2 according to the percentage of the owners' undivided interest in the
 3 limited common areas and facilities.

4 (e) A conveyance or encumbrance of common areas and facilities
 5 not made in accordance with:

6 (1) this section; or

7 (2) a statement described in subsection (b)(1) or (b)(2);

8 is void.

9 SECTION 365. IC 32-25-7-1, AS AMENDED BY P.L.119-2012,
 10 SECTION 162, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) The owner of the land on
 12 which a condominium is declared shall record with the recorder of the
 13 county in which the land is situated a declaration. Except as provided
 14 in section 2 or 3 of this chapter, the declaration must include the
 15 following:

16 (1) A description of the land on which the building and
 17 improvements are or are to be located.

18 (2) A description of the building, stating:

19 (A) the number of stories and basements; and

20 (B) the number of condominium units.

21 (3) A description of the common areas and facilities.

22 (4) A description of the limited common areas and facilities, if
 23 any, stating to which condominium units their use is reserved.

24 (5) The percentage of undivided interest in the common areas and
 25 facilities appertaining to each condominium unit and its owner for
 26 all purposes, including voting.

27 (6) A statement of the percentage of votes by the condominium
 28 unit owners required to determine whether to:

29 (A) rebuild;

30 (B) repair;

31 (C) restore; or

32 (D) sell;

33 the property if all or part of the property is damaged or destroyed.

34 (7) Any covenants and restrictions in regard to the use of:

35 (A) the condominium units; and

36 (B) common areas and facilities.

37 (8) Any further details in connection with the property that:

38 (A) the person executing the declaration considers desirable;

39 and

40 (B) are consistent with this article.

41 (9) The method by which the declaration may be amended in a
 42 manner consistent with this chapter.



1 (10) This subdivision applies only to a condominium located on
 2 the shore of a lake located in a ~~township with a population of~~
 3 ~~more than three thousand (3,000) but less than three thousand one~~
 4 ~~hundred (3,100) located in a county having a population of more~~
 5 ~~than forty-seven thousand (47,000) but less than forty-seven~~
 6 ~~thousand five hundred (47,500): **Union Township in Marshall**~~
 7 ~~**County.**~~ A statement of the percentage of votes by the
 8 condominium unit owners required to convey or encumber part or
 9 all of the common areas and facilities. A statement under this
 10 subdivision may not allow less than ninety-five percent (95%) of
 11 the condominium unit owners, or less than ninety-five percent
 12 (95%) of the owners of condominium units not owned by the
 13 declarant, to convey or encumber part or all of the common areas
 14 and facilities. If the declaration does not include a statement
 15 under this subdivision, IC 32-25-4-3.5 applies.

16 (b) A true copy of the bylaws shall be annexed to and made a part
 17 of the declaration.

18 (c) The record of the declaration shall contain a reference to the:

- 19 (1) book;
- 20 (2) page; and
- 21 (3) date of record;

22 of the floor plans of the building affected by the declaration.

23 SECTION 366. IC 33-26-8-2 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. As used in this
 25 chapter, "qualifying county" means a ~~county having a population of~~
 26 ~~more than four hundred thousand (400,000) and less than seven~~
 27 ~~hundred thousand (700,000): **Lake County.**~~

28 SECTION 367. IC 33-34-1-2 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) There are
 30 established township small claims courts in ~~each~~ **Marion** County.
 31 ~~containing a consolidated city.~~

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

35 SECTION 368. IC 33-35-2-5, AS AMENDED BY P.L.143-2015,
 36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 APRIL 1, 2022]: Sec. 5. The city court of each of the five (5) cities
 38 having the largest populations and the town court of the town having
 39 the largest population in a ~~county having a population of more than~~
 40 ~~four hundred thousand (400,000) but less than seven hundred thousand~~
 41 ~~(700,000) **Lake County**~~ have concurrent civil jurisdiction with the
 42 circuit court of the county where the amount in controversy does not



1 exceed six thousand dollars (\$6,000). The court has jurisdiction in any
 2 action where the parties or the subject matter are in the county in which
 3 the city or town is located. However, the city or town court does not
 4 have jurisdiction in:

- 5 (1) actions for slander or libel;
- 6 (2) matters relating to decedents' estates, appointment of
 7 guardians, and all related matters;
- 8 (3) dissolution of marriage actions; or
- 9 (4) injunction or mandate actions.

10 SECTION 369. IC 33-35-2-6.5, AS ADDED BY P.L.74-2012,
 11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 APRIL 1, 2022]: Sec. 6.5. A city court in a city having a population of
 13 more than ten thousand five hundred (10,500) but less than eleven
 14 thousand (11,000) the city of Wabash has concurrent jurisdiction with
 15 the circuit court in civil cases in which the amount in controversy does
 16 not exceed one thousand five hundred dollars (\$1,500). However, the
 17 city court does not have jurisdiction in actions for:

- 18 (1) slander;
- 19 (2) libel;
- 20 (3) foreclosure of mortgage on real estate, in which the title to real
 21 estate is in issue;
- 22 (4) matters relating to a decedent's estate, appointment of
 23 guardians, and all related matters; and
- 24 (5) actions in equity.

25 SECTION 370. IC 33-35-3-3 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3. (a) The bailiff of a
 27 city court must be a police officer of the city assigned to the court by
 28 the chief of police, under direction of the board of public safety.
 29 However, the judge of the city court may appoint another person to
 30 serve as bailiff.

31 (b) The bailiff shall give bond payable to the city in the penal sum
 32 of one thousand dollars (\$1,000), with surety to be approved by the
 33 mayor, conditioned on the faithful and honest discharge of the bailiff's
 34 duties. The bond shall be filed in the office of the controller or
 35 clerk-treasurer.

36 (c) The bailiff shall do the following:

- 37 (1) Be present at the sessions of the court, maintaining order and
 38 performing all other duties subject to the order of the court.
- 39 (2) Take charge of all executions issued by the court and see to
 40 the collection of the executions.
- 41 (3) Keep, in books to be furnished by the controller or
 42 clerk-treasurer, an accurate account and docket of all executions



- 1 that come into the bailiff's hands, showing the:
- 2 (A) names of the defendants;
- 3 (B) date and number of the execution;
- 4 (C) amount of fines, fees, or penalties imposed; and
- 5 (D) disposition of the execution.
- 6 (4) Make and deliver a written report to the clerk of the court on
- 7 Tuesday of each week, showing all money collected by the bailiff
- 8 during the previous week, giving the:
- 9 (A) names of the defendants;
- 10 (B) number of executions; and
- 11 (C) amount of fines, fees, or penalties collected;
- 12 and pay the money to the clerk, taking the clerk's receipt for the
- 13 payments.
- 14 (d) The salary of the bailiff shall be fixed as salaries of other police
- 15 officers are fixed.
- 16 (e) The bailiff of a city court of **each of the three (3) cities having**
- 17 **the largest populations in a county having a population of more than**
- 18 **four hundred thousand (400,000) but less than seven hundred thousand**
- 19 **(700,000) cities of Hammond, Gary, and East Chicago** shall be
- 20 appointed by the judge of the court. The bailiff shall serve and execute
- 21 all processes issued by the court and is entitled to receive a salary fixed
- 22 by the common council of the city. In addition, the bailiff may collect
- 23 a fee from a defendant for the bailiff's own use on all execution sales
- 24 of property under an execution or attachment as follows:
- 25 (1) On the first fifty dollars (\$50), ten percent (10%).
- 26 (2) On more than fifty dollars (\$50) and not more than three
- 27 hundred dollars (\$300), five percent (5%).
- 28 (3) On all sums over three hundred dollars (\$300), three percent
- 29 (3%).
- 30 (4) Any additional sum necessarily expended by the bailiff in
- 31 collecting the judgment.
- 32 A bailiff may use the bailiff's private vehicle in the performance of the
- 33 bailiff's duties and is entitled to receive a sum for mileage equal to the
- 34 sum paid per mile to state officers and employees. The payment to the
- 35 bailiff is subject to the approval of the judge. The judge shall include
- 36 in the budget for the court sufficient money to provide for the
- 37 anticipated claims of the bailiff. The common council shall make
- 38 annual appropriations that are necessary to carry out this subsection.
- 39 SECTION 371. IC 33-35-3-9, AS AMENDED BY P.L.1-2007,
- 40 SECTION 220, IS AMENDED TO READ AS FOLLOWS
- 41 [EFFECTIVE APRIL 1, 2022]: Sec. 9. (a) This section applies after
- 42 June 30, 2005.



1 (b) A clerk of a city court in a county having a population of more
 2 than four hundred thousand (400,000) but less than seven hundred
 3 thousand (700,000) **Lake County** shall deposit all court costs collected
 4 by the clerk in accordance with IC 33-37-7-12. The fees received by the
 5 controller from the clerk shall be paid into the city treasury at the time
 6 of the semiannual settlement for city revenue.

7 (c) If the party instituting an action or a proceeding recovers
 8 judgment, the judgment must also include as costs an amount equal to
 9 the small claims costs fee, the small claims garnishee service fee, and
 10 the small claims service fee prescribed under IC 33-37-4-5 (before its
 11 repeal) or IC 33-37-4-6.

12 (d) Money paid in advance for costs remaining unexpended at the
 13 time a civil action or proceeding is terminated, whether by reason of
 14 small claims costs fee, small claims service fee, and additional fees
 15 dismissal or otherwise, must be returned to the party or parties making
 16 payment. However, this section does not apply to civil actions or
 17 proceedings instituted by or on behalf of the state or any of the state's
 18 political subdivisions.

19 SECTION 372. IC 33-35-4-2 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) Special judges
 21 of a city court are entitled to the compensation allowed special judges
 22 in the circuit court, to be paid out of the city treasury on the certificate
 23 of the regular judge and the warrant of the city controller or
 24 clerk-treasurer.

25 (b) A city court judge may not receive any fees or compensation
 26 other than the judge's salary, as established under subsection (e).

27 (c) A city court judge of each of the ~~three (3)~~ **cities having the**
 28 **largest populations in a county having a population of more than four**
 29 **hundred thousand (400,000) but less than seven hundred thousand**
 30 **(700,000) cities of Hammond, Gary, and East Chicago** is entitled to
 31 receive, for additional services that this article requires to be
 32 performed, three thousand five hundred dollars (\$3,500) per year in
 33 addition to the salary otherwise provided. The fiscal body of the city
 34 shall appropriate the money necessary to pay the additional
 35 compensation.

36 (d) A town court judge is entitled to receive the compensation that
 37 is prescribed by the fiscal body of the town.

38 (e) A city court judge is entitled to receive compensation that is
 39 prescribed by the fiscal body of the city.

40 SECTION 373. IC 33-35-5-4 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 4. (a) ~~A city courts~~
 42 **court of the three (3) cities having the largest populations in counties**



1 having a population of more than four hundred thousand (400,000) but
 2 less than seven hundred thousand (700,000) each of the cities of
 3 **Hammond, Gary, and East Chicago** shall keep the following books
 4 of record on the civil side of the court:

5 (1) A loose leaf minute book, similar to that kept by the circuit
 6 court, each case to be numbered consecutively in order of its
 7 filing.

8 (2) Index and cross-index book, containing the names of all
 9 parties to each action with the number of the case opposite the
 10 name.

11 (3) A fee book as is provided for city courts.

12 (4) An order book in which all orders of a cause are written
 13 consecutively when final judgment or order is entered.

14 (b) The case should bear the same number as originally given to the
 15 case when filed and must be arranged in the order book consecutively
 16 according to the original number given to the case when filed. All
 17 orders, proceedings, records of issuing execution, returns of execution,
 18 and satisfactions of execution shall be grouped together, if practical, on
 19 one (1) page or on consecutive pages when there is not sufficient room
 20 to group it on one (1) page. All costs in a cause shall be taxed on the
 21 margin of the page containing the final order or judgment. All orders
 22 not connected with a specific case, such as general appointments made
 23 by the judge, shall be entered in the minute book under a separate
 24 number and recorded in the record book under that number.

25 SECTION 374. IC 33-35-5-8 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 8. (a) All judgments,
 27 decrees, orders, and proceedings of city and town courts have the same
 28 force as those of the circuit court. A judgment becomes a lien on real
 29 estate when a transcript of the judgment is filed with the clerk of the
 30 circuit court.

31 (b) All orders of sale and executions affecting real estate from the
 32 city court of the ~~three (3) cities having the largest populations in a~~
 33 ~~county having a population of more than four hundred thousand~~
 34 ~~(400,000) but less than seven hundred thousand (700,000) city of~~
 35 **Hammond, the city of Gary, and the city of East Chicago** shall be
 36 issued by the clerk of the circuit court to the sheriff upon the filing of
 37 a certified copy of the judgment. When the copy is filed, the court
 38 rendering the judgment has no further jurisdiction of the case except to
 39 furnish a transcript for appeal. The life of a lien may be continued in
 40 force when the action is started in the city court, as though the action
 41 were filed in the circuit court, by filing with the clerk of the circuit
 42 court a certificate, certified to by the judge of the city court and



- 1 containing:
- 2 (1) the names of the parties to the suit;
- 3 (2) the nature of the action;
- 4 (3) the description of the property affected; and
- 5 (4) the amount in controversy.
- 6 The judge shall enter minutes on the docket showing the issuing of the
- 7 certificates.
- 8 SECTION 375. IC 33-35-5-10 IS AMENDED TO READ AS
- 9 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 10. (a) A party in a
- 10 civil action who desires to take an appeal from the city court of the
- 11 ~~three (3) cities having the largest populations in a county having a~~
- 12 ~~population of more than four hundred thousand (400,000) but less than~~
- 13 ~~seven hundred thousand (700,000) city of Hammond, the city of~~
- 14 **Gary, or the city of East Chicago** shall file a bond, to the approval of
- 15 the city court, within thirty (30) days after the date of rendition of final
- 16 judgment, and the motion to correct errors within ten (10) days after the
- 17 rendition of final judgment. The transcript and motion shall be filed in
- 18 the court to which the appeal is taken within thirty (30) days after the
- 19 motion has been signed by the court.
- 20 (b) All errors saved shall be reviewed as far as justice warrants, and
- 21 for that purpose, a complete transcript of all the evidence is not
- 22 required. An error occurring during the trial, not excepted to at the
- 23 time, may be made available upon appeal by setting it forth in a motion
- 24 for a new trial. Upon application within the time fixed, either of the
- 25 parties to the suit may obtain either:
- 26 (1) a correct statement, to be prepared by the party requesting the
- 27 signing of the same, of the facts in a narrative form appearing on
- 28 the trial and of all questions of law involved in the case and the
- 29 decisions of the court upon the questions of law; or
- 30 (2) a correct stenographic report;
- 31 and the expense of procuring the correct statement or correct
- 32 stenographic report shall be paid by the party requesting the correct
- 33 statement or correct stenographic report.
- 34 (c) The appeal shall be:
- 35 (1) submitted on the date filed in the court to which the appeal is
- 36 taken;
- 37 (2) advanced on the docket of that court; and
- 38 (3) as determined at the earliest practical date, without any
- 39 extension of time for filing of briefs;
- 40 but the court to which an appeal is taken may, on application, hear oral
- 41 arguments.
- 42 (d) If judgment is affirmed on appeal, it may be increased by ten



1 percent (10%), in addition to any interest that may be allowed, if the
2 appeal is found to be frivolous.

3 (e) A change of venue may be taken from the judge to whom the
4 case is appealed as provided by law for taking changes of venue from
5 the judge of the circuit court.

6 (f) The court to which an appeal is taken shall render its opinion in
7 abbreviated form by simply citing the controlling authorities in the
8 case, unless it appears that some new question of practice, procedure,
9 or law is involved that would warrant a more extensive opinion.

10 SECTION 376. IC 33-39-6-7, AS AMENDED BY P.L.119-2012,
11 SECTION 164, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE APRIL 1, 2022]: Sec. 7. The prosecuting attorney of
13 ~~each judicial circuit of the second class within a county having a~~
14 ~~population of more than two hundred fifty thousand (250,000) but less~~
15 ~~than two hundred seventy thousand (270,000)~~ **St. Joseph County** shall
16 devote the prosecuting attorney's full professional time to the duties of
17 the prosecuting attorney's office. The prosecuting attorney may not
18 engage in the private practice of law for the term for which the
19 prosecuting attorney was elected or appointed, and the prosecuting
20 attorney is entitled to a minimum annual salary that is not less than the
21 salary of the judge of the circuit court of the same judicial circuit.

22 SECTION 377. IC 33-40-3-10 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 10. (a) In ~~a county~~
24 ~~with a population of more than four hundred thousand (400,000) and~~
25 ~~less than seven hundred thousand (700,000) in which~~ **Lake County, if**
26 a county public defender service is not provided, a supplemental public
27 defender services fund must be established in each city for providing
28 funding for a public defender to represent indigent defendants in a city
29 court.

30 (b) Sections 2 through 9 of this chapter apply to the locally
31 established supplemental public defender services fund established
32 under subsection (a). However, funds otherwise required to be
33 delivered to the county fiscal officer for maintaining a supplemental
34 public defender services fund under this chapter shall be deposited
35 with the local fiscal officer.

36 SECTION 378. IC 33-40-7-1, AS AMENDED BY P.L.13-2013,
37 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 APRIL 1, 2022]: Sec. 1. This chapter does not apply to ~~a county that:~~
39 **the following counties:**

40 (1) ~~contains a consolidated city;~~ **Marion County.**

41 (2) ~~has a population of:~~

42 (A) ~~more than three hundred thousand (300,000) but less than~~



1 four hundred thousand (400,000);
 2 ~~(B) more than two hundred fifty thousand (250,000) but less~~
 3 ~~than two hundred seventy thousand (270,000); or~~
 4 ~~(C) more than one hundred seventy-five thousand (175,000)~~
 5 ~~but less than one hundred eighty-five thousand (185,000); or~~
 6 **Allen County.**

7 **(3) St. Joseph County.**

8 **(4) Vanderburgh County.**

9 ~~(3) has a population of more than four hundred thousand~~
 10 ~~(400,000) but less than seven hundred thousand (700,000);~~

11 **(5) Lake County**, except as provided in sections 5 and 11 of this
 12 chapter.

13 SECTION 379. IC 33-41-1-1, AS AMENDED BY P.L.119-2012,
 14 SECTION 165, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) To facilitate and expedite the
 16 trial of causes, the judge of each circuit, superior, probate, and juvenile
 17 court of each county shall appoint an official reporter.

18 (b) The official reporter shall, when required by the recorder's
 19 appointing judge, do the following:

- 20 (1) Be promptly present in the appointing judge's court.
 21 (2) Record the oral evidence given in all causes by any approved
 22 method, including both questions and answers.
 23 (3) Note all rulings of the judge concerning the admission and
 24 rejection of evidence and the objections and exceptions to the
 25 admission and rejection of evidence.
 26 (4) Write out the instructions of the court in jury trials.

27 (c) In counties in which the circuit or probate court sits as a juvenile
 28 court, the official reporter of the circuit court or probate court, as the
 29 case may be:

- 30 (1) shall report the proceedings of the juvenile court as part of the
 31 reporter's duties as reporter of the circuit or probate court; and
 32 (2) except as provided in subsection (d), may not receive
 33 additional compensation for the reporter's services for reporting
 34 the proceedings of the juvenile court.

35 (d) In counties in which a circuit court has juvenile jurisdiction and
 36 where there is a juvenile referee and the circuit judge is the judge of the
 37 juvenile court, the salary of the juvenile court reporter is one hundred
 38 twenty-five dollars (\$125) per month in addition to any compensation
 39 the reporter receives as reporter of the circuit court.

40 (e) The official reporters of juvenile courts shall:

- 41 (1) be paid the same amount for their services and in the same
 42 manner;



1 (2) have the same duties; and

2 (3) be subject to the same restrictions;

3 as is provided for by law for the official reporters of the other courts.
 4 However, in a **Marion** County, ~~having a population of more than six~~
 5 ~~hundred thousand (600,000)~~; the judge of the juvenile court may
 6 appoint court reporters as necessary for compliance with the law in
 7 regard to the reporting of cases and facilitating and expediting the trial
 8 of causes, each of whom is entitled to receive a salary of at least three
 9 hundred dollars (\$300) per month.

10 SECTION 380. IC 34-30-2-153.4 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 153.4. IC 36-3-5-2.6
 12 (Concerning the personal liability of the controller of a **the**
 13 consolidated city).

14 SECTION 381. IC 34-35-2-5 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) This section
 16 applies in a county ~~having a population of more than four hundred~~
 17 ~~thousand (400,000) but less than seven hundred thousand (700,000)~~.
 18 **Lake County.**

19 (b) Whenever a change of venue is taken from the county in any
 20 civil action pending in any circuit, superior, or probate court of Indiana,
 21 if the parties to the action agree in open court within three (3) days
 22 from the date of the filing of the affidavit or motion for change of
 23 venue from the county to which county the change of venue of the
 24 action shall be changed, it is the duty of the court to send, transfer, and
 25 venue the action to the agreed upon county.

26 (c) In the absence of an agreement described in subsection (b), the
 27 nonmoving party shall, within two (2) days after receipt of notice of the
 28 filing of change of venue from the county, submit to the moving parties
 29 the names of two (2) counties which must be selected from the
 30 adjoining counties or the five (5) nonadjoining counties, the county
 31 seats of which are nearest measured along the most direct improved
 32 and main traveled highways to the county seat of the county from
 33 which the change of venue is sought.

34 (d) If the venue of the action has already been changed from an
 35 adjoining county, the name of the adjoining county shall not be
 36 included in the written list to be submitted by the nonmoving party
 37 under subsection (c).

38 (e) The moving party shall strike one (1) of the two (2) counties
 39 submitted within two (2) days after receipt of the names of the
 40 counties, and the action shall be sent to the county remaining.

41 (f) If the nonmoving party fails or refuses to name the counties as
 42 provided in this section, the court shall, not later than two (2) days after



1 the deadline has expired, name the counties. If the moving party fails
 2 or refuses to strike off the name of one (1) of the named counties within
 3 the time limit provided in this section, the clerk of the court shall strike
 4 off the names for the party within two (2) days.

5 SECTION 382. IC 35-33.5-2-1, AS AMENDED BY P.L.105-2007,
 6 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 APRIL 1, 2022]: Sec. 1. (a) A prosecuting attorney or, if the
 8 prosecuting attorney is unavailable, a chief deputy prosecuting attorney
 9 specifically authorized by the prosecuting attorney, may submit an
 10 application for a warrant or an extension to a circuit or superior court
 11 where:

- 12 (1) the county that the prosecuting attorney represents is located;
- 13 and
- 14 (2) the communication subject to the warrant is anticipated to be
 15 sent or received.

16 The prosecuting attorney or authorized chief deputy prosecuting
 17 attorney may not delegate the responsibility of applying for a warrant
 18 or an extension to another deputy prosecuting attorney.

19 (b) One (1) of the following persons must serve as a coapplicant for
 20 a warrant or an extension under subsection (a):

- 21 (1) The superintendent of the state police department.
- 22 (2) The police chief of ~~a~~ **the** consolidated city where the
 23 communication subject to the warrant is anticipated to be sent or
 24 received.
- 25 (3) The sheriff of ~~the~~ **Marion** County ~~containing a consolidated~~
 26 ~~city~~ where the communication subject to the warrant is
 27 anticipated to be sent or received.

28 (c) Only the state police department may install equipment used to
 29 intercept an electronic communication under this chapter.

30 (d) The state police department may:

- 31 (1) operate or monitor equipment used to intercept an electronic
 32 communication; or
- 33 (2) if the interception of an electronic communication is
 34 performed on behalf of another law enforcement agency, permit
 35 the law enforcement agency to operate or monitor the equipment
 36 under the supervision of the department.

37 (e) The superintendent of the state police department may terminate
 38 an interception under this chapter if the superintendent of the state
 39 police department determines that there is probable cause to believe
 40 that the allegations concerning the offense that are the basis of the
 41 interception are without merit. If an interception of an electronic
 42 communication is terminated under this subsection, the law



1 enforcement agency that is the co-applicant for the interception shall
 2 reimburse the state police department for the department's expenses
 3 incurred in connection with the application for interception, including
 4 the costs of removing equipment related to the interception.

5 (f) If the interception of an electronic communication is performed
 6 on behalf of another law enforcement agency, the law enforcement
 7 agency shall reimburse the department for the department's expenses
 8 in connection with the installation, operation, and maintenance of
 9 equipment used to intercept an electronic communication.

10 SECTION 383. IC 35-38-2-1, AS AMENDED BY P.L.119-2012,
 11 SECTION 166, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) Whenever it places a person
 13 on probation, the court shall:

- 14 (1) specify in the record the conditions of the probation; and
- 15 (2) advise the person that if the person violates a condition of
 16 probation during the probationary period, a petition to revoke
 17 probation may be filed before the earlier of the following:

18 (A) One (1) year after the termination of probation.

19 (B) Forty-five (45) days after the state receives notice of the
 20 violation.

21 (b) In addition, if the person was convicted of a felony and is placed
 22 on probation, the court shall order the person to pay to the probation
 23 department the user's fee prescribed under subsection (d). If the person
 24 was convicted of a misdemeanor, the court may order the person to pay
 25 the user's fee prescribed under subsection (e). The court may:

- 26 (1) modify the conditions (except a fee payment may only be
 27 modified as provided in section 1.7(b) of this chapter); or
- 28 (2) terminate the probation;

29 at any time. If the person commits an additional crime, the court may
 30 revoke the probation.

31 (c) If a clerk of a court collects a probation user's fee, the clerk:

- 32 (1) may keep not more than three percent (3%) of the fee to defray
 33 the administrative costs of collecting the fee and shall deposit any
 34 fee kept under this subsection in the clerk's record perpetuation
 35 fund established under IC 33-37-5-2; and

36 (2) if requested to do so by the county auditor, city fiscal officer,
 37 or town fiscal officer under clause (A), (B), or (C), may transfer
 38 not more than three percent (3%) of the fee to the:

39 (A) county auditor, who shall deposit the money transferred
 40 under this subdivision into the county general fund;

41 (B) city general fund when requested by the city fiscal officer;

42 or



- 1 (C) town general fund when requested by the town fiscal
2 officer.
- 3 (d) In addition to any other conditions of probation, the court shall
4 order each person convicted of a felony to pay:
- 5 (1) not less than twenty-five dollars (\$25) nor more than one
6 hundred dollars (\$100) as an initial probation user's fee;
- 7 (2) a monthly probation user's fee of not less than fifteen dollars
8 (\$15) nor more than thirty dollars (\$30) for each month that the
9 person remains on probation;
- 10 (3) the costs of the laboratory test or series of tests to detect and
11 confirm the presence of the human immunodeficiency virus (HIV)
12 antigen or antibodies to the human immunodeficiency virus (HIV)
13 if such tests are required by the court under section 2.3 of this
14 chapter;
- 15 (4) an alcohol abuse deterrent fee and a medical fee set by the
16 court under IC 9-30-9-8, if the court has referred the defendant to
17 an alcohol abuse deterrent program; and
- 18 (5) an administrative fee of one hundred dollars (\$100);
19 to either the probation department or the clerk.
- 20 (e) In addition to any other conditions of probation, the court may
21 order each person convicted of a misdemeanor to pay:
- 22 (1) not more than a fifty dollar (\$50) initial probation user's fee;
- 23 (2) a monthly probation user's fee of not less than ten dollars
24 (\$10) nor more than twenty dollars (\$20) for each month that the
25 person remains on probation;
- 26 (3) the costs of the laboratory test or series of tests to detect and
27 confirm the presence of the human immunodeficiency virus (HIV)
28 antigen or antibodies to the human immunodeficiency virus (HIV)
29 if such tests are required by the court under section 2.3 of this
30 chapter; and
- 31 (4) an administrative fee of fifty dollars (\$50);
32 to either the probation department or the clerk.
- 33 (f) The probation department or clerk shall collect the
34 administrative fees under subsections (d)(5) and (e)(4) before
35 collecting any other fee under subsection (d) or (e). All money
36 collected by the probation department or the clerk under this section
37 shall be transferred to the county treasurer, who shall deposit the
38 money into the county supplemental adult probation services fund. The
39 fiscal body of the county shall appropriate money from the county
40 supplemental adult probation services fund:
- 41 (1) to the county, superior, circuit, or municipal court of the
42 county that provides probation services to adults to supplement



1 adult probation services; and

2 (2) to supplement the salaries of probation officers in accordance
3 with the schedule adopted by the county fiscal body under
4 IC 36-2-16.5.

5 (g) The probation department or clerk shall collect the
6 administrative fee under subsection (e)(4) before collecting any other
7 fee under subsection (e). All money collected by the probation
8 department or the clerk of a city or town court under this section shall
9 be transferred to the fiscal officer of the city or town for deposit into
10 the local supplemental adult probation services fund. The fiscal body
11 of the city or town shall appropriate money from the local supplemental
12 adult probation services fund to the city or town court of the city or
13 town for the court's use in providing probation services to adults or for
14 the court's use for other purposes as may be appropriated by the fiscal
15 body. Money may be appropriated under this subsection only to those
16 city or town courts that have an adult probation services program. If a
17 city or town court does not have such a program, the money collected
18 by the probation department must be transferred and appropriated as
19 provided under subsection (f).

20 (h) Except as provided in subsection (j), the county or local
21 supplemental adult probation services fund may be used only to
22 supplement probation services and to supplement salaries for probation
23 officers. A supplemental probation services fund may not be used to
24 replace other funding of probation services. Any money remaining in
25 the fund at the end of the year does not revert to any other fund but
26 continues in the county or local supplemental adult probation services
27 fund.

28 (i) A person placed on probation for more than one (1) crime:

29 (1) may be required to pay more than one (1) initial probation
30 user's fee; and

31 (2) may not be required to pay more than one (1) monthly
32 probation user's fee per month;

33 to the probation department or the clerk.

34 (j) This subsection applies to a city or town located in a county
35 having a population of more than one hundred eighty-five thousand
36 (185,000) but less than two hundred fifty thousand (250,000). **Elkhart**
37 **County**. Any money remaining in the local supplemental adult
38 probation services fund at the end of the local fiscal year may be
39 appropriated by the city or town fiscal body to the city or town court for
40 use by the court for purposes determined by the fiscal body.

41 (k) In addition to other methods of payment allowed by law, a
42 probation department may accept payment of fees required under this



1 section and section 1.5 of this chapter by credit card (as defined in
 2 IC 14-11-1-7). The liability for payment is not discharged until the
 3 probation department receives payment or credit from the institution
 4 responsible for making the payment or credit.

5 (l) The probation department may contract with a bank or credit
 6 card vendor for acceptance of bank or credit cards. However, if there
 7 is a vendor transaction charge or discount fee, whether billed to the
 8 probation department or charged directly to the probation department's
 9 account, the probation department may collect a credit card service fee
 10 from the person using the bank or credit card. The fee collected under
 11 this subsection is a permitted additional charge to the money the
 12 probation department is required to collect under subsection (d) or (e).

13 (m) The probation department shall forward the credit card service
 14 fees collected under subsection (l) to the county treasurer or city or
 15 town fiscal officer in accordance with subsection (f) or (g). These funds
 16 may be used without appropriation to pay the transaction charge or
 17 discount fee charged by the bank or credit card vendor.

18 SECTION 384. IC 35-44.2-2-3, AS AMENDED BY P.L.32-2019,
 19 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 APRIL 1, 2022]: Sec. 3. (a) This subsection does not apply to the
 21 following:

- 22 (1) A state educational institution (as defined in IC 21-7-13-32).
- 23 (2) A municipality (as defined in IC 36-1-2-11).
- 24 (3) A county.
- 25 (4) An airport authority operating in a **the** consolidated city.
- 26 (5) A capital improvements board of managers operating in a **the**
 27 consolidated city.
- 28 (6) A board of directors of a public transportation corporation
 29 operating in a **the** consolidated city.
- 30 (7) A municipal corporation organized under IC 16-22-8-6.
- 31 (8) A public library.
- 32 (9) A library services authority.
- 33 (10) A hospital organized under IC 16-22 or a hospital organized
 34 under IC 16-23.
- 35 (11) A school corporation (as defined in IC 36-1-2-17).
- 36 (12) A regional water or sewer district organized under IC 13-26
 37 or under IC 13-3-2 (before its repeal).
- 38 (13) A municipally owned utility (as defined in IC 8-1-2-1).
- 39 (14) A board of an airport authority under IC 8-22-3.
- 40 (15) A conservancy district.
- 41 (16) A board of aviation commissioners under IC 8-22-2.
- 42 (17) A public transportation corporation under IC 36-9-4.



- 1 (18) A commuter transportation district under IC 8-5-15.
- 2 (19) A solid waste management district established under
- 3 IC 13-21 or IC 13-9.5 (before its repeal).
- 4 (20) A county building authority under IC 36-9-13.
- 5 (21) A soil and water conservation district established under
- 6 IC 14-32.
- 7 (22) The northwestern Indiana regional planning commission
- 8 established by IC 36-7-7.6-3.
- 9 (b) A disbursing officer (as described in IC 5-11-10) who knowingly
- 10 or intentionally pays a claim that is not:
 - 11 (1) fully itemized; and
 - 12 (2) properly certified to by the claimant or some authorized
 - 13 person in the claimant's behalf, with the following words of
 - 14 certification: I hereby certify that the foregoing account is just and
 - 15 correct, that the amount claimed is legally due, after allowing all
 - 16 just credits, and that no part of the same has been paid;
- 17 commits a violation of the itemization and certification rule, a Class C
- 18 infraction. However, the violation is a Class A misdemeanor if the
- 19 person has a prior unrelated adjudication or conviction for a violation
- 20 of this section within the previous five (5) years.
- 21 SECTION 385. IC 36-1-1.5-1, AS ADDED BY P.L.234-2013,
- 22 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 APRIL 1, 2022]: Sec. 1. This chapter does not apply to a **Marion**
- 24 **County. having a consolidated city.**
- 25 SECTION 386. IC 36-1-2-3 IS AMENDED TO READ AS
- 26 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3. "City" refers to a
- 27 **the** consolidated city or other incorporated city of any class, unless the
- 28 reference is to a school city.
- 29 SECTION 387. IC 36-1-2-4, AS AMENDED BY P.L.186-2006,
- 30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 APRIL 1, 2022]: Sec. 4. "Clerk" means **the following**:
 - 32 (1) **The** clerk of the circuit court, for a county.
 - 33 (2) **The** county auditor, for a board of county commissioners or
 - 34 county council.
 - 35 (3) **The** clerk of the city-county council, for a **the** consolidated
 - 36 city.
 - 37 (4) **The** city clerk, for a second class city.
 - 38 (5) **The** clerk-treasurer, for a third class city.
 - 39 (6) **The** clerk-treasurer, for a town. **or**
 - 40 (7) **The** chief executive officer of a political subdivision not
 - 41 described in subdivisions (1) through (6).
 - 42 SECTION 388. IC 36-1-2-5, AS AMENDED BY P.L.278-2019,



1 SECTION 178, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE APRIL 1, 2022]: Sec. 5. "Executive" means the
 3 following:

- 4 (1) The board of commissioners, for a county ~~that does not have~~
 5 ~~a consolidated city;~~ **other than Marion County.**
 6 (2) The mayor of the consolidated city, for ~~a~~ **Marion** County.
 7 ~~having a consolidated city.~~
 8 (3) The mayor, for a city.
 9 (4) The president of the town council, for a town.
 10 (5) The trustee, for a township.
 11 (6) The superintendent, for a school corporation.
 12 (7) The chief executive officer, for any other political subdivision.

13 SECTION 389. IC 36-1-2-6, AS AMENDED BY P.L.186-2006,
 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 APRIL 1, 2022]: Sec. 6. "Fiscal body" means **the following:**

- 16 (1) **The** county council, for a county ~~not having a consolidated~~
 17 ~~city;~~ **other than Marion County.**
 18 (2) **The** city-county council, for ~~a the~~ consolidated city or **Marion**
 19 County. ~~having a consolidated city;~~
 20 (3) **The** common council, for a city other than ~~a the~~ consolidated
 21 city.
 22 (4) **The** town council, for a town.
 23 (5) **The** township board, for a township.
 24 (6) **The** governing body or budget approval body, for any other
 25 political subdivision that has a governing body or budget approval
 26 body. ~~or~~
 27 (7) **The** chief executive officer of any other political subdivision
 28 that does not have a governing body or budget approval body.

29 SECTION 390. IC 36-1-2-7, AS AMENDED BY P.L.227-2005,
 30 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 APRIL 1, 2022]: Sec. 7. "Fiscal officer" means **the following:**

- 32 (1) **The** auditor, for a county ~~not having a consolidated city;~~ **other**
 33 **than Marion County.**
 34 (2) **The** controller, for: ~~a:~~
 35 (A) **the** consolidated city;
 36 (B) **Marion** County, ~~having a consolidated city;~~ except as
 37 otherwise provided; or
 38 (C) **a** second class city.
 39 (3) **The** clerk-treasurer, for a third class city.
 40 (4) **The** clerk-treasurer, for a town. ~~or~~
 41 (5) **The** trustee, for a township.

42 SECTION 391. IC 36-1-2-9, AS AMENDED BY P.L.22-2021,



1 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 APRIL 1, 2022]: Sec. 9. "Legislative body" means the following:

3 (1) The board of county commissioners, for a county not subject
4 to IC 36-2-3.5 or IC 36-3-1.

5 (2) The county council, for a county subject to IC 36-2-3.5.

6 (3) The city-county council, for ~~a~~ **the** consolidated city or **Marion**
7 **County. having a consolidated city.**

8 (4) The common council, for a city other than ~~a~~ **the** consolidated
9 city.

10 (5) The town council, for a town.

11 (6) The township board, for a township.

12 (7) The governing body of any other political subdivision that has
13 a governing body.

14 (8) The chief executive officer of any other political subdivision
15 that does not have a governing body.

16 SECTION 392. IC 36-1-2-24, AS AMENDED BY P.L.278-2019,
17 SECTION 180, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE APRIL 1, 2022]: Sec. 24. "Works board" means the
19 following:

20 (1) The board of commissioners, for a county ~~not having a~~
21 ~~consolidated city. other than Marion County.~~

22 (2) The board of public works or board of public works and
23 safety, for a city.

24 (3) The town council, for a town.

25 SECTION 393. IC 36-1-3.5-2 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) This section
27 applies to ~~each~~ **the** consolidated city and ~~its~~ **Marion** County.

28 (b) Jurisdiction over the following local matters, which before the
29 1982 regular session of the general assembly have been subjects of
30 statutory concern, is transferred to the legislative body of the
31 consolidated city and **Marion** County:

32 (1) Powers, duties, functions, and obligations of department of
33 administration (formerly governed by IC 18-4-7 and IC 18-4-18).

34 (2) Certain powers, duties, functions, and obligations of
35 department of metropolitan development (formerly governed by
36 IC 18-4-8-1 through IC 18-4-8-7, IC 18-4-8-10(3), IC 18-4-8-12,
37 IC 18-4-8-13, IC 18-4-8-14, and IC 19-8-23).

38 (3) Certain powers, duties, functions, and obligations of
39 department of public safety (formerly governed by IC 18-4-12-1
40 through IC 18-4-12-7, IC 18-4-12-9 through IC 18-4-12-12,
41 IC 18-4-12-14 through IC 18-4-12-16, IC 18-4-12-18,
42 IC 18-4-12-28 through IC 18-4-12-35, IC 18-4-12-37,



- 1 IC 18-4-12-38, IC 18-4-12-40, IC 18-4-12-42, IC 18-4-12-45,
 2 IC 18-4-12-49 through IC 18-4-12-59, IC 19-1-1, and IC 19-1-6).
 3 (4) Certain powers, duties, functions, and obligations of
 4 department of public works (formerly governed by IC 18-4-2-16,
 5 IC 18-4-9-2, IC 18-4-9-3, IC 19-2-11, IC 19-2-14.5-1,
 6 IC 19-2-14.5-3, IC 19-2-14.5-4, IC 19-2-17, IC 19-2-18,
 7 IC 19-2-21, IC 19-2-22, IC 19-2-23, IC 19-4-22, and IC 19-5-10).
 8 (5) Territory of solid waste special service district (formerly
 9 governed by IC 19-2-14.5-5 and IC 19-2-14.5-6).
 10 (6) Certain powers, duties, functions, and obligations of Indiana
 11 department of transportation (formerly governed by IC 8-17-2,
 12 IC 18-4-10-3, IC 18-4-10-14, IC 19-5-3, IC 19-5-4, and
 13 IC 19-5-10).
 14 (7) Street vacation procedures (formerly governed by IC 19-5-20).
 15 (8) Certain powers, duties, functions, and obligations of
 16 department of parks and recreation (formerly governed by
 17 IC 18-4-13).
- 18 SECTION 394. IC 36-1-3.5-4, AS AMENDED BY P.L.119-2012,
 19 SECTION 170, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE APRIL 1, 2022]: Sec. 4. (a) This section applies to cities
 21 in counties other than the following counties:
 22 (1) ~~A county having a consolidated city: Marion County.~~
 23 (2) Lake County.
 24 (3) St. Joseph County.
- 25 (b) Jurisdiction over the following local matters, which before the
 26 1981 regular session of the general assembly have been subjects of
 27 statutory concern, is transferred to the legislative body of each city
 28 having a population of more than fifty thousand (50,000):
 29 (1) Regulation of sewers and drains (formerly governed by
 30 IC 19-2-11).
 31 (2) Benefits for certain municipal utility employees (formerly
 32 governed by IC 19-3-29).
- 33 (c) Jurisdiction over the following local matter, which before the
 34 1981 regular session of the general assembly has been the subject of
 35 statutory concern, is transferred to the legislative body of each city
 36 having a population of more than thirty-five thousand (35,000), but less
 37 than fifty thousand (50,000):
 38 Regulation of sewers and drains (formerly governed by
 39 IC 19-2-11).
- 40 SECTION 395. IC 36-1-8-14.3, AS ADDED BY P.L.74-2021,
 41 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 APRIL 1, 2022]: Sec. 14.3. (a) PILOTS may be imposed under this



- 1 section for an assessment date occurring after December 31, 2021.
- 2 (b) As used in this section, the following terms have the meanings
- 3 set forth in IC 6-1.1-1:
- 4 (1) Assessed value.
- 5 (2) Exemption.
- 6 (3) Owner.
- 7 (4) Person.
- 8 (5) Property taxation.
- 9 (6) Real property.
- 10 (7) Township assessor.
- 11 (c) As used in this section, "PILOTS" means payments in lieu of
- 12 taxes.
- 13 (d) As used in this section, "property owner" means the owner of
- 14 real property described in IC 6-1.1-10-16.7.
- 15 (e) Subject to the approval of a property owner, the governing body
- 16 of a political subdivision may adopt an ordinance to require the
- 17 property owner to pay PILOTS at times set forth in the ordinance with
- 18 respect to real property that is subject to an exemption under
- 19 IC 6-1.1-10-16.7. The ordinance remains in full force and effect until
- 20 repealed or modified by the governing body, subject to the approval of
- 21 the property owner.
- 22 (f) The PILOTS must be calculated so that the PILOTS are in an
- 23 amount that is:
- 24 (1) agreed upon by the property owner and the governing body of
- 25 the political subdivision;
- 26 (2) a percentage of the property taxes that would have been levied
- 27 by the governing body for the political subdivision upon the real
- 28 property described in subsection (e) if the property were not
- 29 subject to an exemption from property taxation; and
- 30 (3) not more than the amount of property taxes that would have
- 31 been levied by the governing body for the political subdivision
- 32 upon the real property described in subsection (e) if the property
- 33 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 real property described in subsection
- 36 (e). Except as provided in subsection (k), the township assessor, or the
- 37 county assessor if there is no township assessor for the township, shall
- 38 assess the real property described in subsection (e) as though the
- 39 property were not subject to an exemption.
- 40 (h) PILOTS collected under this section shall be deposited in the
- 41 unit's affordable housing fund established under IC 5-20-5-15.5 and
- 42 used for any purpose for which the affordable housing fund may be



1 used.

2 (i) PILOTS shall be due as set forth in the ordinance and bear
3 interest, if unpaid, as in the case of other taxes on property. PILOTS
4 shall be treated in the same manner as taxes for purposes of all
5 procedural and substantive provisions of law.

6 (j) This section does not apply to a **Marion** County ~~that contains a~~
7 ~~consolidated city~~ or to a political subdivision of ~~the county~~. **Marion**
8 **County.**

9 (k) If the duties of the township assessor have been transferred to
10 the county assessor as described in IC 6-1.1-1-24, a reference to the
11 township assessor in this section is considered to be a reference to the
12 county assessor.

13 SECTION 396. IC 36-1-11-3.1 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3.1. (a) In addition to
15 any other reason for disapproving a disposal of property under section
16 3 of this chapter, the executive of ~~a~~ **the** consolidated city may
17 disapprove a sale of a tract of residential property to any bidder who
18 does not by affidavit declare that:

19 (1) the bidder will reside on that property for at least one (1) year
20 after the bidder obtains possession of it; and

21 (2) the bidder is eligible to purchase the property under section 16
22 of this chapter.

23 (b) When the executive exercises disapproval under this section, the
24 property may be sold to the highest bidder who also presents an
25 affidavit declaring that:

26 (1) the bidder will reside on that property for a one (1) year period
27 after the bidder obtains possession; and

28 (2) the bidder is eligible to purchase the property under section 16
29 of this chapter.

30 SECTION 397. IC 36-1-11-3.2, AS AMENDED BY P.L.119-2012,
31 SECTION 177, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE APRIL 1, 2022]: Sec. 3.2. (a) This section applies to a
33 city having a population of: **the following cities:**

34 (1) ~~more than eighty thousand (80,000) but less than eighty~~
35 ~~thousand four hundred (80,400);~~ **The city of Gary.**

36 (2) ~~more than twenty-nine thousand six hundred (29,600) but less~~
37 ~~than twenty-nine thousand nine hundred (29,900);~~ or **The city of**
38 **East Chicago.**

39 (3) ~~more than eighty thousand five hundred (80,500) but less than~~
40 ~~one hundred thousand (100,000);~~ **The city of Hammond.**

41 (b) Notwithstanding section 3(c) of this chapter, the fiscal body of
42 a city must approve:



1 (1) every sale of real property having an appraised value of ten
2 thousand dollars (\$10,000) or more;

3 (2) every lease of real property for which the total annual rental
4 payments will be five thousand dollars (\$5,000) or more; and

5 (3) every transfer of real property under section 14 or 15 of this
6 chapter.

7 SECTION 398. IC 36-1-14-1.5, AS ADDED BY P.L.226-2013,
8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 APRIL 1, 2022]: Sec. 1.5. (a) This section applies to ~~a municipality that~~
10 ~~meets both of the following:~~ **the city of Peru if the city**

11 ~~(1) The municipality~~ has a municipally owned utility that has
12 donated funds of the municipally owned utility to a local
13 economic development organization before July 1, 2012.

14 ~~(2) The municipality is a city having a population of more than~~
15 ~~eleven thousand (11,000) but less than eleven thousand four~~
16 ~~hundred fifty (11,450):~~

17 (b) As used in this section, "local economic development
18 organization" includes the following:

19 (1) A nonprofit corporation established under state law whose
20 primary purpose is the promotion of industrial or business
21 development in Indiana, the retention or expansion of Indiana
22 businesses, or the development of entrepreneurial activities in
23 Indiana.

24 (2) A nonprofit educational organization whose primary purpose
25 is educating and developing local leadership for economic
26 development initiatives.

27 (3) Any similar organization, including a partnership between
28 private enterprise and one (1) or more units, the purposes of
29 which include:

30 (A) promoting development activities in one (1) or more units;

31 (B) coordinating local efforts to attract jobs and new business
32 investment;

33 (C) providing assistance to existing businesses to foster growth
34 and job retention; and

35 (D) sustaining and improving the quality of life in the units
36 served.

37 (c) A municipal legislative body, with the approval of the board (as
38 defined in IC 8-1.5-3-2) of the municipality's municipally owned utility,
39 may donate funds from the municipally owned utility's surplus earnings
40 (as defined in IC 8-1.5-3-11) to a local economic development
41 organization as long as the terms and conditions of any bond ordinance,
42 resolution, indenture, contract under IC 8-1-2.2, or similar instrument



1 binding upon the municipally owned utility are complied with before
2 the donation is made.

3 SECTION 399. IC 36-1.5-4-1, AS ADDED BY P.L.186-2006,
4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 APRIL 1, 2022]: Sec. 1. (a) Any of the following may reorganize under
6 this chapter:

7 (1) Two (2) or more counties. A county reorganizing under this
8 subdivision must be adjacent to at least one (1) other county
9 participating in the reorganization.

10 (2) Two (2) or more townships located entirely within the same
11 county. A township reorganizing under this subdivision must be
12 adjacent to at least one (1) other township participating in the
13 reorganization.

14 (3) Two (2) or more municipalities. A municipality reorganizing
15 under this subdivision must be adjacent to at least one (1) other
16 municipality participating in the reorganization.

17 (4) Two (2) or more school corporations. A school corporation
18 reorganizing under this subdivision must be adjacent to at least
19 one (1) other school corporation participating in the
20 reorganization.

21 (5) Two (2) or more municipal corporations, other than a unit or
22 a school corporation, that have substantially equivalent powers.
23 A municipal corporation reorganizing under this subdivision must
24 be adjacent to at least one (1) other municipal corporation
25 participating in the reorganization.

26 (6) Two (2) or more special taxing districts that are adjacent to at
27 least one (1) other special taxing district participating in the
28 reorganization.

29 (7) A township and a municipality that is located in any part of
30 the same township.

31 (8) A county and one (1) or more townships that are located in the
32 county.

33 (9) A municipality and a county ~~that does not contain a~~
34 ~~consolidated city.~~ **other than Marion County.**

35 (10) A school corporation and a county or municipality in which
36 a majority of the students of the school corporation have legal
37 settlement (as defined by IC 20-18-2-11).

38 (11) A municipal corporation, other than a unit or a school
39 corporation, and a county or municipality in which a majority of
40 the population of the municipal corporation resides.

41 (b) If a political subdivision reorganizes under this article with one
42 (1) or more other political subdivisions:



- 1 (1) any political subdivisions that did not participate in the public
 2 question on the reorganization are not reorganized under this
 3 article;
- 4 (2) the reorganization affects only those political subdivisions in
 5 which the reorganization is approved as specified in this article;
 6 and
- 7 (3) the reorganization does not affect the rights, powers, and
 8 duties of any political subdivisions in the county in which the
 9 reorganization is not approved as specified in this article.
- 10 SECTION 400. IC 36-1.5-4-5, AS AMENDED BY P.L.233-2015,
 11 SECTION 334, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE APRIL 1, 2022]: Sec. 5. ~~(a) Except as provided in~~
 13 ~~subsection (b)~~; A reorganization approved under this chapter takes
 14 effect when all of the following have occurred:
- 15 (1) The later of:
- 16 (A) the date that a copy of a joint certification from the county
 17 election board in each county in which reorganizing political
 18 subdivisions are located that indicates that:
- 19 (i) the reorganization has been approved by the voters of
 20 each reorganizing political subdivision; or
 21 (ii) in the case of a reorganization described in section
 22 1(a)(7) or 1(a)(9) of this chapter, the reorganization has been
 23 approved as set forth in section 32(b) or 32(c) of this
 24 chapter;
- 25 is recorded as required by section 31 of this chapter; or
- 26 (B) the date specified in the finally adopted plan of
 27 reorganization.
- 28 (2) The appointed or elected officers of the reorganized political
 29 subdivision are elected (as prescribed by section 36 of this
 30 chapter) or appointed and qualified, if:
- 31 (A) the reorganized political subdivision is a new political
 32 subdivision and reorganizing political subdivisions are not
 33 being consolidated into one (1) of the reorganizing political
 34 subdivisions;
- 35 (B) the reorganized political subdivision will have different
 36 boundaries than any of the reorganizing political subdivisions;
- 37 (C) the reorganized political subdivision will have different
 38 appointment or election districts than any of the reorganizing
 39 political subdivisions; or
- 40 (D) the finally adopted plan of reorganization requires new
 41 appointed or elected officers before the reorganization
 42 becomes effective.



1 (b) A reorganization approved under this chapter may not take effect
 2 during the year preceding a year in which a federal decennial census is
 3 conducted. A consolidation that would otherwise take effect during the
 4 year preceding a year in which a federal decennial census is conducted
 5 takes effect January 1 of the year in which a federal decennial census
 6 is conducted.

7 SECTION 401. IC 36-2-1-2, AS AMENDED BY P.L.113-2010,
 8 SECTION 113, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) If the resident voters in a
 10 specified territory in two (2) or more contiguous counties desire to
 11 change the boundaries of their respective counties, they may file a
 12 petition with the executives of their respective counties requesting that
 13 the territory be transferred. The petition must:

14 (1) be signed by at least the number of voters resident in the
 15 territory requested to be transferred required to place a candidate
 16 on the ballot under IC 3-8-6-3;

17 (2) contain a clear, distinct description of the requested boundary
 18 change; and

19 (3) not propose to decrease the area of any county below four
 20 hundred (400) square miles in compliance with Article 15,
 21 Section 7 of the Constitution of the State of Indiana.

22 (b) Whenever a petition under subsection (a) is filed with a county
 23 executive, the executive shall determine, at its first meeting after the
 24 petition is filed:

25 (1) whether the signatures on the petition are genuine; and

26 (2) whether the petition complies with subsection (a).

27 (c) If the determinations under subsection (b) are affirmative, the
 28 executive shall certify the question to the county election board of each
 29 affected county. The county election boards shall jointly order a special
 30 election to be held, scheduling the election so that the election is held
 31 on the same date in each county interested in the change, but not later
 32 than thirty (30) days and not on the same date as a general election. The
 33 election shall be conducted under IC 3-10-8-6. All voters of each
 34 interested county are entitled to vote on the question. The question
 35 shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and
 36 must state "Shall the boundaries of _____ County and
 37 _____ County change?".

38 (d) After an election under subsection (c), the clerk of each county
 39 shall make a certified copy of the election returns and not later than
 40 five (5) days after the election file the copy with the auditor of the
 41 county. The auditor shall, not later than five (5) days after the filing of
 42 the returns in the auditor's office, make a true and complete copy of the



1 returns, certified under the auditor's hand and seal, and deposit the copy
2 with the auditor of every other county interested in the change.

3 (e) After copies have been filed under subsection (d), the auditor of
4 each county shall call a meeting of the executive of the county, which
5 shall examine the returns. If a majority of the voters of each interested
6 county voted in favor of change, the executive shall:

7 (1) enter an order declaring their boundaries to be changed as
8 described in the petition; and

9 (2) if the county has received territory from the transfer, adopt
10 revised descriptions of:

11 (A) county commissioner districts under IC 36-2-2-4; and

12 (B) county council districts under IC 36-2-3-4;

13 so that the transferred territory is assigned to at least one (1) county
14 commissioner district and at least one (1) county council district.

15 (f) The executive of each county shall file a copy of the order
16 described in subsection (e)(1) with:

17 (1) the office of the secretary of state; and

18 (2) the circuit court clerk of the county.

19 ~~Except as provided in subsection (g);~~ The transfer of territory becomes
20 effective when the last county order is filed under this subsection.

21 ~~(g) An order declaring county boundaries to be changed may not~~
22 ~~take effect during the year preceding a year in which a federal~~
23 ~~decennial census is conducted. An order that would otherwise take~~
24 ~~effect during the year preceding a year in which a federal decennial~~
25 ~~census is conducted takes effect January 1 of the year in which a~~
26 ~~federal decennial census is conducted.~~

27 ~~(h)~~ (g) An election under this section may be held only once every
28 three (3) years.

29 ~~(i) Notwithstanding subsection (g) as that subsection existed on~~
30 ~~December 31, 2009; a boundary change that took effect January 2,~~
31 ~~2010; because of the application of subsection (g); as that subsection~~
32 ~~existed on December 31, 2009; is instead considered to take effect~~
33 ~~January 1, 2010; without an amended order or any other additional~~
34 ~~action being required.~~

35 SECTION 402. IC 36-2-2-1, AS AMENDED BY P.L.278-2019,
36 SECTION 182, IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE APRIL 1, 2022]: Sec. 1. Except as specifically provided,
38 this chapter does not apply to a county having a consolidated city:
39 **Marion County.**

40 SECTION 403. IC 36-2-2-4, AS AMENDED BY P.L.271-2013,
41 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 APRIL 1, 2022]: Sec. 4. (a) This subsection does not apply to a county



- 1 having a population of: **the following counties:**
- 2 (1) ~~more than four hundred thousand (400,000) but less than~~
- 3 ~~seven hundred thousand (700,000); or Lake County.~~
- 4 (2) ~~more than two hundred fifty thousand (250,000) but less than~~
- 5 ~~two hundred seventy thousand (270,000): St. Joseph County.~~
- 6 The executive shall divide the county into three (3) districts that are
- 7 composed of contiguous territory and are reasonably compact. The
- 8 district boundaries drawn by the executive must not cross precinct
- 9 boundary lines and must divide townships only when a division is
- 10 clearly necessary to accomplish redistricting under this section. If
- 11 necessary, the county auditor shall call a special meeting of the
- 12 executive to establish or revise districts.
- 13 (b) This subsection applies to ~~a county having a population of more~~
- 14 ~~than four hundred thousand (400,000) but less than seven hundred~~
- 15 ~~thousand (700,000): Lake County.~~ A county redistricting commission
- 16 shall divide the county into three (3) single-member districts that
- 17 comply with subsection (d). The commission is composed of:
- 18 (1) the members of the Indiana election commission;
- 19 (2) two (2) members of the senate selected by the president pro
- 20 tempore, one (1) from each political party; and
- 21 (3) two (2) members of the house of representatives selected by
- 22 the speaker, one (1) from each political party.
- 23 The legislative members of the commission have no vote and may act
- 24 only in an advisory capacity. A majority vote of the voting members is
- 25 required for the commission to take action. The commission may meet
- 26 as frequently as necessary to perform its duty under this subsection.
- 27 The commission's members serve without additional compensation
- 28 above that provided for them as members of the Indiana election
- 29 commission, the senate, or the house of representatives.
- 30 (c) This subsection applies to ~~a county having a population of more~~
- 31 ~~than two hundred fifty thousand (250,000) but less than two hundred~~
- 32 ~~seventy thousand (270,000): St. Joseph County.~~ The executive shall
- 33 divide the county into three (3) single-member districts that comply
- 34 with subsection (d).
- 35 (d) Single-member districts established under subsection (b) or (c)
- 36 must:
- 37 (1) be compact, subject only to natural boundary lines (such as
- 38 railroads, major highways, rivers, creeks, parks, and major
- 39 industrial complexes);
- 40 (2) contain, as nearly as is possible, equal population; and
- 41 (3) not cross precinct lines.
- 42 (e) Except as provided by subsection (g), a division under



- 1 subsection (a), (b), or (c) shall be made:
- 2 (1) during the first year after a year in which a federal decennial
- 3 census is conducted; and
- 4 (2) when the county adopts an order declaring a county boundary
- 5 to be changed under IC 36-2-1-2.
- 6 (f) A division under subsection (a), (b), or (c) may be made in any
- 7 odd-numbered year not described in subsection (e).
- 8 (g) This subsection applies during the first year after a year in which
- 9 a federal decennial census is conducted. If the county executive or
- 10 county redistricting commission determines that a division under
- 11 subsection (e) is not required, the county executive or county
- 12 redistricting commission shall adopt an ordinance recertifying that the
- 13 districts as drawn comply with this section.
- 14 (h) Each time there is a division under subsection (e) or (f) or a
- 15 recertification under subsection (g), the county executive or county
- 16 redistricting commission shall file with the circuit court clerk of the
- 17 county, not later than thirty (30) days after the division or
- 18 recertification occurs, a map of the district boundaries:
- 19 (1) adopted under subsection (e) or (f); or
- 20 (2) recertified under subsection (g).
- 21 (i) The limitations set forth in this section are part of the ordinance,
- 22 but do not have to be specifically set forth in the ordinance. The
- 23 ordinance must be construed, if possible, to comply with this chapter.
- 24 If a provision of the ordinance or an application of the ordinance
- 25 violates this chapter, the invalidity does not affect the other provisions
- 26 or applications of the ordinance that can be given effect without the
- 27 invalid provision or application. The provisions of the ordinance are
- 28 severable.
- 29 (j) If a conflict exists between:
- 30 (1) a map showing the boundaries of a district; and
- 31 (2) a description of the boundaries of that district set forth in the
- 32 ordinance;
- 33 the district boundaries are the description of the boundaries set forth in
- 34 the ordinance, not the boundaries shown on the map, to the extent there
- 35 is a conflict between the description and the map.
- 36 SECTION 404. IC 36-2-2-4.7, AS AMENDED BY P.L.22-2021,
- 37 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 APRIL 1, 2022]: Sec. 4.7. (a) Except as provided in subsection (c),
- 39 whenever the executive divides the county into districts under section
- 40 4 of this chapter, the executive shall adopt an ordinance.
- 41 (b) The executive shall file a copy of an ordinance adopted under
- 42 subsection (a) with the circuit court clerk.



1 (c) This subsection applies to a county having a population of more
 2 than two hundred fifty thousand (250,000) but less than two hundred
 3 seventy thousand (270,000); **St. Joseph County**. Whenever the
 4 executive divides the county into districts under section 4 of this
 5 chapter, the executive shall adopt a resolution at two (2) separate
 6 public meetings. The executive shall file a copy of the resolution
 7 adopted under this subsection with the circuit court clerk.

8 SECTION 405. IC 36-2-2-5, AS AMENDED BY P.L.119-2012,
 9 SECTION 180, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) To be eligible for election to
 11 the executive, a person must meet the qualifications prescribed by
 12 IC 3-8-1-21.

13 (b) A member of the executive must reside within:

- 14 (1) the county as provided in Article 6, Section 6 of the
 15 Constitution of the State of Indiana; and
 16 (2) the district from which the member was elected.

17 (c) If the person does not remain a resident of the county and district
 18 after taking office, the person forfeits the office. The county fiscal body
 19 shall declare the office vacant whenever a member of the executive
 20 forfeits office under this subsection.

21 (d) In: a county having a population of:

- 22 (1) more than four hundred thousand (400,000) but less than
 23 seven hundred thousand (700,000); **Lake County**; or
 24 (2) more than two hundred fifty thousand (250,000) but less than
 25 two hundred seventy thousand (270,000); **St. Joseph County**;

26 one (1) member of the executive shall be elected by the voters of each
 27 of the three (3) single-member districts established under section 4(b)
 28 or 4(c) of this chapter. In other counties, all three (3) members of the
 29 executive shall be elected by the voters of the whole county.

30 SECTION 406. IC 36-2-3-1 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 32 to all counties ~~not having a consolidated city:~~ **other than Marion**
 33 **County.**

34 SECTION 407. IC 36-2-3-2, AS AMENDED BY P.L.119-2012,
 35 SECTION 181, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) The seven (7) member
 37 county council elected under this chapter is the county fiscal body. The
 38 fiscal body shall act in the name of "The _____ County Council".

39 (b) Notwithstanding subsection (a), in a county having a population
 40 of more than two hundred fifty thousand (250,000) but less than two
 41 hundred seventy thousand (270,000); **St. Joseph County**, the county
 42 council has nine (9) members.



1 SECTION 408. IC 36-2-3-4, AS AMENDED BY P.L.278-2019,
 2 SECTION 186, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE APRIL 1, 2022]: Sec. 4. (a) This subsection does not
 4 apply to a county having a population of: **the following counties:**

5 (1) ~~more than four hundred thousand (400,000) but less than~~
 6 ~~seven hundred thousand (700,000); or Lake County.~~

7 (2) ~~more than two hundred fifty thousand (250,000) but less than~~
 8 ~~two hundred seventy thousand (270,000): **St. Joseph County.**~~

9 The county executive shall, by ordinance, divide the county into four
 10 (4) contiguous, single-member districts that comply with subsection
 11 (d). If necessary, the county auditor shall call a special meeting of the
 12 executive to establish or revise districts. One (1) member of the fiscal
 13 body shall be elected by the voters of each of the four (4) districts.
 14 Three (3) at-large members of the fiscal body shall be elected by the
 15 voters of the whole county.

16 (b) This subsection applies to a county having a population of more
 17 than four hundred thousand (400,000) but less than seven hundred
 18 thousand (700,000): **Lake County.** The county redistricting
 19 commission established under IC 36-2-2-4 shall divide the county into
 20 seven (7) single-member districts that comply with subsection (d). One
 21 (1) member of the fiscal body shall be elected by the voters of each of
 22 these seven (7) single-member districts.

23 (c) This subsection applies to a county having a population of more
 24 than two hundred fifty thousand (250,000) but less than two hundred
 25 seventy thousand (270,000): **St. Joseph County.** The fiscal body shall
 26 divide the county into nine (9) single-member districts that comply
 27 with subsection (d). Three (3) of these districts must be contained
 28 within each of the three (3) districts established under IC 36-2-2-4(c).
 29 One (1) member of the fiscal body shall be elected by the voters of
 30 each of these nine (9) single-member districts.

31 (d) Single-member districts established under subsection (a), (b), or
 32 (c) must:

33 (1) be compact, subject only to natural boundary lines (such as
 34 railroads, major highways, rivers, creeks, parks, and major
 35 industrial complexes);

36 (2) not cross precinct boundary lines;

37 (3) contain, as nearly as possible, equal population; and

38 (4) include whole townships, except when a division is clearly
 39 necessary to accomplish redistricting under this section.

40 (e) Except as provided by subsection (g), a division under
 41 subsection (a), (b), or (c) shall be made:

42 (1) during the first year after a year in which a federal decennial



- 1 census is conducted; and
 2 (2) when the county executive adopts an order declaring a county
 3 boundary to be changed under IC 36-2-1-2.
 4 (f) A division under subsection (a), (b), or (c) may be made in any
 5 odd-numbered year not described in subsection (e).
 6 (g) This subsection applies during the first year after a year in which
 7 a federal decennial census is conducted. If the county executive, county
 8 redistricting commission, or county fiscal body determines that a
 9 division under subsection (e) is not required, the county executive,
 10 county redistricting commission, or county fiscal body shall adopt an
 11 ordinance recertifying that the districts as drawn comply with this
 12 section.
 13 (h) Each time there is a division under subsection (e) or (f) or a
 14 recertification under subsection (g), the county executive, county
 15 redistricting commission, or county fiscal body shall file with the
 16 circuit court clerk of the county, not later than thirty (30) days after the
 17 division or recertification occurs, a map of the district boundaries:
 18 (1) adopted under subsection (e) or (f); or
 19 (2) recertified under subsection (g).
 20 (i) The limitations set forth in this section are part of the ordinance,
 21 but do not have to be specifically set forth in the ordinance. The
 22 ordinance must be construed, if possible, to comply with this chapter.
 23 If a provision of the ordinance or an application of the ordinance
 24 violates this chapter, the invalidity does not affect the other provisions
 25 or applications of the ordinance that can be given effect without the
 26 invalid provision or application. The provisions of the ordinance are
 27 severable.
 28 (j) If a conflict exists between:
 29 (1) a map showing the boundaries of a district; and
 30 (2) a description of the boundaries of that district set forth in the
 31 ordinance;
 32 the district boundaries are the description of the boundaries set forth in
 33 the ordinance, not the boundaries shown on the map, to the extent there
 34 is a conflict between the description and the map.
 35 SECTION 409. IC 36-2-3.5-1, AS AMENDED BY P.L.119-2012,
 36 SECTION 183, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to **the**
 38 **following counties:**
 39 (1) a county having a population of:
 40 (A) more than four hundred thousand (400,000) but less than
 41 seven hundred thousand (700,000); or
 42 (B) more than two hundred fifty thousand (250,000) but less



- 1 than two hundred seventy thousand (270,000); and Lake
2 County.
- 3 **(2) St. Joseph County.**
- 4 ~~(2)~~ **(3)** Any other county ~~not having a consolidated city; other~~
5 **than Marion County**, if both the county executive and the county
6 fiscal body adopt identical ordinances providing for the county to
7 be governed by this chapter beginning on a specified effective
8 date.
- 9 SECTION 410. IC 36-2-4-1 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
11 to all counties ~~not having a consolidated city; other than Marion~~
12 **County.**
- 13 SECTION 411. IC 36-2-5-1 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
15 to all counties ~~not having a consolidated city; other than Marion~~
16 **County.**
- 17 SECTION 412. IC 36-2-6-4, AS AMENDED BY P.L.127-2017,
18 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 APRIL 1, 2022]: Sec. 4. (a) This section does not apply to a **Marion**
20 County. ~~having a consolidated city.~~
- 21 (b) Except as provided in section 4.5 of this chapter, the county
22 executive may allow a claim or order the issuance of a county warrant
23 for payment of a claim only at a regular or special meeting of the
24 executive. The county auditor may issue a county warrant for payment
25 of a claim against the county only if the executive or a court orders the
26 county auditor to do so. However, this subsection does not apply to the
27 issuance of warrants related to management of the common or
28 congressional school fund.
- 29 (c) The county executive may allow a claim if the claim:
30 (1) complies with IC 5-11-10-1.6; and
31 (2) is placed on the claim docket by the county auditor at least
32 five (5) days before the meeting at which the executive is to
33 consider the claim.
- 34 (d) A county auditor or member of a county executive who violates
35 this section commits a Class C infraction.
- 36 (e) A county auditor who violates this section is liable on the county
37 auditor's official bond for twice the amount of the illegally drawn
38 warrant, which may be recovered for the benefit of the county by a
39 taxpayer of the county. A person who brings an action under this
40 subsection shall give security for costs, and the court shall allow the
41 person a reasonable sum, including attorney's fees, out of the money
42 recovered as compensation for the person's trouble and expense in



1 bringing the action. This compensation shall be specified in the court's
2 order.

3 (f) If, within sixty (60) days after the county executive allows a
4 claim, a taxpayer of the county demands that the executive refund that
5 allowance to the county, and the executive refuses to do so, the
6 taxpayer may bring an action to recover an illegal, unwarranted, or
7 unauthorized allowance for the benefit of the county. A person who
8 brings an action under this subsection shall give security for costs, and
9 the court shall allow the person a reasonable sum, including attorney's
10 fees, out of the money recovered as compensation for the person's
11 trouble and expense in bringing the action. This compensation shall be
12 specified in the court's order.

13 SECTION 413. IC 36-2-6-23, AS ADDED BY P.L.74-2021,
14 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 APRIL 1, 2022]: Sec. 23. (a) PILOTS may be imposed under this
16 section for an assessment date occurring after December 31, 2021.

17 (b) As used in this section, the following terms have the meanings
18 set forth in 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 (c) As used in this section, "PILOTS" means payments in lieu of
27 taxes.

28 (d) 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 not located in a
30 **Marion** County. ~~containing a consolidated city.~~

31 (e) Subject to the approval of a property owner, the fiscal body of a
32 county may adopt an ordinance to require the property owner to pay
33 PILOTS at times set forth in the ordinance with respect to real property
34 that is subject to an exemption under IC 6-1.1-10-16.7. The ordinance
35 remains in full force and effect until repealed or modified by the
36 legislative body, subject to the approval of the property owner.

37 (f) The PILOTS must be calculated so that the PILOTS are in an
38 amount that is:

- 39 (1) agreed upon by the property owner and the legislative body of
40 the county;
- 41 (2) a percentage of the property taxes that would have been levied
42 by the legislative body of the county upon the real property



- 1 described in subsection (e) if the property were not subject to an
 2 exemption from property taxation; and
 3 (3) not more than the amount of property taxes that would have
 4 been levied by the legislative body of the county upon the real
 5 property described in subsection (e) if the property were not
 6 subject to an exemption from property taxation.
- 7 (g) PILOTS shall be imposed in the same manner as property taxes
 8 and shall be based on the assessed value of the real property described
 9 in subsection (e). Except as provided in subsection (j), the township
 10 assessor, or the county assessor if there is no township assessor for the
 11 township, shall assess the real property described in subsection (e) as
 12 though the property were not subject to an exemption.
- 13 (h) PILOTS collected under this section shall be distributed in the
 14 same manner as if they were property taxes being distributed to taxing
 15 units in the county.
- 16 (i) PILOTS shall be due as set forth in the ordinance and bear
 17 interest, if unpaid, as in the case of other taxes on property. PILOTS
 18 shall be treated in the same manner as taxes for purposes of all
 19 procedural and substantive provisions of law.
- 20 (j) If the duties of the township assessor have been transferred to the
 21 county assessor as described in IC 6-1.1-1-24, a reference to the
 22 township assessor in this section is considered to be a reference to the
 23 county assessor.
- 24 SECTION 414. IC 36-2-7-10, AS AMENDED BY P.L.19-2021,
 25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 APRIL 1, 2022]: Sec. 10. (a) The following definitions apply to this
 27 section:
- 28 (1) "Copy" means:
 29 (A) transcribing or duplicating a document by handwriting,
 30 photocopy, xerography, or duplicating machine;
 31 (B) duplicating electronically stored data onto a disk, tape,
 32 drum, or any other means of electronic data storage; or
 33 (C) reproducing a document by any other means.
- 34 (2) "Mortgage" means a transfer of rights to real property, in a
 35 form substantially similar to that set forth in IC 32-29-1-5, with or
 36 without warranty from the grantor. The term does not include:
 37 (A) a mortgage modification;
 38 (B) a mortgage assignment; or
 39 (C) a mortgage release.
- 40 (3) "Multiple transaction document" means a document
 41 containing two (2) or more transactions of the same type.
- 42 (4) "Record" or "recording" means the act of placing a document



- 1 into the official records of the county recorder and includes the
2 functions of filing and filing for record.
- 3 (b) The county recorder shall charge and collect the fees prescribed
4 by this section for recording, filing, copying, and other services the
5 recorder renders, and shall pay them into the county treasury at the end
6 of each calendar month. The fees prescribed and collected under this
7 section supersede all other recording fees required by law to be charged
8 for services rendered by the county recorder.
- 9 (c) The county recorder shall charge the following:
- 10 (1) Twenty-five dollars (\$25) for recording any deed or other
11 instrument, other than a mortgage.
- 12 (2) Fifty-five dollars (\$55) for recording any mortgage.
- 13 (3) For pages larger than eight and one-half (8 1/2) inches by
14 fourteen (14) inches twenty-five dollars (\$25) for the first page
15 and five dollars (\$5) for each additional page of any document the
16 recorder records, if the pages are larger than eight and one-half (8
17 1/2) inches by fourteen (14) inches.
- 18 (4) If the county recorder has elected to attest to the release,
19 partial release, or assignment of any mortgage, judgment, lien, or
20 oil and gas lease contained on a multiple transaction document,
21 the fee for each transaction after the first is seven dollars (\$7) plus
22 the amount provided in subdivision (1).
- 23 (5) For furnishing copies of records, the fee for each copy is:
- 24 (A) one dollar (\$1) per page that is not larger than eleven (11)
25 inches by seventeen (17) inches; and
- 26 (B) five dollars (\$5) per page that is larger than eleven (11)
27 inches by seventeen (17) inches.
- 28 (6) Five dollars (\$5) for acknowledging or certifying to a
29 document.
- 30 (7) A fee in an amount authorized by an ordinance adopted by the
31 county legislative body for duplicating a computer tape, a
32 computer disk, an optical disk, microfilm, or similar media. This
33 fee may not cover making a handwritten copy or a photocopy or
34 using xerography or a duplicating machine.
- 35 (8) Twenty-five dollars (\$25) per parcel for recording the release
36 of a lien or liens of a political subdivision for a property sold or
37 transferred under IC 6-1.1-24-6.1 or IC 36-1-11, regardless of the
38 number of liens held by the political subdivision. This fee applies
39 to each political subdivision with a lien or liens on a parcel. In
40 addition to the fee under this subdivision, if a county fiscal body
41 adopts a fee under section 10.7 of this chapter, the county
42 recorder may charge the fee under section 10.7 of this chapter for



- 1 each document recorded by a political subdivision under this
 2 subdivision.
- 3 (9) This subdivision applies in a county only if at least one (1)
 4 unit in the county has established an affordable housing fund
 5 under IC 5-20-5-15.5 and the county fiscal body adopts an
 6 ordinance authorizing the fee described in this subdivision. An
 7 ordinance adopted under this subdivision may authorize the
 8 county recorder to charge a fee of ten dollars (\$10) for each
 9 document the recorder records.
- 10 (10) This subdivision applies in a **Marion** County ~~containing a~~
 11 ~~consolidated city that if the county~~ has established a housing trust
 12 fund under IC 36-7-15.1-35.5(e). This subdivision does not apply
 13 if the county fiscal body adopts a fee under section 10.7 of this
 14 chapter. The county fiscal body may adopt an ordinance
 15 authorizing the fee described in this subdivision. An ordinance
 16 adopted under this subdivision may authorize the county recorder
 17 to charge a fee of:
- 18 (A) two dollars and fifty cents (\$2.50) for the first page; and
 19 (B) one dollar (\$1) for each additional page;
 20 of each document the recorder records.
- 21 (d) This subsection does not apply in a **Marion** County. ~~containing~~
 22 ~~a consolidated city.~~ Section 10.5 of this chapter applies to the deposit
 23 of fees collected under subsection (c)(1) and (c)(8) in a **Marion**
 24 County. ~~containing a consolidated city.~~ The county recorder shall
 25 deposit the fees collected under subsection (c)(1) and (c)(8) as follows:
- 26 (1) Eight dollars (\$8) in the county general fund.
 27 (2) Five dollars (\$5) in the county surveyor's corner perpetuation
 28 fund for use as provided under IC 21-47-3-3 or IC 36-2-12-11(e).
 29 (3) Ten dollars (\$10) in the county recorder's records perpetuation
 30 fund established under subsection (f).
 31 (4) One dollar (\$1) in the county identification security protection
 32 fund established under IC 36-2-7.5-11.
 33 (5) One dollar (\$1) in the county elected officials training fund
 34 under IC 36-2-7-19.
- 35 (e) This subsection does not apply in a **Marion** County. ~~containing~~
 36 ~~a consolidated city.~~ Section 10.5 of this chapter applies to the deposit
 37 of fees collected under subsection (c)(2) in a **Marion** County.
 38 ~~containing a consolidated city.~~ The county recorder shall deposit the
 39 fees collected under subsection (c)(2) as follows:
- 40 (1) Thirty-four dollars (\$34) in the county general fund.
 41 (2) Five dollars (\$5) in the county surveyor's corner perpetuation
 42 fund for use as provided under IC 21-47-3-3 or IC 36-2-12-11(e).



- 1 (3) Eleven dollars and fifty cents (\$11.50) in the county recorder's
 2 records perpetuation fund established under subsection (f).
 3 (4) Two dollars and fifty cents (\$2.50) with the county treasurer
 4 to be distributed in accordance with IC 24-9-9-3 and IC 24-9-9-4.
 5 (5) One dollar (\$1) in the county identification security protection
 6 fund established under IC 36-2-7.5-11.
 7 (6) One dollar (\$1) in the county elected officials training fund
 8 under IC 36-2-7-19.
 9 (f) The county treasurer shall establish a county recorder's records
 10 perpetuation fund. The fund consists of all fees collected under this
 11 section for deposit in the fund and amounts transferred to the fund from
 12 the county identification security protection fund under IC 36-2-7.5-11.
 13 Except as provided in section 10.2 of this chapter, the county recorder
 14 may use any money in this fund without appropriation for:
 15 (1) the preservation of records; and
 16 (2) the improvement of record keeping systems and equipment;
 17 within the control of the county recorder. Money from the fund may not
 18 be deposited or transferred into the county general fund and does not
 19 revert to the county general fund at the end of a fiscal year.
 20 (g) The county recorder shall post the fees set forth in subsection (c)
 21 in a prominent place within the county recorder's office where the fee
 22 schedule will be readily accessible to the public.
 23 (h) The county recorder may not charge or collect any fee for:
 24 (1) recording an official bond of a public officer, a deputy, an
 25 appointee, or an employee; or
 26 (2) performing any service under any of the following:
 27 (A) IC 6-1.1-22-2(c).
 28 (B) IC 8-23-7.
 29 (C) IC 8-23-23.
 30 (D) IC 10-17-2-3.
 31 (E) IC 10-17-3-2.
 32 (F) IC 12-14-13.
 33 (G) IC 12-14-16.
 34 (i) The state and its agencies and instrumentalities are required to
 35 pay the recording fees and charges that this section prescribes.
 36 (j) This subsection applies to a county other than a **Marion** County.
 37 ~~containing a consolidated city~~. The county treasurer shall distribute
 38 money collected by the county recorder under subsection (c)(9) as
 39 follows:
 40 (1) Sixty percent (60%) of the money collected by the county
 41 recorder under subsection (c)(9) shall be distributed to the units
 42 in the county that have established an affordable housing fund



1 under IC 5-20-5-15.5 for deposit in the fund. The amount to be
 2 distributed to a unit is the amount available for distribution
 3 multiplied by a fraction. The numerator of the fraction is the
 4 population of the unit. The denominator of the fraction is the
 5 population of all units in the county that have established an
 6 affordable housing fund. The population to be used for a county
 7 that establishes an affordable housing fund is the population of
 8 the county outside any city or town that has established an
 9 affordable housing fund.

10 (2) Forty percent (40%) of the money collected by the county
 11 recorder under subsection (c)(9) shall be distributed to the
 12 treasurer of state for deposit in the affordable housing and
 13 community development fund established under IC 5-20-4-7 for
 14 the purposes of the fund.

15 Money shall be distributed under this subsection before the sixteenth
 16 day of the month following the month in which the money is collected
 17 from the county recorder.

18 (k) This subsection applies to a county described in subsection
 19 (c)(10). The county treasurer shall distribute money collected by the
 20 county recorder under subsection (c)(10) as follows:

21 (1) Sixty percent (60%) of the money collected by the county
 22 recorder under subsection (c)(10) shall be deposited in the
 23 housing trust fund established under IC 36-7-15.1-35.5(e) for the
 24 purposes of the fund.

25 (2) Forty percent (40%) of the money collected by the county
 26 recorder under subsection (c)(10) shall be distributed to the
 27 treasurer of state for deposit in the affordable housing and
 28 community development fund established under IC 5-20-4-7 for
 29 the purposes of the fund.

30 Money shall be distributed under this subsection before the sixteenth
 31 day of the month following the month in which the money is collected
 32 from the county recorder.

33 (l) The county recorder may also include a cross-reference or
 34 multiple cross-references identified in a document for recording under
 35 this section. For cross-references not otherwise required by statute or
 36 county ordinance, the person submitting the document for recording
 37 shall clearly identify on the front page of the instrument the specific
 38 cross-reference or cross-references to be included with the recorded
 39 documents.

40 SECTION 415. IC 36-2-7-10.5, AS AMENDED BY P.L.19-2021,
 41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 APRIL 1, 2022]: Sec. 10.5. (a) This section applies only in a **Marion**

HB 1401—LS 7204/DI 75



- 1 County. ~~containing a consolidated city:~~
- 2 (b) The county recorder shall deposit the fees collected under
- 3 section 10(c)(1) and 10(c)(8) of this chapter as follows:
- 4 (1) Nine dollars (\$9) in the county general fund.
- 5 (2) Five dollars (\$5) in the county surveyor's corner perpetuation
- 6 fund for use as provided under IC 21-47-3-3 or IC 36-2-12-11(e).
- 7 (3) Ten dollars (\$10) in the county recorder's records perpetuation
- 8 fund established under section 10(f) of this chapter.
- 9 (4) Fifty cents (\$0.50) in the county identification security
- 10 protection fund established under IC 36-2-7.5-11.
- 11 (5) Fifty cents (\$0.50) in the county elected officials training fund
- 12 under IC 36-2-7-19.
- 13 (c) The county recorder shall deposit the fees collected under
- 14 section 10(c)(2) of this chapter as follows:
- 15 (1) Thirty-five dollars (\$35) in the county general fund.
- 16 (2) Five dollars (\$5) in the county surveyor's corner perpetuation
- 17 fund for use as provided under IC 21-47-3-3 or IC 36-2-12-11(e).
- 18 (3) Eleven dollars and fifty cents (\$11.50) in the county recorder's
- 19 records perpetuation fund established under section 10(f) of this
- 20 chapter.
- 21 (4) Two dollars and fifty cents (\$2.50) with the county treasurer
- 22 to be distributed in accordance with IC 24-9-9-3 and IC 24-9-9-4.
- 23 (5) Fifty cents (\$0.50) in the county identification security
- 24 protection fund established under IC 36-2-7.5-11.
- 25 (6) Fifty cents (\$0.50) in the county elected officials training fund
- 26 under IC 36-2-7-19.
- 27 SECTION 416. IC 36-2-7-10.7, AS AMENDED BY P.L.19-2021,
- 28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 APRIL 1, 2022]: Sec. 10.7. (a) This section applies in ~~a Marion~~
- 30 County ~~containing a consolidated city~~ **that if the county** has
- 31 established a housing trust fund under IC 36-7-15.1-35.5(e).
- 32 (b) The county fiscal body may adopt an ordinance authorizing the
- 33 county recorder to charge a fee of ten dollars (\$10) for each document
- 34 the recorder records.
- 35 (c) If the county fiscal body adopts an ordinance under this section,
- 36 the following do not apply:
- 37 (1) Section 10(c)(10) of this chapter.
- 38 (2) Section 10(k) of this chapter.
- 39 (d) All money collected by the county recorder under this section
- 40 shall be deposited in the housing trust fund established under
- 41 IC 36-7-15.1-35.5(e) for the purposes of the fund.
- 42 SECTION 417. IC 36-2-8-2 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) The county
2 auditor and county treasurer may pay salaries and wages to county
3 officers and employees monthly, twice each month, every two (2)
4 weeks, or weekly.

5 (b) The manner of payment of salaries and wages under this section
6 must be authorized by the legislative body of a **Marion County** ~~having~~
7 ~~a consolidated city~~ or by the executive of any other county.

8 SECTION 418. IC 36-2-8.7-3, AS ADDED BY P.L.169-2021,
9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 APRIL 1, 2022]: Sec. 3. In the case of: ~~a county that:~~

11 (1) ~~has a consolidated city;~~ **Marion County**, the resolution must
12 be adopted by the county executive; or

13 (2) ~~does not have a consolidated city;~~ **a county other than**
14 **Marion County**, the resolution must be adopted by an affirmative
15 vote of at least a majority of all members of the county executive.

16 SECTION 419. IC 36-2-8.7-6, AS ADDED BY P.L.169-2021,
17 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 APRIL 1, 2022]: Sec. 6. (a) At least one (1) public hearing must be
19 held by the county fiscal body on the resolution at least ten (10)
20 business days before the resolution is adopted. The resolution must
21 contain a concise statement of the underlying basic facts that support
22 the county fiscal body's finding that the county officer committed a
23 violation described in IC 5-8-1-35(a)(1), IC 5-8-1-35(a)(2), or section
24 7 of this chapter. The finding and statement of underlying basic facts
25 supporting the finding must be identical to those in the resolution
26 adopted by the county executive.

27 (b) The resolution must be adopted by an affirmative vote of at
28 least:

29 (1) five (5) members, in the case of a county fiscal body under
30 IC 36-2-3-2(a);

31 (2) seven (7) members, in the case of a county fiscal body under
32 IC 36-2-3-2(b); or

33 (3) seventeen (17) members, in the case of a county fiscal body of
34 **a Marion County**. ~~that has a consolidated city under IC 36-3-4-2.~~

35 (c) The county fiscal body shall certify the resolution to:

36 (1) the county executive;

37 (2) the county officer; and

38 (3) the clerk of the court in which the action is filed under
39 IC 5-8-1-35;

40 not later than ten (10) days after the resolution is adopted.

41 SECTION 420. IC 36-2-9-1, AS AMENDED BY P.L.227-2005,
42 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 APRIL 1, 2022]: Sec. 1. This chapter applies to all counties **except a**
 2 **other than Marion** County. ~~having a consolidated city.~~

3 SECTION 421. IC 36-2-9.5-1, AS ADDED BY P.L.227-2005,
 4 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 APRIL 1, 2022]: Sec. 1. This chapter applies to a **Marion** County.
 6 ~~having a consolidated city.~~

7 SECTION 422. IC 36-2-14-23, AS AMENDED BY P.L.3-2008,
 8 SECTION 260, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE APRIL 1, 2022]: Sec. 23. (a) Each coroner shall
 10 successfully complete the training course offered under section 22.3(a)
 11 of this chapter within six (6) months after taking office.

12 (b) Each deputy coroner shall successfully complete the training
 13 course offered under section 22.3(a) of this chapter within one (1) year
 14 after beginning employment with a coroner's office.

15 (c) Each coroner and each deputy coroner shall successfully
 16 complete the annual training course offered under section 22.3(b) of
 17 this chapter each year after the year in which the coroner or deputy
 18 coroner received the training required by section 22.3(a) of this
 19 chapter.

20 (d) After a coroner or deputy coroner has:

21 (1) successfully completed the training course as required under
 22 subsection (a) or (b); and

23 (2) successfully completed the annual training course as required
 24 under subsection (c);

25 the coroner or deputy coroner shall present a certificate or other
 26 evidence to the county executive, or in the case of a **Marion** County,
 27 ~~that contains a consolidated city~~, the city-county council, that the
 28 coroner or deputy coroner has successfully completed the training
 29 required under subsection (a), (b), or (c).

30 (e) If a coroner or deputy coroner does not present a certificate or
 31 other evidence to the county executive, or in the case of a **Marion**
 32 County, ~~that contains a consolidated city~~, the city-county council, that
 33 the coroner or deputy coroner has successfully completed the training
 34 required under subsection (a), (b), or (c), the county executive or
 35 city-county council shall order the auditor to withhold the paycheck of
 36 the coroner or deputy coroner until the coroner or deputy coroner
 37 satisfies the respective training requirements under subsections (a), (b),
 38 and (c), unless the county executive or city-county council adopts a
 39 resolution finding that:

40 (1) the failure of the coroner or deputy coroner to complete the
 41 respective training requirements under subsections (a), (b), and
 42 (c) is the result of unusual circumstances;



1 (2) the coroner or deputy coroner is making reasonable progress,
 2 under the circumstances, toward completing the respective
 3 training requirements under subsections (a), (b), and (c); and
 4 (3) in light of the unusual circumstances described in subdivision
 5 (1), withholding the paycheck of the coroner or deputy coroner
 6 would be unjust.

7 (f) If the county executive or city-county council orders an auditor
 8 to withhold a paycheck under subsection (e) and a coroner or deputy
 9 coroner later presents a certificate or other evidence to the county
 10 executive or city-county council that the coroner or deputy coroner has
 11 successfully completed training required under subsection (a), (b), or
 12 (c), the county executive or city-county council shall order the auditor
 13 to release all of the coroner's or deputy coroner's paychecks that were
 14 withheld from the coroner or deputy coroner.

15 SECTION 423. IC 36-2-14-24, AS ADDED BY P.L.157-2007,
 16 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 APRIL 1, 2022]: Sec. 24. (a) Except as provided in subsection (b), if
 18 a coroner does not release a written report required under section 10 of
 19 this chapter or a full copy of an autopsy report required under section
 20 18 of this chapter as required by law, the county executive, or in the
 21 case of a **Marion** County, ~~containing a consolidated city~~, the
 22 city-county council, shall order the auditor to withhold the paycheck of
 23 the coroner until the coroner properly releases the written report or full
 24 autopsy report, unless the county executive or city-county council
 25 adopts a resolution finding that:

26 (1) the failure of the coroner or deputy coroner to release the
 27 written report or full autopsy report is the result of unusual
 28 circumstances;

29 (2) the coroner or deputy coroner is making reasonable progress,
 30 under the circumstances, toward completing and releasing the
 31 written report or full autopsy report; and

32 (3) in light of the unusual circumstances described in subdivision
 33 (1), withholding the paycheck of the coroner or deputy coroner
 34 would be unjust.

35 (b) A county auditor may not withhold the paycheck of a coroner if
 36 a coroner is legally prohibited from releasing a written report or from
 37 releasing a full autopsy report. However, a coroner is required to
 38 release a written report or full autopsy report as soon as possible after
 39 the legal prohibition on releasing the written report or full autopsy
 40 report ceases to exist.

41 (c) If the county executive or city-county council orders an auditor
 42 to withhold a paycheck under subsection (a) and a coroner properly



1 releases the written report or full autopsy report, the county executive
 2 or city-county council shall order the auditor to release all of the
 3 coroner's paychecks that were withheld from the coroner.

4 SECTION 424. IC 36-3-1-0.3, AS ADDED BY P.L.220-2011,
 5 SECTION 647, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE APRIL 1, 2022]: Sec. 0.3. The general assembly finds
 7 the following:

8 (1) ~~A~~ **The** consolidated city faces unique budget challenges due
 9 to a high demand for services combined with the large number of
 10 tax exempt properties located in ~~a~~ **the** consolidated city as the seat
 11 of state government, home to several institutions of higher
 12 education, and home to numerous national, state, and regional
 13 nonprofit corporations.

14 (2) By virtue of its size and population density, ~~a~~ **the** consolidated
 15 city has unique overlapping territories of county and city
 16 government and an absence of unincorporated areas within its
 17 county.

18 (3) Substantial operational efficiencies, reduction of
 19 administrative costs, and economies of scale may be obtained in
 20 ~~a~~ **the** consolidated city through consolidation of certain county,
 21 city, and township functions.

22 (4) Consolidation of certain county, city, and township services
 23 and operations will serve the public purpose by allowing the
 24 consolidated city to:

25 (A) eliminate duplicative services;

26 (B) provide better coordinated and more uniform delivery of
 27 local governmental services;

28 (C) provide uniform oversight and accountability for the
 29 budgets for local governmental services; and

30 (D) allow local government services to be provided more
 31 efficiently and at a lower cost than without consolidation.

32 (5) Efficient and fiscally responsible operation of local
 33 government benefits the health and welfare of the citizens of ~~a~~ **the**
 34 consolidated city and is of public utility and benefit.

35 (6) The public purpose of those parts of P.L.227-2005 relating to
 36 ~~a~~ **the** consolidated city is to provide ~~a~~ **the** consolidated city with
 37 the means to perform essential governmental services for its
 38 citizens in an effective, efficient, and fiscally responsible manner.

39 SECTION 425. IC 36-3-1-1 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 41 in **each Marion** County. ~~having a first class city-~~

42 SECTION 426. IC 36-3-1-2 IS REPEALED [EFFECTIVE APRIL



1 1, 2022]. Sec. 2: The following transitional provisions apply whenever
2 a city changes into a first class city under this title:

3 (1) During the period before July 1 of the year in which the
4 change occurs, the city shall be governed as if it remained a
5 second class city.

6 (2) During the period after June 30 of the year in which the
7 change occurs, the city shall be governed by an interim
8 government under section 3 of this chapter.

9 (3) On January 1 following the year in which the change occurs,
10 the city becomes a consolidated city.

11 SECTION 427. IC 36-3-1-3 IS REPEALED [EFFECTIVE APRIL
12 1, 2022]. Sec. 3: (a) The interim government of the first class city
13 during the period prescribed by section 2(2) of this chapter consists of:

14 (1) the city executive, who is interim mayor and has the powers
15 of the executive of a consolidated city;

16 (2) the city clerk, who is interim clerk and has the powers of the
17 clerk of a consolidated city;

18 (3) the members of the city legislative body and the members of
19 the county fiscal body, who together comprise an interim
20 city-county council having the powers of the legislative body of
21 a consolidated city; and

22 (4) the members of the city legislative body, who together
23 comprise an interim special service district council having the
24 powers of the legislative body of a special service district.

25 (b) The interim government shall make budgets and appropriations;
26 and impose tax levies and special tax levies, for the consolidated city,
27 the county, and other political subdivisions for the following year in the
28 manner prescribed by this article.

29 (c) The interim mayor may appoint the future directors of the
30 departments of the consolidated city to assist in planning for the change
31 into a consolidated city, and the interim special service district council
32 may make appropriations to finance this planning.

33 SECTION 428. IC 36-3-1-4 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 4. (a) When a first
35 class city becomes a **the** consolidated city, the first class city is
36 abolished as a separate entity, and the territory of the consolidated city
37 includes:

38 (1) all the territory that comprised the first class city before it
39 became a **the** consolidated city; and

40 (2) all other territory in the county except territory of an excluded
41 city.

42 However, certain departments and special taxing districts of the



1 consolidated city may have jurisdiction as provided by law over more
2 or less territory than that inside the boundaries of the consolidated city.

3 (b) The consolidated city is known as **the** "City of _____,"
4 **Indianapolis"**. with the name of the first class city inserted in the
5 blank.

6 (c) Unless the executive and legislative body of the consolidated
7 city are elected during the interim period and take office on the date
8 prescribed by section 2(3) of this chapter, the members of the interim
9 government prescribed by section 3 of this chapter continue in office
10 as officers of the consolidated city until an executive and a legislative
11 body of the consolidated city are elected and qualified.

12 SECTION 429. IC 36-3-1-5 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) ~~When a first~~
14 ~~class city becomes a consolidated city, the officers who become the~~
15 ~~executive and legislative body of the consolidated city under section~~
16 ~~4(c) of this chapter also become the executive and legislative body of~~
17 ~~the county.~~

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

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

26 ~~These~~ **The following** three (3) officers ~~then~~ serve ex officio as
27 commissioners under IC 36-3-3-10:

- 28 (1) **The Marion County treasurer.**
- 29 (2) **The Marion County auditor.**
- 30 (3) **The Marion County assessor.**

31 SECTION 430. IC 36-3-1-6 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 6. (a) ~~When a first~~
33 ~~class city becomes a consolidated city, The following special service~~
34 ~~districts of the consolidated city are created:~~

- 35 (1) Fire special service district.
- 36 (2) Police special service district.
- 37 (3) Solid waste collection special service district.

38 (b) The territory of each special service district includes all the
39 territory that comprised the district as of August 31, 1981, subject to
40 IC 36-3-2-3(b).

41 (c) ~~When a first class city becomes a consolidated city, All of the~~
42 ~~following special taxing districts existing in the city continue as special~~



1 taxing districts of the consolidated city including the following
2 territory:

- 3 (1) Flood control district, including all the territory in the county.
4 (2) Park district, including all the territory in the county.
5 (3) Redevelopment district, including all the territory in the
6 consolidated city.
7 (4) Sanitary district, including all the territory that comprised the
8 district as of August 31, 1981.
9 (5) Waste disposal district, including all the territory that
10 comprised the district as of August 31, 1981.

11 In addition, a metropolitan thoroughfare district, including all the
12 territory in the county, is created as a special taxing district of the
13 consolidated city.

14 (d) The territory of each special taxing district is subject to
15 IC 36-3-2-3(b).

16 SECTION 431. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006,
17 SECTION 560, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE APRIL 1, 2022]: Sec. 6.1. (a) This section applies only
19 in a **Marion** County. ~~containing a consolidated city~~. If the requirements
20 of subsection (g) are satisfied, the fire departments of the following are
21 consolidated into the fire department of a ~~a~~ **the** consolidated city
22 (referred to as "the consolidated fire department"):

- 23 (1) A township for which the consolidation is approved by the
24 township legislative body and trustee and the legislative body and
25 mayor of the consolidated city.
26 (2) Any fire protection territory established under IC 36-8-19 that
27 is located in a township described in subdivision (1).

28 (b) If the requirements of subsection (g) are satisfied, the
29 consolidated fire department shall provide fire protection services
30 within an entity described in subsection (a)(1) or (a)(2) in which the
31 requirements of subsection (g) are satisfied on the date agreed to in the
32 resolution of the township legislative body and the ordinance of the
33 legislative body of the consolidated city.

34 (c) If the requirements of subsection (g) are satisfied and the fire
35 department of an entity listed in subsection (a) is consolidated into the
36 fire department of the consolidated city, all of the property, equipment,
37 records, rights, and contracts of the department consolidated into the
38 fire department of the consolidated city are:

- 39 (1) transferred to; or
40 (2) assumed by;

41 the consolidated city on the effective date of the consolidation.
42 However, real property other than real property used as a fire station



1 may be transferred only on terms mutually agreed to by the legislative
2 body and mayor of the consolidated city and the trustee and legislative
3 body of the township in which that real property is located.

4 (d) 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, the employees of the fire
7 department consolidated into the fire department of the consolidated
8 city cease employment with the department of the entity listed in
9 subsection (a) and become employees of the consolidated fire
10 department on the effective date of the consolidation. The consolidated
11 city shall assume all agreements with labor organizations that:

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

16 (e) If the requirements of subsection (g) are satisfied and the fire
17 department of an entity listed in subsection (a) is consolidated into the
18 fire department of a the consolidated city, the indebtedness related to
19 fire protection services incurred before the effective date of the
20 consolidation by the entity or a building, holding, or leasing
21 corporation on behalf of the entity whose fire department is
22 consolidated into the consolidated fire department under subsection (a)
23 shall remain the debt of the entity and does not become and may not be
24 assumed by the consolidated city. Indebtedness related to fire
25 protection services that is incurred by the consolidated city before the
26 effective date of the consolidation shall remain the debt of the
27 consolidated city and property taxes levied to pay the debt may only be
28 levied by the fire special service district.

29 (f) If the requirements of subsection (g) are satisfied and the fire
30 department of an entity listed in subsection (a) is consolidated into the
31 fire department of a the consolidated city, the merit board and the merit
32 system of the fire department that is consolidated are dissolved on the
33 effective date of the consolidation, and the duties of the merit board are
34 transferred to and assumed by the merit board for the consolidated fire
35 department on the effective date of the consolidation.

36 (g) A township legislative body, after approval by the township
37 trustee, may adopt a resolution approving the consolidation of the
38 township's fire department with the fire department of the consolidated
39 city. A township legislative body may adopt a resolution under this
40 subsection only after the township legislative body has held a public
41 hearing concerning the proposed consolidation. The township
42 legislative body shall hold the hearing not earlier than thirty (30) days



1 after the date the resolution is introduced. The hearing shall be
2 conducted in accordance with IC 5-14-1.5 and notice of the hearing
3 shall be published in accordance with IC 5-3-1. If the township
4 legislative body has adopted a resolution under this subsection, the
5 township legislative body shall, after approval from the township
6 trustee, forward the resolution to the legislative body of the
7 consolidated city. If such a resolution is forwarded to the legislative
8 body of the consolidated city and the legislative body of the
9 consolidated city adopts an ordinance, approved by the mayor of the
10 consolidated city, approving the consolidation of the fire department of
11 the township into the fire department of the consolidated city, the
12 requirements of this subsection are satisfied. The consolidation shall
13 take effect on the date agreed to by the township legislative body in its
14 resolution and by the legislative body of the consolidated city in its
15 ordinance approving the consolidation.

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

18 (1) The consolidation of the fire department of that township is
19 effective on the date agreed to by the township legislative body in
20 the resolution and by the legislative body of the consolidated city
21 in its ordinance approving the consolidation.

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

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

25 (B) who, after the consolidation, becomes an employee of the
26 fire department of ~~a~~ **the** consolidated city under this section;
27 remains a member of the 1977 fund without being required to
28 meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The
29 firefighter shall receive credit for any service as a member of the
30 1977 fund before the consolidation to determine the firefighter's
31 eligibility for benefits under IC 36-8-8.

32 (3) Notwithstanding any other provision, a firefighter:

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

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

41 (4) For property taxes first due and payable in the year in which
42 the consolidation is effective, the maximum permissible ad



1 valorem property tax levy under IC 6-1.1-18.5:

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

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

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

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

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



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

23 (8) The executive of the consolidated city shall provide for an
24 independent evaluation and performance audit, due before March
25 1 of the year in which the consolidation is effective and before
26 March 1 in each of the following two (2) years, to determine:

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

29 (B) any tax shifts among taxpayers;

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

34 SECTION 432. IC 36-3-1-7 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 7. (a) A municipality,
36 other than a ~~the~~ first class city, having a population of more than five
37 thousand (5,000) in the county is known as an excluded city and does
38 not become part of the consolidated city under this chapter. In addition,
39 a municipality that had qualified as an excluded city before January 1,
40 1973, under IC 18-4-1-2(d) (repealed September 1, 1981), is
41 considered an excluded city. Any other municipality is known as an
42 included town and does become part of the consolidated city under this



1 chapter.

2 (b) This article applies to any part of an included town that is inside
3 the county boundaries, even though part of it is outside those
4 boundaries.

5 SECTION 433. IC 36-3-1-8 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 8. (a) When ~~a~~ **the** first
7 class city becomes ~~a~~ **the** consolidated city, the agencies of the first
8 class city are abolished and their functions are assigned to agencies of
9 the consolidated city as provided by this title. When these functions are
10 transferred in this manner, the property, records, personnel, rights, and
11 liabilities related to the functions are likewise transferred, except that
12 the city-county legislative body may, by ordinance, provide that they be
13 transferred to a different agency.

14 (b) Notwithstanding subsection (a), these obligations are transferred
15 as follows when ~~a~~ **the** first class city becomes ~~a~~ **the** consolidated city:

16 (1) Bonds and other indebtedness of a special taxing district, to
17 the special taxing district that continues to have the function of
18 the district on account of which the bonds and indebtedness were
19 issued.

20 (2) Bonds and other indebtedness relating to a function
21 transferred to a special service district, to the consolidated city.

22 (3) Any other bonds and other indebtedness of, or assumed by, the
23 first class city, to the consolidated city.

24 SECTION 434. IC 36-3-1-9 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 9. (a) When ~~a~~ **the** first
26 class city becomes ~~a~~ **the** consolidated city, every ordinance of:

27 (1) the first class city;

28 (2) the county;

29 (3) a mass transportation authority of the county; or

30 (4) any other municipal corporation the functions of which are
31 transferred to the consolidated city by this title;

32 becomes an ordinance of the consolidated city and shall be enforced
33 only by the consolidated city.

34 (b) Such an ordinance continues to apply only in the territory in
35 which it applied before becoming an ordinance of the consolidated city,
36 subject to subsection (c).

37 (c) Such an ordinance may be codified, amended, or repealed by the
38 city-county legislative body in the same manner as other ordinances
39 under this title.

40 SECTION 435. IC 36-3-1-10 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 10. If any annexation
42 proceedings concerning territory inside the county are pending when



1 a **the** first class city becomes a **the** consolidated city, the annexation
 2 proceedings shall be continued as if this chapter did not apply.
 3 However, if the annexation later takes effect, the following provisions
 4 apply:

5 (1) If the annexation is by the first class city, it has the effect of
 6 expanding the special service districts created by section 6 of this
 7 chapter.

8 (2) If the annexation is by another municipality in the county, it
 9 has the effect of expanding the municipality as an excluded city
 10 or included town.

11 SECTION 436. IC 36-3-1-11 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 11. Political
 13 subdivisions in the county are not affected when a **the** first class city
 14 becomes a **the** consolidated city, except to the extent that this title
 15 limits their functions or transfers them to the consolidated city. Such a
 16 political subdivision continues to have:

17 (1) the power to levy and collect property taxes in furtherance of
 18 functions not transferred to the consolidated city; and

19 (2) if applicable, the power to adopt and enforce ordinances
 20 prescribing a penalty for violation.

21 In addition, an excluded city or included town continues to have the
 22 right to receive distributions of revenues collected by the state, in the
 23 manner prescribed by statute, including distributions from the motor
 24 vehicle highway account, the cigarette tax fund, alcoholic beverage
 25 fees, and other tax revenues.

26 SECTION 437. IC 36-3-1-12 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 12. This chapter does
 28 not alter the status, boundaries, or ordinances of political subdivisions
 29 in a **Marion** County where a first class city became a consolidated city
 30 before September 1, 1981. The status, boundaries, and ordinances
 31 remain as they existed on August 31, 1981, until altered according to
 32 the applicable law.

33 SECTION 438. IC 36-3-1-13 IS ADDED TO THE INDIANA
 34 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE APRIL 1, 2022]: **Sec. 13. Unless the construction is**
 36 **plainly repugnant to the intent of the general assembly or of the**
 37 **context of the statute, a reference in the Indiana Code to "the**
 38 **consolidated city" is a reference to the consolidated city created**
 39 **under this article except the excluded cities in Marion County (as**
 40 **described in section 7 of this chapter).**

41 SECTION 439. IC 36-3-2-1 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies



1 to political subdivisions in a **Marion** County. ~~having a consolidated~~
 2 ~~city.~~

3 SECTION 440. IC 36-3-2-7, AS AMENDED BY P.L.194-2021,
 4 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 APRIL 1, 2022]: Sec. 7. (a) This section governs the transfer of
 6 territory that is either:

7 (1) inside the corporate boundaries of the consolidated city and
 8 contiguous to an excluded city; or

9 (2) inside the corporate boundaries of an excluded city and
 10 contiguous to the consolidated city.

11 IC 36-4-3 does not apply to such a transfer.

12 (b) If the owners of land located in territory described in subsection
 13 (a) want to have that territory transferred from one (1) municipality to
 14 the other, they must file:

15 (1) a petition for annexation of that territory with the legislative
 16 body of the contiguous municipality; and

17 (2) a petition for disannexation of that territory with the legislative
 18 body of the municipality containing that territory.

19 Each petition must be signed by at least fifty-one percent (51%) of the
 20 owners of land in the territory sought to be transferred. The territory
 21 must be reasonably compact in configuration, and its boundaries must
 22 generally follow streets or natural boundaries.

23 (c) Each legislative body shall, not later than sixty (60) days after a
 24 petition is filed with it under subsection (b), either approve or
 25 disapprove the petition, with the following results:

26 (1) ~~Except as provided in subsection (h),~~ If both legislative bodies
 27 approve, the transfer of territory takes effect:

28 (A) on the effective date of the approval of the latter
 29 legislative body to act; and

30 (B) when a copy of each transfer approval has been filed under
 31 subsection (f).

32 (2) If the legislative body of the contiguous municipality
 33 disapproves or fails to act within the prescribed period, the
 34 proceedings are terminated.

35 (3) If the legislative body of the contiguous municipality approves
 36 but the legislative body of the other municipality disapproves or
 37 fails to act within the prescribed period, the proceedings are
 38 terminated unless there is an appeal under subsection (d).

39 (d) In the case described by subsection (c)(3), the petitioners may,
 40 not later than sixty (60) days after the disapproval or expiration of the
 41 prescribed period, appeal to the circuit court. The appeal must allege
 42 that the benefits to be derived by the petitioners from the transfer



1 outweigh the detriments to the municipality that has failed to approve,
2 which is defendant in the appeal.

3 (e) The court shall try an appeal under subsection (d) as other civil
4 actions, but without a jury. If the court determines that:

5 (1) the requirements of this section have been met; and

6 (2) the benefits to be derived by the petitioners outweigh the
7 detriments to the municipality;

8 it shall order the transfer of territory to take effect on the date its order
9 becomes final, ~~subject to subsection (h)~~; and shall file the order under
10 subsection (f). However, if the municipality, or a district of it, is
11 furnishing sanitary sewer service or municipal water service in the
12 territory, or otherwise has expended substantial sums for public
13 facilities (other than roads) specially benefiting the territory, the court
14 shall deny the transfer.

15 (f) A municipal legislative body that approves a transfer of territory
16 under subsection (c) or a court that approves a transfer under
17 subsection (e) shall file a copy of the approval or order, setting forth a
18 legal description of the territory to be transferred, with:

19 (1) the office of the secretary of state; and

20 (2) the circuit court clerk of each county in which the
21 municipality is located.

22 (g) Not later than ten (10) days after the second of the two (2)
23 approvals is filed under subsection (f), the municipality that annexes
24 the territory shall provide notice to the chairman of the alcohol and
25 tobacco commission as set forth in IC 7.1-4-9-7 of any retailer's or
26 dealer's premises located within the annexed territory.

27 ~~(h) A transfer of territory under this section may not take effect~~
28 ~~during the year preceding a year in which a federal decennial census is~~
29 ~~conducted. A transfer of territory that would otherwise take effect~~
30 ~~during the year preceding a year in which a federal decennial census is~~
31 ~~conducted takes effect January 1 of the year in which a federal~~
32 ~~decennial census is conducted.~~

33 ~~(i)~~ (h) A petition for annexation or disannexation under this section
34 may not be filed with respect to land as to which a transfer of territory
35 has been disapproved or denied within the preceding three (3) years.

36 ~~(j)~~ (i) The legislative body of a municipality annexing territory
37 under this section shall assign the territory to at least one (1) municipal
38 legislative body district under IC 36-3-4-3 or IC 36-4-6 not later than
39 thirty (30) days after the transfer of territory becomes effective under
40 this section.

41 ~~(k) Notwithstanding subsection (h) as that subsection existed on~~
42 ~~December 31, 2009; a transfer of territory that took effect January 2;~~



1 2010; because of the application of subsection (h); as that subsection
 2 existed on December 31, 2009; is instead considered to take effect
 3 January 1, 2010; without any additional action being required.

4 SECTION 441. IC 36-3-2-12, AS ADDED BY P.L.74-2021,
 5 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 APRIL 1, 2022]: Sec. 12. (a) PILOTS may be imposed under this
 7 section for an assessment date occurring after December 31, 2021.

8 (b) As used in this section, the following terms have the meanings
 9 set forth in IC 6-1.1-1:

- 10 (1) Assessed value.
- 11 (2) Exemption.
- 12 (3) Owner.
- 13 (4) Person.
- 14 (5) Property taxation.
- 15 (6) Real property.
- 16 (7) Township assessor.

17 (c) As used in this section, "PILOTS" means payments in lieu of
 18 taxes.

19 (d) As used in this section, "property owner" means the owner of
 20 real property described in IC 6-1.1-10-16.7 that is located in a **Marion**
 21 County. ~~with a consolidated city.~~

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

29 (f) The PILOTS must be calculated so that the PILOTS are in an
 30 amount that is:

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

41 (g) PILOTS shall be imposed as are property taxes and shall be
 42 based on the assessed value of the real property described in subsection



1 (e). Except as provided in subsection (j), the township assessor, or the
 2 county assessor if there is no township assessor for the township, shall
 3 assess the real property described in subsection (e) as though the
 4 property were not subject to an exemption.

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

8 (i) PILOTS shall be due as set forth in the ordinance and bear
 9 interest, if unpaid, as in the case of other taxes on property. PILOTS
 10 shall be treated in the same manner as taxes for purposes of all
 11 procedural and substantive provisions of law.

12 (j) If the duties of the township assessor have been transferred to the
 13 county assessor as described in IC 6-1.1-1-24, a reference to the
 14 township assessor in this section is considered to be a reference to the
 15 county assessor.

16 SECTION 442. IC 36-3-3-1 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 18 to ~~each the~~ consolidated city and ~~its~~ **Marion** County.

19 SECTION 443. IC 36-3-3-8 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 8. The executive shall
 21 make the appointments prescribed by IC 36-3-5 and all other
 22 appointments required by statute to be made by the executive of ~~a the~~
 23 consolidated ~~or first class~~ city or a **Marion** County. ~~having such a city:~~

24 SECTION 444. IC 36-3-4-1 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 26 to ~~each the~~ consolidated city and ~~its~~ **Marion** County.

27 SECTION 445. IC 36-3-4-2, AS AMENDED BY P.L.193-2021,
 28 SECTION 109, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) A city-county council, which
 30 is the legislative body of both the consolidated city and ~~the~~ **Marion**
 31 County, shall be elected under IC 3-10-6 by the voters of the county.
 32 The city-county council consists of twenty-five (25) members.

33 (b) To be eligible to serve as a member of the legislative body, a
 34 person must meet the qualifications prescribed by IC 3-8-1-25.

35 (c) A member of the legislative body must reside within:

- 36 (1) the county as provided in Article 6, Section 6 of the
- 37 Constitution of the State of Indiana; and
- 38 (2) the district from which the member was elected.

39 (d) A vacancy in the legislative body occurs whenever a member:

- 40 (1) dies, resigns, or is removed from office;
- 41 (2) ceases to be a resident of the district from which the member
- 42 was elected; or



- 1 (3) is incapacitated to the extent that the member is unable to
 2 perform the member's duties for more than six (6) months.
- 3 (e) The vacancy shall be filled under IC 3-13-8.
- 4 (f) The term of office of a member of the legislative body is four (4)
 5 years, beginning at noon on January 1 after election and continuing
 6 until a successor is elected and qualified.
- 7 SECTION 446. IC 36-3-4-18 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 18. (a) The city-county
 9 legislative body may pass ordinances and resolutions for the
 10 government of the consolidated city and ~~the~~ **Marion** County. The
 11 legislative body:
- 12 (1) alone may approve budgets, levy taxes, and make
 13 appropriations for the consolidated city, its departments, and its
 14 special taxing districts, except the appropriation of the proceeds
 15 of the bonds of a special taxing district if the legislative body has
 16 approved the bond issue;
- 17 (2) may make loans for the consolidated city under sections 21
 18 and 22 of this chapter;
- 19 (3) alone may approve budgets, levy taxes, and make
 20 appropriations for the county;
- 21 (4) may make loans for the county under IC 36-2-6-20;
- 22 (5) may pass ordinances prescribing a penalty or forfeiture for
 23 violation;
- 24 (6) may establish committees having powers as prescribed by
 25 ordinance; and
- 26 (7) may prescribe rules for its internal management.
- 27 (b) The special service district legislative body of any special
 28 service district shall, with respect to such district, have exclusive power
 29 by ordinance to approve its budget and make appropriations and tax
 30 levies required to be made under the provisions of this title. No special
 31 service district legislative body shall have authority to originate or
 32 separately to adopt any other ordinance. However, any ordinance
 33 adopted by the city-county legislative body relating solely or
 34 exclusively to a special service district shall be suspended and of no
 35 effect until separately approved and concurred in by a majority of a
 36 special service district legislative body when, but only when, the
 37 Constitution of the United States or the Constitution of Indiana
 38 prohibits such taking effect without such approval.
- 39 SECTION 447. IC 36-3-4-19 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 19. (a) The city-county
 41 legislative body shall perform the duties and may exercise the powers
 42 prescribed by statute for:



1 (1) the common council of a ~~first class~~ **the consolidated** city; or
 2 (2) the county council of the county.
 3 (b) The city-county legislative body may exercise any power
 4 prescribed for the board of commissioners of the county by statute:
 5 (1) to pass any ordinance; or
 6 (2) to pass any rule or regulation prescribing a penalty.
 7 SECTION 448. IC 36-3-4-20 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 20. The city-county
 9 legislative body shall make all appointments required by statute to be
 10 made by it or by:
 11 (1) the common council of a ~~first class~~ **the consolidated** city; or
 12 (2) the county council of the county.
 13 SECTION 449. IC 36-3-5-1 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 15 to ~~each the~~ consolidated city and ~~its~~ **Marion** County.
 16 SECTION 450. IC 36-3-6-1 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 18 to ~~each the~~ consolidated city and ~~its~~ **Marion** County.
 19 SECTION 451. IC 36-3-6-9, AS AMENDED BY P.L.137-2012,
 20 SECTION 118, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE APRIL 1, 2022]: Sec. 9. (a) Except as provided in
 22 subsection (d), the city-county legislative body shall review the
 23 proposed operating and maintenance budgets and tax levies and adopt
 24 final operating and maintenance budgets and tax levies for each of the
 25 following entities in the county:
 26 (1) An airport authority operating under IC 8-22-3.
 27 (2) A public library operating under IC 36-12.
 28 (3) A capital improvement board of managers operating under
 29 IC 36-10.
 30 (4) A public transportation corporation operating under IC 36-9-4.
 31 (5) A health and hospital corporation established under
 32 IC 16-22-8.
 33 (6) Any other taxing unit (as defined in IC 6-1.1-1-21) that is
 34 located in the county and has a governing body that is not
 35 comprised of a majority of officials who are elected to serve on
 36 the governing body.
 37 Except as provided in subsection (c), the city-county legislative body
 38 may reduce or modify but not increase a proposed operating and
 39 maintenance budget or tax levy under this section.
 40 (b) The board of each entity listed in subsection (a) shall, after
 41 adoption of its proposed budget and tax levies, submit them, along with
 42 detailed accounts, to the city clerk before September 2.



1 (c) The city-county legislative body or, when subsection (d) applies,
 2 the fiscal body of an excluded city or town shall review the issuance of
 3 bonds of an entity listed in subsection (a). Approval of the city-county
 4 legislative body or, when subsection (d) applies, the fiscal body of an
 5 excluded city or town is required for the issuance of bonds. The
 6 city-county legislative body or the fiscal body of an excluded city or
 7 town may not reduce or modify a budget or tax levy of an entity listed
 8 in subsection (a) in a manner that would:

- 9 (1) limit or restrict the rights vested in the entity to fulfill the
 10 terms of any agreement made with the holders of the entity's
 11 bonds; or
 12 (2) in any way impair the rights or remedies of the holders of the
 13 entity's bonds.

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

23 SECTION 452. IC 36-3-6-10, AS ADDED BY P.L.266-2013,
 24 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 APRIL 1, 2022]: Sec. 10. (a) As used in this section, "appropriation
 26 adopted by the county fiscal body" means all appropriations, including
 27 any additional or supplemental appropriations, made by the county
 28 fiscal body for the calendar year covered by the allotment schedule.

29 (b) As used in this section, "office, department, or agency" means
 30 any office, department, or agency of the consolidated city or ~~the~~
 31 **Marion** County. ~~having a consolidated city~~.

32 (c) Each year shall be divided into two (2) semiannual allotment
 33 periods, beginning respectively on the first day of January and July.
 34 However, in any case where the semiannual allotment period is
 35 impracticable, the controller may prescribe a different period suited to
 36 the circumstances but not extending beyond the end of any calendar
 37 year.

38 (d) Except as provided in subsection (e), the allotment system and
 39 the encumbering of funds apply to appropriations and funds of all
 40 kinds, including dedicated funds from which expenditures are made
 41 under the authority of any office, department, or agency.

42 (e) The allotment system does not apply to the following:



- 1 (1) Money made available for the purpose of conducting a
2 post-audit of financial transactions of any office, department, or
3 agency.
- 4 (2) Appropriations for construction or for the acquisition of real
5 estate for public purposes that are exempted from the allotment
6 system by the executive of the consolidated city.
- 7 (f) An appropriation to any office, department, or agency is not
8 available for expenditure until allotted by the controller.
- 9 (g) The controller shall prescribe the form of a request for allotment.
- 10 (h) Not later than December 1, each office, department, or agency
11 shall submit to the controller a proposed semiannual allotment
12 schedule for the succeeding calendar year. The proposed allotment
13 schedule must reflect the amounts appropriated, by fund and character,
14 by the county fiscal body for the calendar year.
- 15 (i) Not later than December 15, the controller shall make a
16 determination as to whether the anticipated revenues for the succeeding
17 calendar year will be adequate to support the appropriations adopted by
18 the county fiscal body for the succeeding calendar year. The controller's
19 determination must take into consideration the need to maintain
20 adequate reserves for the city and county.
- 21 (j) If, in the controller's judgment, the anticipated revenues are
22 adequate to support the appropriation adopted by the county fiscal
23 body, the controller shall approve the proposed allotment schedule as
24 submitted by an office, department, or agency.
- 25 (k) If, in the controller's judgment, the anticipated revenues are not
26 adequate to support the appropriation adopted by the county fiscal
27 body, the controller shall revise the proposed allotment schedule as
28 submitted by an office, department, or agency to reflect anticipated
29 revenues.
- 30 (l) If, after the controller approves the allotment schedule under
31 subsection (j), the controller determines during the calendar year that
32 the anticipated revenues are not adequate to support the appropriation
33 adopted by the county fiscal body, the controller may revise the
34 proposed allotment schedules as submitted by an office, department, or
35 agency to reflect anticipated revenues.
- 36 (m) If, after the controller revises the proposed allotment schedule
37 under subsection (k), the controller determines during the calendar year
38 that the anticipated revenues are adequate to support the appropriation
39 adopted by the county fiscal body, the controller shall revise the
40 proposed allotment schedules up to one hundred percent (100%) of the
41 amount of the appropriation adopted by the county fiscal body for an
42 office, department, or agency.



1 (n) The controller shall notify every office, department, or agency
2 of the allotments:

3 (1) at least five (5) days before the beginning of each allotment
4 period; and

5 (2) not more than five (5) days after the beginning of a revised
6 allotment period under subsection (k) or (l).

7 The controller shall promptly transmit records of all allotments and
8 modifications to the county auditor and the county fiscal body. If the
9 controller proposes to reduce the allotment schedule in excess of five
10 percent (5%) of the total amount of the appropriation adopted by the
11 county fiscal body, the controller shall submit a fiscal justification to
12 the county fiscal body before the beginning of the revised allotment
13 period.

14 SECTION 453. IC 36-3-7-1 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
16 to ~~each the~~ consolidated city and ~~its~~ Marion County. In addition,
17 IC 36-4-8 applies to the consolidated city, and IC 36-2-6 applies to ~~the~~
18 Marion County.

19 SECTION 454. IC 36-4-1-1, AS AMENDED BY P.L.119-2012,
20 SECTION 184, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) Municipalities are classified
22 according to their status and population as follows:

23 STATUS AND POPULATION	24 CLASS
25 Cities of 600,000 or more The 26 consolidated city	27 First class cities city
28 Cities, other than the consolidated 29 city, of 35,000 or more to 599,999	30 Second class cities
31 Cities of less than 35,000	32 Third class cities
33 Other municipalities of any 34 population	35 Towns

36 (b) Except as provided in subsection (c), a city that attains a
37 population of thirty-five thousand (35,000) remains a second class city
38 even though its population decreases to less than thirty-five thousand
39 (35,000) at the next federal decennial census.

40 (c) The legislative body of a city to which subsection (b) applies
41 may, by ordinance, adopt third class city status.

42 SECTION 455. IC 36-4-2-9, AS AMENDED BY P.L.113-2010,
SECTION 115, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE APRIL 1, 2022]: Sec. 9. (a) ~~Except as provided in~~
~~subsection (c);~~ A merger approved under this chapter takes effect
when:

(1) the officers of the new municipality are elected and qualified,



- 1 as prescribed by section 13 of this chapter; and
- 2 (2) a copy of the agreement under section 2 of this chapter or the
- 3 certified election results under section 7 of this chapter are filed
- 4 with:
- 5 (A) the office of the secretary of state; and
- 6 (B) the circuit court clerk of each county in which the
- 7 municipality is located.
- 8 (b) On the effective date of the merger, the merging municipalities
- 9 cease to exist and are merged into a single municipality of the class
- 10 created by the combined population of the merging municipalities. The
- 11 new municipality shall be governed by the laws applicable to that class.
- 12 ~~(c) A merger approved under this chapter may not take effect during~~
- 13 ~~the year preceding a year in which a federal decennial census is~~
- 14 ~~conducted. A merger that would otherwise take effect during the year~~
- 15 ~~preceding a year in which a federal decennial census is conducted takes~~
- 16 ~~effect January 1 of the year in which a federal decennial census is~~
- 17 ~~conducted.~~
- 18 ~~(d) Notwithstanding subsection (c) as that subsection existed on~~
- 19 ~~December 31, 2009; a merger that took effect January 2, 2010; because~~
- 20 ~~of the application of subsection (c); as that subsection existed on~~
- 21 ~~December 31, 2009; is instead considered to take effect January 1,~~
- 22 ~~2010; without any additional action being required.~~
- 23 SECTION 456. IC 36-4-3-4, AS AMENDED BY P.L.38-2021,
- 24 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 APRIL 1, 2022]: Sec. 4. (a) The legislative body of a municipality may,
- 26 by ordinance, annex any of the following:
- 27 (1) Territory that is contiguous to the municipality.
- 28 (2) Territory that is not contiguous to the municipality and is
- 29 occupied by a municipally owned or operated as either of the
- 30 following:
- 31 (A) An airport or landing field.
- 32 (B) A wastewater treatment facility or water treatment facility.
- 33 After a municipality annexes territory under this clause, the
- 34 municipality may annex additional territory to enlarge the
- 35 territory for the use of the wastewater treatment facility or water
- 36 treatment facility only if the county legislative body approves
- 37 that use of the additional territory by ordinance.
- 38 (3) Territory that is not contiguous to the municipality but is
- 39 found by the legislative body to be occupied by:
- 40 (A) a municipally owned or regulated sanitary landfill, golf
- 41 course, or hospital;
- 42 (B) a police station of the municipality; or



1 (C) a solar electric generating facility that is or will be
 2 interconnected to an electric utility owned by the municipality.
 3 However, if territory annexed under subdivision (2) or (3) ceases to be
 4 used for the purpose for which the territory was annexed for at least
 5 one (1) year, the territory reverts to the jurisdiction of the unit having
 6 jurisdiction before the annexation if the unit that had jurisdiction over
 7 the territory still exists. If the unit no longer exists, the territory reverts
 8 to the jurisdiction of the unit that would currently have jurisdiction over
 9 the territory if the annexation had not occurred. The clerk of the
 10 municipality shall notify the offices required to receive notice of a
 11 disannexation under section 19 of this chapter when the territory
 12 reverts to the jurisdiction of the unit having jurisdiction before the
 13 annexation. Territory that is annexed under subdivision (2) (including
 14 territory that is enlarged under subdivision (2)(B) for the use of the
 15 wastewater treatment facility or water treatment facility) or subdivision
 16 (3) may not be considered a part of the municipality for purposes of
 17 annexing additional territory.

18 (b) This subsection applies to municipalities in a county having any
 19 of the following populations: **counties:**

- 20 (1) ~~More than seventy thousand fifty (70,050) but less than~~
 21 ~~seventy-one thousand (71,000): Grant County.~~
- 22 (2) ~~More than seventy-five thousand (75,000) but less than~~
 23 ~~seventy-seven thousand (77,000): Bartholomew County.~~
- 24 (3) ~~More than seventy-one thousand (71,000) but less than~~
 25 ~~seventy-five thousand (75,000): Floyd County.~~
- 26 (4) ~~More than forty-seven thousand (47,000) but less than~~
 27 ~~forty-seven thousand five hundred (47,500): Marshall County.~~
- 28 (5) ~~More than thirty-eight thousand five hundred (38,500) but less~~
 29 ~~than thirty-nine thousand (39,000): Cass County.~~
- 30 (6) ~~More than thirty-seven thousand (37,000) but less than~~
 31 ~~thirty-seven thousand one hundred twenty-five (37,125):~~
 32 **Huntington County.**
- 33 (7) ~~More than thirty-three thousand three hundred (33,300) but~~
 34 ~~less than thirty-three thousand five hundred (33,500): Jasper~~
 35 **County.**
- 36 (8) ~~More than twenty-three thousand three hundred (23,300) but~~
 37 ~~less than twenty-four thousand (24,000): Starke County.~~
- 38 (9) ~~More than one hundred eighty-five thousand (185,000) but~~
 39 ~~less than two hundred fifty thousand (250,000): Elkhart County.~~
- 40 (10) ~~More than two hundred fifty thousand (250,000) but less~~
 41 ~~than two hundred seventy thousand (270,000): St. Joseph~~
 42 **County.**



1 (11) ~~More than thirty-two thousand five hundred (32,500) but less~~
 2 ~~than thirty-three thousand (33,000)~~. **Wabash County.**

3 (12) ~~More than seventy-seven thousand (77,000) but less than~~
 4 ~~eighty thousand (80,000)~~. **Kosciusko County.**

5 Except as provided in subsection (c), the legislative body of a
 6 municipality to which this subsection applies may, by ordinance, annex
 7 territory that is not contiguous to the municipality, has its entire area
 8 not more than two (2) miles from the municipality's boundary, is to be
 9 used for an industrial park containing one (1) or more businesses, and
 10 is either owned by the municipality or by a property owner who
 11 consents to the annexation. However, if territory annexed under this
 12 subsection is not used as an industrial park within five (5) years after
 13 the date of passage of the annexation ordinance, or if the territory
 14 ceases to be used as an industrial park for at least one (1) year, the
 15 territory reverts to the jurisdiction of the unit having jurisdiction before
 16 the annexation if the unit that had jurisdiction over the territory still
 17 exists. If the unit no longer exists, the territory reverts to the
 18 jurisdiction of the unit that would currently have jurisdiction over the
 19 territory if the annexation had not occurred. The clerk of the
 20 municipality shall notify the offices entitled to receive notice of a
 21 disannexation under section 19 of this chapter when the territory
 22 reverts to the jurisdiction of the unit having jurisdiction before the
 23 annexation.

24 (c) A city in a county with a population of more than two hundred
 25 fifty thousand (250,000) but less than two hundred seventy thousand
 26 (270,000) **St. Joseph County** may not annex territory as prescribed in
 27 subsection (b) until the territory is zoned by the county for industrial
 28 purposes.

29 (d) Notwithstanding any other law, territory that is annexed under
 30 subsection (b) or (h) is not considered a part of the municipality for the
 31 purposes of:

32 (1) annexing additional territory:

33 (A) in a county that is not described by clause (B); or

34 (B) in a county having a population of more than two hundred
 35 fifty thousand (250,000) but less than two hundred seventy
 36 thousand (270,000), **St. Joseph County**, unless the boundaries
 37 of the noncontiguous territory become contiguous to the city, as
 38 allowed by Indiana law;

39 (2) expanding the municipality's extraterritorial jurisdictional
 40 area; or

41 (3) changing an assigned service area under IC 8-1-2.3-6(1).

42 (e) As used in this section, "airport" and "landing field" have the



1 meanings prescribed by IC 8-22-1.

2 (f) As used in this section, "hospital" has the meaning prescribed by
3 IC 16-18-2-179(b).

4 (g) An ordinance adopted under this section must assign the
5 territory annexed by the ordinance to at least one (1) municipal
6 legislative body district.

7 (h) This subsection applies to ~~a city having a population of more~~
8 ~~than twenty-nine thousand nine hundred (29,900) but less than~~
9 ~~thirty-one thousand (31,000); the city of Marion.~~ The city legislative
10 body may, by ordinance, annex territory that:

11 (1) is not contiguous to the city;

12 (2) has its entire area not more than eight (8) miles from the city's
13 boundary;

14 (3) does not extend more than:

15 (A) one and one-half (1 1/2) miles to the west;

16 (B) three-fourths (3/4) mile to the east;

17 (C) one-half (1/2) mile to the north; or

18 (D) one-half (1/2) mile to the south;

19 of an interchange of an interstate highway (as designated by the
20 federal highway authorities) and a state highway (as designated
21 by the state highway authorities); and

22 (4) is owned by the city or by a property owner that consents to
23 the annexation.

24 (i) This subsection applies to ~~a city having a population of more~~
25 ~~than thirty-one thousand seven hundred twenty-five (31,725) but less~~
26 ~~than thirty-five thousand (35,000) in a county having a population of~~
27 ~~at least one hundred fifty thousand (150,000) but less than one hundred~~
28 ~~seventy thousand (170,000); the city of Valparaiso.~~ The city
29 legislative body may, by ordinance, annex territory under section 5.1
30 of this chapter:

31 (1) that is not contiguous to the city;

32 (2) that is south of the southernmost boundary of the city;

33 (3) the entire area of which is not more than four (4) miles from
34 the city's boundary; and

35 (4) that does not extend more than one (1) mile to the east of a
36 state highway (as designated by the state highway authorities).

37 Territory annexed under this subsection is not considered a part of the
38 city for purposes of annexation of additional territory. A city may not
39 require connection to a sewer installed to provide service to territory
40 annexed under this subsection.

41 SECTION 457. IC 36-4-3-7, AS AMENDED BY P.L.236-2019,
42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

HB 1401—LS 7204/DI 75



1 APRIL 1, 2022]: Sec. 7. (a) After an ordinance is adopted under section
 2 3, 4, 5, or 5.1 of this chapter, it must be published in the manner
 3 prescribed by IC 5-3-1. Except as provided in subsection (b), (c), ~~(d)~~,
 4 or ~~(f)~~, ~~(e)~~, in the absence of remonstrance and appeal under section 11
 5 or 15.5 of this chapter, the ordinance takes effect at least ninety (90)
 6 days after its publication and upon the filing required by section 22(a)
 7 of this chapter.

8 ~~(b)~~ An ordinance described in subsection ~~(d)~~ or adopted under
 9 section ~~3, 4, 5, or 5.1~~ of this chapter may not take effect during the year
 10 preceding a year in which a federal decennial census is conducted. An
 11 ordinance that would otherwise take effect during the year preceding
 12 a year in which a federal decennial census is conducted takes effect
 13 January 1 of the year in which a federal decennial census is conducted.

14 ~~(c)~~ ~~(b)~~ Subsections ~~(d)~~ and ~~(e)~~ ~~(c)~~ and ~~(d)~~ apply to fire protection
 15 districts that are established after July 1, 1987, and to which subsection
 16 ~~(g)~~ ~~(f)~~ does not apply. For the purposes of this section, territory that has
 17 been:

18 (1) added to an existing fire protection district under
 19 IC 36-8-11-11; or

20 (2) approved by ordinance of the county legislative body to be
 21 added to an existing fire protection district under IC 36-8-11-11,
 22 notwithstanding that the territory's addition to the fire protection
 23 district has not yet taken effect;

24 shall be considered a part of the fire protection district as of the date
 25 that the fire protection district was originally established.

26 ~~(d)~~ Except as provided in subsection ~~(b)~~, ~~(c)~~ Whenever a
 27 municipality annexes territory, all or part of which lies within a fire
 28 protection district (IC 36-8-11), the annexation ordinance (in the
 29 absence of remonstrance and appeal under section 11 or 15.5 of this
 30 chapter) takes effect the second January 1 that follows the date the
 31 ordinance is adopted and upon the filing required by section 22(a) of
 32 this chapter. Except in the case of an annexation to which subsection
 33 ~~(g)~~ ~~(f)~~ applies, the municipality shall:

34 (1) provide fire protection to that territory beginning the date the
 35 ordinance is effective; and

36 (2) send written notice to the fire protection district of the date the
 37 municipality will begin to provide fire protection to the annexed
 38 territory within ten (10) days of the date the ordinance is adopted.

39 ~~(e)~~ ~~(d)~~ If the fire protection district from which a municipality
 40 annexes territory under subsection ~~(d)~~ ~~(c)~~ is indebted or has
 41 outstanding unpaid bonds or other obligations at the time the
 42 annexation is effective, the municipality is liable for and shall pay that



1 indebtedness in the same ratio as the assessed valuation of the property
 2 in the annexed territory (that is part of the fire protection district) bears
 3 to the assessed valuation of all property in the fire protection district,
 4 as shown by the most recent assessment for taxation before the
 5 annexation, unless the assessed property within the municipality is
 6 already liable for the indebtedness. The annexing municipality shall
 7 pay its indebtedness under this section to the board of fire trustees. If
 8 the indebtedness consists of outstanding unpaid bonds or notes of the
 9 fire protection district, the payments to the board of fire trustees shall
 10 be made as the principal or interest on the bonds or notes becomes due.

11 ~~(f)~~ **(e)** This subsection applies to an annexation initiated by property
 12 owners under section 5.1 of this chapter in which all property owners
 13 within the area to be annexed petition the municipality to be annexed.
 14 Subject to ~~subsections (b) and (d);~~ **subsection (c)**, and in the absence
 15 of an appeal under section 15.5 of this chapter, an annexation
 16 ordinance takes effect at least thirty (30) days after its publication and
 17 upon the filing required by section 22(a) of this chapter.

18 ~~(g)~~ **(f)** Whenever a municipality annexes territory that lies within a
 19 fire protection district that has a total net assessed value (as determined
 20 by the county auditor) of more than one billion dollars
 21 (\$1,000,000,000) on the date the annexation ordinance is adopted:

- 22 (1) the annexed area shall remain a part of the fire protection
 23 district after the annexation takes effect; and
- 24 (2) the fire protection district shall continue to provide fire
 25 protection services to the annexed area.

26 The municipality shall not tax the annexed territory for fire protection
 27 services. The annexing municipality shall establish a special fire fund
 28 for all fire protection services that are provided by the municipality
 29 within the area of the municipality that is not within the fire protection
 30 district, and which shall not be assessed to the annexed special taxing
 31 district. The annexed territory that lies within the fire protection district
 32 shall continue to be part of the fire protection district special taxing
 33 district.

34 SECTION 458. IC 36-4-3-7.1, AS AMENDED BY P.L.257-2019,
 35 SECTION 111, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE APRIL 1, 2022]: Sec. 7.1. ~~Notwithstanding section 7(b)~~
 37 ~~of this chapter~~, An ordinance adopted under section 4 or 5.1 of this
 38 chapter takes effect immediately upon the expiration of the
 39 remonstrance and appeal period under section 11, 11.1, or 15.5 of this
 40 chapter and after the publication, filing, and recording required by
 41 section 22(a) of this chapter if all of the following conditions are met:

- 42 (1) The annexed territory has no population.



1 (2) Ninety percent (90%) of the total assessed value of the land
2 for property tax purposes has one (1) owner.

3 (3) The annexation is required to fulfill an economic development
4 incentive package and to retain an industry through various local
5 incentives, including urban enterprise zone benefits.

6 SECTION 459. IC 36-4-3-8.5, AS AMENDED BY P.L.119-2012,
7 SECTION 187, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE APRIL 1, 2022]: Sec. 8.5. (a) A municipality may, in an
9 ordinance adopted under section 3 or 4 of this chapter, abate a portion
10 of the property tax liability under IC 6-1.1 for municipal purposes for
11 all property owners in the annexed territory.

12 (b) An ordinance adopted under subsection (a) must provide the
13 following:

14 (1) A tax abatement program that is in effect for not more than
15 three (3) taxable years after an annexation occurs.

16 (2) Except single family residential property described by
17 subdivision (3), a tax abatement for all classes of property that
18 does not exceed:

19 (A) seventy-five percent (75%) of a taxpayer's liability in the
20 first year of the abatement program;

21 (B) fifty percent (50%) of a taxpayer's liability in the second
22 year of the abatement program; and

23 (C) twenty-five percent (25%) of a taxpayer's liability in the
24 third year of the abatement program.

25 (3) For a county having a population of more than two hundred
26 fifty thousand (250,000) but less than two hundred seventy
27 thousand (270,000), **St. Joseph County**, a tax abatement for
28 single family residential property that does not exceed:

29 (A) ninety percent (90%) of a taxpayer's liability in the first
30 year of the abatement program;

31 (B) eighty percent (80%) of a taxpayer's liability in the second
32 year of the abatement program;

33 (C) sixty percent (60%) of a taxpayer's liability in the third year
34 of the abatement program;

35 (D) forty percent (40%) of a taxpayer's liability in the fourth
36 year of the abatement program; and

37 (E) twenty percent (20%) of a taxpayer's liability in the fifth
38 year of the abatement program.

39 (4) The procedure by which an eligible property owner receives
40 a tax abatement under this section.

41 SECTION 460. IC 36-4-3-9, AS AMENDED BY P.L.243-2013,
42 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 APRIL 1, 2022]: Sec. 9. (a) A town must obtain the consent of both the
 2 metropolitan development commission and the legislative body of a
 3 **Marion** County ~~having a consolidated city~~ before annexing territory
 4 within ~~the Marion~~ County. ~~where a consolidated city is located.~~

5 (b) A town may not annex within an area that extends one (1) mile
 6 outside the corporate boundaries of a second or third class city. A town
 7 may annex within the area that extends:

8 (1) more than one (1) mile; and

9 (2) not more than three (3) miles;

10 outside the corporate boundaries of a second or third class city, if the
 11 annexation by the town does not include territory that extends more
 12 than one (1) mile outside the corporate boundaries of the town.

13 (c) Subsection (b) does not apply to:

14 (1) a town that proposes to annex territory located in a different
 15 county than the city; or

16 (2) an annexation by a town that is:

17 (A) an annexation under section 5 or 5.1 of this chapter; or

18 (B) consented to by at least fifty-one percent (51%) of the
 19 owners of land in the territory the town proposes to annex.

20 (d) In determining the total number of landowners of the annexed
 21 territory and whether signers of a consent under subsection (c)(2)(B)
 22 are landowners, the names appearing on the tax duplicate for that
 23 territory constitute prima facie evidence of ownership. Only one (1)
 24 person having an interest in each single property, as evidenced by the
 25 tax duplicate, is considered a landowner for purposes of this section.

26 (e) Each municipality that is known as an included town under
 27 IC 36-3-1-7 is also considered a town for purposes of this section.

28 SECTION 461. IC 36-4-3-12, AS AMENDED BY P.L.113-2010,
 29 SECTION 117, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE APRIL 1, 2022]: Sec. 12. ~~(a)~~ The circuit or superior
 31 court shall:

32 (1) on the date fixed under section 11 of this chapter, hear and
 33 determine the remonstrance without a jury; and

34 (2) without delay, enter judgment on the question of the
 35 annexation according to the evidence that either party may
 36 introduce.

37 ~~(b) If the court enters judgment in favor of the annexation, the~~
 38 ~~annexation may not take effect during the year preceding the year in~~
 39 ~~which a federal decennial census is conducted. An annexation that~~
 40 ~~would otherwise take effect during the year preceding a year in which~~
 41 ~~a federal decennial census is conducted takes effect January 1 of the~~
 42 ~~year in which a federal decennial census is conducted.~~



1 SECTION 462. IC 36-4-3-15.5, AS AMENDED BY P.L.207-2014,
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 APRIL 1, 2022]: Sec. 15.5. (a) Except as provided in subsection (b):

- 4 (1) an owner of land within one-half (1/2) mile of territory
 5 proposed to be annexed under this chapter; or
 6 (2) a municipality located in the same county as the territory
 7 proposed to be annexed;

8 may, not later than sixty (60) days after the publication of the
 9 annexation ordinance, appeal that annexation to a circuit court or
 10 superior court of a county in which the annexed territory is located. The
 11 complaint must state that the reason the annexation should not take
 12 place is that the territory sought to be annexed is not contiguous to the
 13 annexing municipality.

14 (b) This subsection applies to an annexation initiated by property
 15 owners under section 5.1 of this chapter in which all property owners
 16 within the area to be annexed petition the municipality to be annexed.
 17 Either of the following may appeal that annexation to a circuit court or
 18 superior court of a county in which the annexed territory is located:

- 19 (1) An owner of land within one-half (1/2) mile of the territory
 20 proposed to be annexed under this chapter.
 21 (2) A municipality located in the same county as the territory
 22 proposed to be annexed.

23 An appeal under this subsection must be filed not later than thirty (30)
 24 days after the publication of the annexation ordinance. The complaint
 25 must state that the reason the annexation should not take place is that
 26 the territory sought to be annexed is not contiguous to the annexing
 27 municipality.

28 (c) Upon the determination of the court that the complaint is
 29 sufficient, the judge shall fix a time for a hearing to be held not later
 30 than sixty (60) days after the determination. Notice of the proceedings
 31 shall be served by summons upon the proper officers of the annexing
 32 municipality. The municipality shall become a defendant in the cause
 33 and be required to appear and answer. The judge of the circuit or
 34 superior court shall, upon the date fixed, proceed to hear and determine
 35 the appeal without a jury, and shall, without delay, give judgment upon
 36 the question of the annexation according to the evidence introduced by
 37 the parties. If the evidence establishes that the territory sought to be
 38 annexed is contiguous to the annexing municipality, the court shall
 39 deny the appeal and dismiss the proceeding. If the evidence does not
 40 establish the foregoing factor, the court shall issue an order to prevent
 41 the proposed annexation from taking effect. The laws providing for
 42 change of venue from the county do not apply, but changes of venue



1 from the judge may be had. Costs follow judgment. Pending the appeal,
2 and during the time within which the appeal may be taken, the territory
3 sought to be annexed is not a part of the annexing municipality.

4 ~~(d) If the court enters a judgment in favor of the municipality, the~~
5 ~~annexation may not take effect during the year preceding a year in~~
6 ~~which a federal decennial census is conducted. An annexation that~~
7 ~~would otherwise take effect during the year preceding a year in which~~
8 ~~a federal decennial census is conducted takes effect January 1 of the~~
9 ~~year in which a federal decennial census is conducted.~~

10 SECTION 463. IC 36-4-3-19, AS AMENDED BY P.L.38-2021,
11 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 APRIL 1, 2022]: Sec. 19. (a) If disannexation is ordered under this
13 chapter by the works board of a municipality and no appeal is taken,
14 the clerk of the municipality shall, without compensation and not later
15 than ten (10) days after the order is made, make and certify a complete
16 transcript of the disannexation proceedings to the auditor of each
17 county in which the disannexed lots or lands lie and to the office of the
18 secretary of state. The county auditor shall list those lots or lands
19 appropriately for taxation. The proceedings of the works board shall not
20 be certified to the county auditor or to the office of the secretary of
21 state if an appeal to the circuit court has been taken.

22 (b) In all proceedings begun in or appealed to the circuit court, if
23 vacation or disannexation is ordered, the clerk of the court shall
24 immediately after the judgment of the court, or after a decision on
25 appeal to the supreme court or court of appeals if the judgment on
26 appeal is not reversed, certify the judgment of the circuit court, as
27 affirmed or modified, to each of the following:

28 (1) The auditor of each county in which the lands or lots affected
29 lie, on receipt of one dollar (\$1) for the making and certifying of
30 the transcript from the petitioners for the disannexation.

31 (2) The office of the secretary of state.

32 (3) The circuit court clerk of each county in which the lands or
33 lots affected are located.

34 (4) The county election board of each county in which the lands
35 or lots affected are located.

36 (5) If a board of registration exists, the board of each county in
37 which the lands or lots affected are located.

38 (6) The office of census data established by IC 2-5-1.1-12.2.

39 (c) The county auditor shall forward a list of lots or lands
40 disannexed under this section to the following:

41 (1) The county highway department of each county in which the
42 lands or lots affected are located.



- 1 (2) The county surveyor of each county in which the lands or lots
2 affected are located.
- 3 (3) Each plan commission, if any, that lost or gained jurisdiction
4 over the disannexed territory.
- 5 (4) The township trustee of each township that lost or gained
6 jurisdiction over the disannexed territory.
- 7 (5) The sheriff of each county in which the lands or lots affected
8 are located.
- 9 (6) The office of the secretary of state.
- 10 (7) The office of census data established by IC 2-5-1.1-12.2.
- 11 (8) The department of local government finance, not later than
12 August 1, in the manner described by the department.

13 The county auditor may require the clerk of the municipality to furnish
14 an adequate number of copies of the list of disannexed lots or lands or
15 may charge the clerk a fee for photoreproduction of the list.

16 (d) A disannexation described by this section takes effect upon the
17 clerk of the municipality filing the order with:

- 18 (1) the county auditor of each county in which the annexed
19 territory is located; and
- 20 (2) the circuit court clerk, or if a board of registration exists, the
21 board of each county in which the annexed territory is located.

22 (e) The clerk of the municipality shall notify the office of the
23 secretary of state and the office of census data established by
24 IC 2-5-1.1-12.2 of the date a disannexation is effective under this
25 chapter.

26 (f) ~~A disannexation order under this chapter may not take effect
27 during the year preceding a year in which a federal decennial census is
28 conducted. A disannexation order that would otherwise take effect
29 during the year preceding a year in which a federal decennial census is
30 conducted takes effect January 1 of the year in which a federal
31 decennial census is conducted.~~

32 SECTION 464. IC 36-4-3-23 IS REPEALED [EFFECTIVE APRIL
33 1, 2022]. ~~Sec. 23. Notwithstanding sections 7, 12, 15.5, and 19 of this
34 chapter, as those sections existed on December 31, 2009, an annexation
35 or disannexation that took effect January 2, 2010, because of the
36 application of section 7(b), 12(b), 15.5(d), or 19(f) of this chapter, as
37 those sections existed on December 31, 2009, is instead considered to
38 take effect January 1, 2010, without the adoption of an amended
39 ordinance or the entry of an amended judgment or order under this
40 chapter.~~

41 SECTION 465. IC 36-4-4-5, AS AMENDED BY P.L.84-2016,
42 SECTION 172, IS AMENDED TO READ AS FOLLOWS

HB 1401—LS 7204/DI 75



1 [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) If uncertainty exists or a
 2 dispute arises concerning the executive or legislative nature of a power
 3 or duty exercised or proposed to be exercised by a branch, officer,
 4 department, or agency of the government of a municipality, a petition
 5 may be filed in the circuit court or superior court of the county in which
 6 the municipality is located by the municipal executive, another
 7 municipal elected official, the president of the municipal legislative
 8 body, or any person who alleges and establishes to the satisfaction of
 9 the court that the person is or would be adversely affected by the
 10 exercise of the power; however, in a county ~~that does not contain a~~
 11 ~~consolidated city other than Marion County~~ and that has a superior
 12 court with three (3) or more judges, the petition shall be filed in the
 13 superior court and shall be heard and determined by the court sitting en
 14 banc.

15 (b) ~~In a Marion County, containing a consolidated city,~~ the petition
 16 shall be heard and determined by a five (5) member panel of judges
 17 from the superior court. The clerk of the court shall select the judges
 18 electronically and randomly. Not more than three (3) members of the
 19 five (5) member panel of judges may be of the same political party. The
 20 first judge selected shall maintain the case file and preside over the
 21 proceedings.

22 (c) The petition must set forth the action taken or the power
 23 proposed to be exercised, and all facts and circumstances relevant to a
 24 determination of the nature of the power, and must request that the
 25 court hear the matter and determine which branch, officer, department,
 26 or agency of the municipality, if any, is authorized to exercise the
 27 power. On the filing of the petition, the clerk of the court shall issue
 28 notice to the municipal executive, each municipal elected official, and
 29 the president of the municipal legislative body, unless the petition was
 30 filed by that person, and to the municipal attorney, department of law,
 31 or legal division.

32 (d) The court shall determine the matters set forth in the petition and
 33 shall affix the responsibility for the exercise of the power or the
 34 performance of the duty, unless it determines that the power or duty
 35 does not exist. Costs of the proceeding shall be paid by the
 36 municipality, except that if an appeal is taken from the decision of the
 37 court by any party to the proceeding other than the municipal
 38 executive, another municipal elected official, or the president of the
 39 municipal legislative body, the costs of the appeal shall be paid by the
 40 unsuccessful party on appeal or in the manner directed by the court
 41 deciding the appeal.

42 SECTION 466. IC 36-4-7-7 IS AMENDED TO READ AS

HB 1401—LS 7204/DI 75



1 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 7. (a) The fiscal
 2 officer shall present the report of budget estimates to the city legislative
 3 body under IC 6-1.1-17. After reviewing the report, the legislative body
 4 shall prepare an ordinance fixing the rate of taxation for the ensuing
 5 budget year and an ordinance making appropriations for the estimated
 6 department budgets and other city purposes during the ensuing budget
 7 year. The legislative body, in the appropriation ordinance, may reduce
 8 any estimated item from the figure submitted in the report of the fiscal
 9 officer, but it may increase an item only if the executive recommends
 10 an increase. The legislative body shall promptly act on the
 11 appropriation ordinance.

12 (b) In preparing the ordinances described in subsection (a) the
 13 legislative body shall make an allowance for the cost of fire protection
 14 to annexed territory described in ~~IC 36-4-3-7(d)~~, **IC 36-4-3-7(c)**, for
 15 the year fire protection is first offered to that territory.

16 SECTION 467. IC 36-5-1-7, AS AMENDED BY P.L.147-2013,
 17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 APRIL 1, 2022]: Sec. 7. (a) The petitioners must obtain the consent by
 19 ordinance of the legislative body of ~~a~~ **the** consolidated city before
 20 incorporating a town if any part of the proposed town is within four (4)
 21 miles of the corporate boundaries of the city. The legislative body of
 22 the consolidated city shall:

23 (1) consent to the incorporation; or

24 (2) deny consent to the incorporation;

25 not later than ninety (90) days after the legislative body receives the
 26 petitioners' written request. If the legislative body fails to act not later
 27 than ninety (90) days after the legislative body receives the petitioners'
 28 written request, the legislative body is considered to have consented to
 29 the petitioners' request for incorporation.

30 (b) The petitioners must obtain the consent by ordinance of the
 31 legislative body of a second or third class city before incorporating a
 32 town if any part of the proposed town is within three (3) miles of the
 33 corporate boundaries of the city. The legislative body of the city shall:

34 (1) consent to the incorporation; or

35 (2) deny consent to the incorporation;

36 not later than ninety (90) days after the legislative body receives the
 37 petitioners' written request. If the legislative body fails to act not later
 38 than ninety (90) days after the legislative body receives the petitioners'
 39 written request, the legislative body is considered to have consented to
 40 the petitioners' request for incorporation.

41 (c) Subsection (b) does not apply to a ~~county having a population of~~
 42 ~~more than four hundred thousand (400,000) but less than seven~~



1 ~~hundred thousand (700,000):~~ **Lake County.**

2 SECTION 468. IC 36-5-1-7.1, AS AMENDED BY P.L.147-2013,
3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 APRIL 1, 2022]: Sec. 7.1. The petitioners of a county having a
5 population of more than seventy thousand (70,000) but less than
6 ~~seventy thousand fifty (70,050) in Hancock County~~ are exempt from:

- 7 (1) the requirements of section 7(a) of this chapter; and
8 (2) the requirements of section 7(b) of this chapter if the second
9 or third class city is within a county containing a consolidated
10 city: **Marion County.**

11 SECTION 469. IC 36-5-1-10.1, AS AMENDED BY P.L.219-2013,
12 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 APRIL 1, 2022]: Sec. 10.1. (a) If a majority of the voters voting on the
14 public question under section 8 of this chapter vote "yes", the county
15 executive shall adopt an ordinance incorporating the town.

16 (b) An ordinance adopted under subsection (a) must:

- 17 (1) either:
18 (A) provide that all members of the town legislative body are to
19 be elected at large (if the town would have a population of less
20 than three thousand five hundred (3,500); or
21 (B) divide the town into not less than three (3) nor more than
22 seven (7) districts; and
23 (2) direct the county election board to conduct an election in the
24 town on the date of the next general or municipal election to be
25 held in any precincts in the county.

26 An election conducted under this section must comply with IC 3
27 concerning town elections. If the date that an ordinance is adopted
28 under this section is not later than June 1 of a general or municipal
29 election year, the election must be conducted on the date of the next
30 general or municipal election held in any precincts in the county after
31 the election for which absentee balloting is being conducted. However,
32 a primary election may not be conducted before an election conducted
33 under this section, regardless of the population of the town.

34 (c) Districts established by an ordinance adopted under this section
35 must comply with IC 3-11-1.5.

36 (d) If any territory in the town is not included in one (1) of the
37 districts established under this section, the territory is included in the
38 district that:

- 39 (1) is contiguous to that territory; and
40 (2) contains the least population of all districts contiguous to that
41 territory.

42 (e) If any territory in the town is included in more than one (1) of the



1 districts established under this section, the territory is included in the
2 district that:

- 3 (1) is one (1) of the districts in which the territory is described in
4 the ordinance adopted under this section;
5 (2) is contiguous to that territory; and
6 (3) contains the least population of all districts contiguous to that
7 territory.

8 ~~(f)~~ ~~Except as provided in subsection (g);~~ An ordinance adopted
9 under this section becomes effective when filed with:

- 10 (1) the office of the secretary of state; and
11 (2) the circuit court clerk of each county in which the town is
12 located.

13 ~~(g)~~ ~~An ordinance incorporating a town under this section may not~~
14 ~~take effect during the year preceding a year in which a federal~~
15 ~~decennial census is conducted. An ordinance under this section that~~
16 ~~would otherwise take effect during the year preceding a year in which~~
17 ~~a federal decennial census is conducted takes effect January 1 of the~~
18 ~~year in which a federal decennial census is conducted.~~

19 ~~(h)~~ ~~(g)~~ Each county that contains a part of the proposed town must
20 adopt identical ordinances providing for the incorporation of the town.

21 ~~(i)~~ ~~Notwithstanding subsection (g) as that subsection existed on~~
22 ~~December 31, 2009; an ordinance that took effect January 2, 2010;~~
23 ~~because of the application of subsection (g); as that subsection existed~~
24 ~~on December 31, 2009; is instead considered to take effect January 1;~~
25 ~~2010; without the adoption of an ordinance or an amended ordinance~~
26 ~~or any other additional action being required.~~

27 SECTION 470. IC 36-5-1-18, AS AMENDED BY P.L.219-2013,
28 SECTION 102, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE APRIL 1, 2022]: Sec. 18. (a) If at least two-thirds (2/3)
30 of the votes cast in an election under section 16 of this chapter are
31 affirmative, the dissolution or change of name takes effect in the
32 manner prescribed by this section.

33 (b) A change of name takes effect thirty (30) days after the filing of
34 the statement required by section 17 of this chapter.

35 (c) ~~Except as provided in subsection (d);~~ A dissolution takes effect
36 six (6) months after the filing of the statement required by section 17
37 of this chapter. The property owned by the town after payment of debts
38 and liabilities shall be disposed of in the manner chosen by a majority
39 of the voters of the town at a special election for that purpose.
40 Dissolution of a town does not affect the validity of a contract to which
41 the town is a party.

42 ~~(d)~~ ~~A dissolution under this chapter may not take effect during the~~



1 year preceding a year in which a federal decennial census is conducted:
 2 A dissolution that would otherwise take effect during the year
 3 preceding a year in which a federal decennial census is conducted takes
 4 effect January 1 of the year in which a federal decennial census is
 5 conducted.

6 (e) Notwithstanding subsection (d) as that subsection existed on
 7 December 31, 2009; a dissolution that took effect January 2, 2010;
 8 because of the application of subsection (d); as that subsection existed
 9 on December 31, 2009, is instead considered to take effect January 1,
 10 2010; without any additional action being required.

11 SECTION 471. IC 36-5-1.1-9, AS AMENDED BY P.L.113-2010,
 12 SECTION 125, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE APRIL 1, 2022]: Sec. 9. (a) A person aggrieved by a
 14 decision made by the county executive under section 6 of this chapter
 15 may, within thirty (30) days, appeal that decision or result to the circuit
 16 court for the county containing more than fifty percent (50%) in
 17 assessed valuation of the land in the town. The appeal is instituted by
 18 giving written notice to the clerk of the circuit court and filing with the
 19 county executive a bond for five hundred dollars (\$500), with surety
 20 approved by the county executive. The bond must provide:

- 21 (1) that the appeal will be duly prosecuted; and
 22 (2) that the appellants will pay all costs if the appeal is decided
 23 against them.

24 (b) When an appeal is instituted, the county executive shall file with
 25 the clerk of the circuit court a transcript of all proceedings in the case,
 26 together with all papers filed in the case. The county executive may not
 27 take further action in the case until the appeal is heard and determined.

28 (c) An appeal under this section shall be heard by the circuit court
 29 without a jury. Change of venue from the judge may be granted, but
 30 change of venue from the county may not be granted. If the court orders
 31 the dissolution to take place, the circuit court clerk shall, immediately
 32 after the judgment of the court, certify the judgment of the circuit court
 33 to:

- 34 (1) the clerk of the municipality;
 35 (2) the circuit court clerk of any other county in which the town
 36 is located; and
 37 (3) the office of the secretary of state.

38 (d) Except as provided in subsection (e); The dissolution takes effect
 39 sixty (60) days after the order is certified.

40 (e) A dissolution under this section may not take effect during the
 41 year preceding a year in which a federal decennial census is conducted.
 42 A dissolution under this section that would otherwise take effect during



1 the year preceding the year in which the federal decennial census is
 2 conducted takes effect January 1 of the year in which a federal
 3 decennial census is conducted.

4 (f) Notwithstanding subsection (e) as that subsection existed on
 5 December 31, 2009; a dissolution that took effect January 2, 2010;
 6 because of the application of subsection (e); as that subsection existed
 7 on December 31, 2009; is instead considered to take effect January 1,
 8 2010; without any additional action being required.

9 SECTION 472. IC 36-5-1.1-10, AS AMENDED BY P.L.113-2010,
 10 SECTION 126, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE APRIL 1, 2022]: Sec. 10. (a) If the county executive
 12 approves dissolution under section 6 of this chapter, the county
 13 executive shall adopt:

14 (1) an ordinance; or

15 (2) an order in a **Marion** County; having a consolidated city;
 16 dissolving the town.

17 (b) Except as provided in subsection (e); A dissolution takes effect:

18 (1) at least sixty (60) days after the ordinance or order under
 19 subsection (a) is adopted; and

20 (2) when the county auditor files a copy of the ordinance or order
 21 with:

22 (A) the circuit court clerk of each county in which the town is
 23 located; and

24 (B) the office of the secretary of state.

25 (c) The property owned by the town after payment of debts and
 26 liabilities shall be disposed of by the county executive. Any proceeds
 27 remaining shall be deposited in the county general fund. Dissolution of
 28 a town does not affect the validity of a contract to which the town is a
 29 party.

30 (d) After dissolution, the books and records of the town become the
 31 property of the county executive for safekeeping.

32 (e) A dissolution under this section may not take effect during the
 33 year preceding a year in which a federal decennial census is conducted:
 34 A dissolution under this section that would otherwise take effect during
 35 the year preceding a year in which a federal decennial census is
 36 conducted takes effect January 1 of the year in which a federal
 37 decennial census is conducted.

38 (f) Notwithstanding subsection (e) as that subsection existed on
 39 December 31, 2009; a dissolution that took effect January 2, 2010;
 40 because of the application of subsection (e); as that subsection existed
 41 on December 31, 2009; is instead considered to take effect January 1,
 42 2010; without any additional action being required.



1 SECTION 473. IC 36-5-1.1-10.5, AS AMENDED BY
 2 P.L.113-2010, SECTION 127, IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 10.5. (a) This section
 4 applies to the dissolution of an included town.

5 (b) The town legislative body may adopt a resolution to consider
 6 dissolution of the town under this section. The resolution must state the
 7 following:

8 (1) That the town legislative body conduct a public hearing at a
 9 stated date, place, and time concerning the dissolution of the
 10 town.

11 (2) That the town legislative body will hear all statements
 12 presented in favor of or in opposition to dissolution.

13 (3) That the town legislative body may adopt an ordinance to
 14 dissolve the town at the conclusion of the public hearing.

15 (c) The town clerk shall publish a notice of the public hearing in
 16 accordance with IC 5-3-1.

17 (d) The town legislative body may continue a public hearing under
 18 this section. If a hearing is continued, the clerk is not required to
 19 publish an additional notice under subsection (c).

20 (e) The town legislative body may adopt an ordinance following the
 21 conclusion of the public hearing under subsection (b). The town clerk
 22 shall file a copy of the ordinance with:

23 (1) the circuit court clerk of the county; and

24 (2) the office of the secretary of state.

25 (f) ~~Except as provided in subsection (g);~~ The ordinance dissolving
 26 the town takes effect:

27 (1) at least sixty (60) days after adoption; and

28 (2) when the ordinance is filed under subsection (e).

29 ~~(g) A dissolution under this section may not take effect during the~~
 30 ~~year preceding a year in which a federal decennial census is conducted.~~
 31 ~~A dissolution under this section that would otherwise take effect during~~
 32 ~~the year preceding a year in which the federal decennial census is~~
 33 ~~conducted takes effect January 1 of the year in which a federal~~
 34 ~~decennial census is conducted.~~

35 ~~(h)~~ (g) When an ordinance dissolving a town becomes effective:

36 (1) the territory included within the town when the ordinance was
 37 adopted becomes a part of the consolidated city;

38 (2) the books and records of the town become the property of the
 39 county executive;

40 (3) the property owned by the town after payment of debts and
 41 liabilities shall be disposed of by the county executive; and

42 (4) the county executive shall deposit any proceeds remaining



1 after payment of debts and liabilities into the county general fund.
 2 ~~(i) (h)~~ The dissolution of a town under this section does not affect
 3 the validity of a contract to which the town is a party.

4 ~~(j) Notwithstanding subsection (g) as that subsection existed on~~
 5 ~~December 31, 2009; a dissolution that took effect January 2, 2010;~~
 6 ~~because of the application of subsection (g); as that subsection existed~~
 7 ~~on December 31, 2009; is instead considered to take effect January 1,~~
 8 ~~2010; without any additional action being required.~~

9 SECTION 474. IC 36-5-1.1-10.6, AS AMENDED BY
 10 P.L.113-2010, SECTION 128, IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 10.6. (a) This section
 12 applies to included towns.

13 (b) The dissolution of a town under this section may be instituted by
 14 filing a petition with the county board of registration. The petition must
 15 be signed by at least the number of the registered voters of the town
 16 required to place a candidate on the ballot under IC 3-8-6-3. The
 17 petition must be filed not later than June 1 of a year in which a general
 18 or municipal election will be held.

19 (c) If a petition meets the criteria set forth in subsection (b), the
 20 county board of registration shall certify the public question to the
 21 county election board under IC 3-10-9-3. The county election board
 22 shall place the question of dissolution on the ballot provided for voters
 23 in the included town at the first general or municipal election following
 24 certification. The question shall be placed on the ballot in the form
 25 prescribed by IC 3-10-9-4 and must state "Shall the town of _____
 26 dissolve?".

27 (d) If the public question is approved by a majority of the voters
 28 voting on the question, the county election board shall file a copy of the
 29 certification prepared under IC 3-12-4-9 concerning the public question
 30 described by this section with the following:

- 31 (1) The circuit court clerk of the county.
- 32 (2) The office of the secretary of state.

33 (e) ~~Except as provided in subsection (f);~~ Dissolution occurs:

- 34 (1) at least sixty (60) days after certification under IC 3-12-4-9;
- 35 and
- 36 (2) when the certification is filed under subsection (d).

37 ~~(f) A dissolution under this section may not take effect during the~~
 38 ~~year preceding a year in which a federal decennial census is conducted.~~
 39 ~~A dissolution under this section that would otherwise take effect during~~
 40 ~~the year preceding a year in which the federal decennial census is~~
 41 ~~conducted takes effect January 1 of the year in which a federal~~
 42 ~~decennial census is conducted.~~



1 ~~(g)~~ (f) When a town is dissolved under this section:
 2 (1) the territory included within the town when the ordinance was
 3 adopted becomes a part of the consolidated city;
 4 (2) the books and records of the town become the property of the
 5 county executive;
 6 (3) the property owned by the town after payment of debts and
 7 liabilities shall be disposed of by the county executive; and
 8 (4) the county executive shall deposit any proceeds remaining
 9 after payment of debts and liabilities into the county general fund.
 10 ~~(h)~~ (g) The dissolution of a town under this section does not affect
 11 the validity of a contract to which the town is a party.
 12 ~~(i) Notwithstanding subsection (f) as that subsection existed on~~
 13 ~~December 31, 2009; a dissolution that took effect January 2, 2010;~~
 14 ~~because of the application of subsection (f); as that subsection existed~~
 15 ~~on December 31, 2009; is instead considered to take effect January 1,~~
 16 ~~2010; without any additional action being required.~~
 17 SECTION 475. IC 36-5-1.1-12 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 12. (a) This section
 19 does not apply to a town described by IC 36-5-1-11.5.
 20 (b) A town subject to this chapter may be dissolved if the county
 21 election board of the county in which the greatest percentage of
 22 population of the town is located conducts a public hearing and finds
 23 that the town has not elected town officers or had a functioning town
 24 government during the preceding ten (10) years.
 25 (c) The county election board shall certify the board's findings to the
 26 county executive, who may adopt an ordinance or (in a **Marion** County
 27 ~~having a consolidated city~~ or subject to IC 36-2-3.5) issue an order to
 28 dissolve the town.
 29 SECTION 476. IC 36-5-4-13, AS AMENDED BY P.L.119-2012,
 30 SECTION 192, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE APRIL 1, 2022]: Sec. 13. (a) Except as provided in
 32 subsection (c), this subsection applies to a town with a population of
 33 five hundred (500) or less. Notwithstanding the provisions of any other
 34 statute, a town may transfer money from any town fund to another town
 35 fund after the passage of an ordinance or a resolution by the town
 36 legislative body specifying the:
 37 (1) amount of the transfer;
 38 (2) funds involved;
 39 (3) date of the transfer; and
 40 (4) general purpose of the transfer.
 41 (b) Except as provided in subsection (c), this subsection applies to
 42 a town having a population of more than five hundred (500) but less



1 than two thousand (2,000). Notwithstanding IC 8-14-1 and IC 8-14-2,
2 a town may transfer money distributed to the town from:

- 3 (1) the motor vehicle highway account under IC 8-14-1;
4 (2) the local road and street account under IC 8-14-2; or
5 (3) the:

- 6 (A) motor vehicle highway account under IC 8-14-1; and
7 (B) local road and street account under IC 8-14-2;

8 to any other town fund after the passage of an ordinance or a resolution
9 by the town legislative body that specifies the amount of the transfer,
10 the funds involved, the date of the transfer, and the general purpose of
11 the transfer. However, the total amount of all money transferred by a
12 town under this subsection may not exceed forty thousand dollars
13 (\$40,000).

14 (c) A

15 ~~(1) municipality located in a county having a population of more~~
16 ~~than fifteen thousand (15,000) but less than fifteen thousand five~~
17 ~~hundred (15,500); **Brown County** and~~

18 ~~(2) town:~~

19 ~~(A) located in a county having a population of more than~~
20 ~~thirty-seven thousand one hundred twenty-five (37,125) but less~~
21 ~~than thirty-seven thousand five hundred (37,500); and~~

22 ~~(B) having a population of less than one thousand (1,000); **the**~~
23 ~~**town of Shippshewana**~~

24 may not transfer money under this section to or from a food and
25 beverage tax receipts fund established under IC 6-9.

26 SECTION 477. IC 36-6-1-3, AS AMENDED BY P.L.113-2010,
27 SECTION 129, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE APRIL 1, 2022]: Sec. 3. (a) When part of a township is
29 owned by the state or the United States, devoted to a public use, and
30 withdrawn from taxation for local purposes, and:

31 (1) less than eighteen (18) square miles of the township remains
32 subject to taxation; or

33 (2) the township is divided into two (2) or more separate sections
34 by the government owned part;

35 the county executive may issue an order to alter the boundaries of the
36 township and adjoining townships on receipt of a petition signed by at
37 least thirty-five percent (35%) of the resident freeholders of a part of
38 the township adjoining another township.

39 (b) ~~Except as provided in subsection (c);~~ A boundary alteration
40 under this section is effective when a copy of the order is filed with:

41 (1) the circuit court clerk; and

42 (2) the office of the secretary of state.



1 (c) A boundary alteration under this section may not take effect
 2 during the year preceding a year in which a federal decennial census is
 3 conducted. A boundary alteration that would otherwise take effect
 4 during the year preceding a year in which a federal decennial census is
 5 conducted takes effect January 1 of the year in which a federal
 6 decennial census is conducted.

7 (d) Notwithstanding subsection (c) as that subsection existed on
 8 December 31, 2009; a boundary alteration that took effect January 2,
 9 2010; because of the application of subsection (c), as that subsection
 10 existed on December 31, 2009; is instead considered to take effect
 11 January 1, 2010; without any additional action being required.

12 SECTION 478. IC 36-6-1-5 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) Townships other
 14 than those described in section 3 of this chapter may be altered or
 15 abolished by the issuance of an order by the county executive on
 16 receipt of a petition signed by a majority of the freeholders of the
 17 affected township or townships. The alteration or abolition must
 18 conform to the terms of the petition.

19 (b) Except as provided in subsection (c), the alteration or abolition
 20 becomes effective when the county executive files a copy of the order
 21 with:

- 22 (1) the circuit court clerk; and
- 23 (2) the office of the secretary of state.

24 (c) The alteration or abolition of a township may not take effect
 25 during the year preceding a year in which a federal decennial census is
 26 conducted. An alteration or abolition that would otherwise take effect
 27 during the year preceding a year in which a federal decennial census is
 28 conducted takes effect January 2 of the year in which a federal
 29 decennial census is conducted.

30 SECTION 479. IC 36-6-1-5.5 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5.5. (a) This section
 32 applies to an area that meets the following conditions:

- 33 (1) Contains not more than seven hundred (700) acres.
- 34 (2) Has a river along at least twenty-five percent (25%) of the
 35 perimeter of the area.
- 36 (3) Abuts a different township from the township in which the
 37 area is situated.

38 (b) An area is transferred from the township in which the area is
 39 situated to the township that the area abuts if the following conditions
 40 are met:

- 41 (1) The transfer results in a rectangular shape for the boundaries
 42 of both of the affected townships.



1 (2) A petition:

2 (A) containing a legal description of the area; and

3 (B) signed by at least fifty-one percent (51%) of the freeholders
4 in the area;

5 is filed with the circuit court clerk and the office of the secretary
6 of state.

7 ~~(e) Section 5(e) of this chapter applies to the alteration of township~~
8 ~~boundaries under this section.~~

9 ~~(d) (c) Except as provided in subsection (e);~~ If the conditions
10 specified in this section are met, the transfer occurs when the filing
11 requirements of subsection (b) are met.

12 ~~(e) The transfer may not take effect during the year preceding a year~~
13 ~~in which a federal decennial census is conducted. A transfer that would~~
14 ~~otherwise take effect during the year preceding a year in which a~~
15 ~~federal decennial census is conducted takes effect January 2 of the year~~
16 ~~in which a federal decennial census is conducted.~~

17 SECTION 480. IC 36-6-1-11 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 11. (a) An action
19 taken by a county executive under this chapter may be appealed to the
20 circuit court of the county. The appeal shall be heard de novo on all
21 questions presented.

22 (b) If the court orders the name change, alteration, or abolition of a
23 township to take place, the circuit court clerk shall, immediately after
24 the judgment of the court, certify the judgment of the circuit court to:

25 (1) the township executive; and

26 (2) the office of the secretary of state.

27 ~~Except as provided in subsection (e);~~ The order takes effect sixty (60)
28 days after certification.

29 ~~(e) The name change, alteration, or abolition of a township may not~~
30 ~~take effect during the year preceding a year in which a federal~~
31 ~~decennial census is conducted. An alteration or abolition that would~~
32 ~~otherwise take effect during the year preceding a year in which a~~
33 ~~federal decennial census is conducted takes effect January 2 of the year~~
34 ~~in which a federal decennial census is conducted.~~

35 SECTION 481. IC 36-6-1.5-1, AS ADDED BY P.L.240-2005,
36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 APRIL 1, 2022]: Sec. 1. This chapter does not apply to a township in
38 a **Marion** County. ~~containing a consolidated city.~~

39 SECTION 482. IC 36-6-4-3, AS AMENDED BY P.L.1-2009,
40 SECTION 163, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE APRIL 1, 2022]: Sec. 3. The executive shall do the
42 following:

HB 1401—LS 7204/DI 75



- 1 (1) Keep a written record of official proceedings.
- 2 (2) Manage all township property interests.
- 3 (3) Keep township records open for public inspection.
- 4 (4) Attend all meetings of the township legislative body.
- 5 (5) Receive and pay out township funds.
- 6 (6) Examine and settle all accounts and demands chargeable
- 7 against the township.
- 8 (7) Administer township assistance under IC 12-20 and
- 9 IC 12-30-4.
- 10 (8) Perform the duties of fence viewer under IC 32-26.
- 11 (9) Provide and maintain cemeteries under IC 23-14.
- 12 (10) Provide fire protection under IC 36-8, except in a township
- 13 that:
- 14 (A) is located in a **Marion** County; ~~having a consolidated city;~~
- 15 and
- 16 (B) consolidated the township's fire department under
- 17 IC 36-3-1-6.1.
- 18 (11) File an annual personnel report under IC 5-11-13.
- 19 (12) Provide and maintain township parks and community centers
- 20 under IC 36-10.
- 21 (13) Destroy detrimental plants, noxious weeds, and rank
- 22 vegetation under IC 15-16-8.
- 23 (14) Provide insulin to the poor under IC 12-20-16.
- 24 (15) Perform other duties prescribed by statute.
- 25 SECTION 483. IC 36-6-4-16, AS AMENDED BY P.L.84-2016,
- 26 SECTION 177, IS AMENDED TO READ AS FOLLOWS
- 27 [EFFECTIVE APRIL 1, 2022]: Sec. 16. (a) When twenty-five (25) or
- 28 more resident freeholders of a township file a petition with the circuit
- 29 court, superior court, or probate court of the county, alleging that the
- 30 township executive is incapable of performing the executive's duties
- 31 due to mental or physical incapacity, the clerk of the court shall issue
- 32 a summons to be served on the executive. The summons is returnable
- 33 not less than ten (10) days from its date of issue.
- 34 (b) Immediately following the return date set out on the summons,
- 35 the circuit court, superior court, or probate court shall hold a hearing
- 36 on the matter alleged in the petition. After hearing the evidence and
- 37 being fully advised, the court shall enter its findings and judgment.
- 38 (c) If the court finds the executive incapable of performing the
- 39 duties of office, the clerk of the court shall certify a copy of the
- 40 judgment to the county executive, which shall, within five (5) days,
- 41 appoint a resident of the township as acting executive of the township
- 42 during the incapacity of the executive.



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

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

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

12 (g) If the court finds the executive capable of resuming duties, the
13 clerk of the court shall certify a copy of the judgment to the county
14 executive, which shall, within five (5) days, revoke the appointment of
15 the acting executive.

16 (h) For purposes of this section, the board of county commissioners
17 is considered the executive of a **Marion** County. ~~having a consolidated~~
18 ~~city.~~

19 SECTION 484. IC 36-6-6-2, AS AMENDED BY P.L.278-2019,
20 SECTION 191, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) Except as provided in
22 subsection (b) and section 2.1 of this chapter, a three (3) member
23 township board shall be elected under IC 3-10-2-13 by the voters of
24 each township.

25 (b) The township board in a **Marion** County ~~containing a~~
26 ~~consolidated city~~ shall consist of five (5) members elected under
27 IC 3-10-2-13 by the voters of each township.

28 (c) The township board is the township legislative body.

29 (d) The term of office of a township board member is four (4) years,
30 beginning January 1 after election and continuing until a successor is
31 elected and qualified.

32 SECTION 485. IC 36-6-6-2.2 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2.2. (a) This
34 subsection applies to townships in a **Marion** County. ~~containing a~~
35 ~~consolidated city.~~ The voters of each legislative body district
36 established under section 2.5 of this chapter shall elect one (1) member
37 of the township board.

38 (b) This subsection applies to townships not included in subsection
39 (a). The voters of each township shall elect all the members of the
40 township board.

41 SECTION 486. IC 36-6-6-2.3, AS AMENDED BY P.L.278-2019,
42 SECTION 192, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE APRIL 1, 2022]: Sec. 2.3. (a) This section does not apply
2 to a township board in a **Marion** County. ~~containing a consolidated~~
3 ~~city.~~

4 (b) During the year preceding a general election for the members of
5 the township board conducted under section 2 of this chapter, a
6 township board may adopt a resolution under this section to provide for
7 the staggering of the terms of its members.

8 (c) The resolution described in subsection (b) must provide all the
9 following:

10 (1) That, notwithstanding section 2 of this chapter, the terms of
11 the board members elected at the next general election must be as
12 follows:

13 (A) The candidate who receives the greatest number of votes
14 among all the candidates at the election shall serve a four (4)
15 year term, beginning on January 1 after the next general
16 election.

17 (B) The candidate who receives the second greatest number of
18 votes among all the candidates at the election shall serve a two
19 (2) year term, beginning on January 1 after the next general
20 election.

21 (C) The candidate who receives the third greatest number of
22 votes among all the candidates at the election shall serve a two
23 (2) year term, beginning on January 1 after the next general
24 election.

25 (2) That the term of office of each board member elected after the
26 first election after adoption of the resolution is four (4) years,
27 beginning January 1 after each board member's general election.

28 (d) If a township board adopts a resolution under this section,
29 election of the board members must occur at the elections as provided
30 in the resolution.

31 (e) If fewer candidates are elected than the number of board
32 members to be elected, the incumbent board member or members that
33 hold office under Article 15, Section 3 of the Constitution of the State
34 of Indiana shall be determined under IC 3-13-10-6.5 by the county
35 executive. The county executive shall determine the length of the term
36 of each incumbent board member if more than one (1) incumbent board
37 member continues to hold office under Article 15, Section 3 of the
38 Constitution of the State of Indiana. The county executive shall
39 consider any applicable language in the resolution adopted by the
40 township in making this determination.

41 (f) If a tie occurs among the candidates for an office elected under
42 subsection (c), the tie is resolved under IC 3-12-9-4. The authority



1 resolving the tie determines the length of the term in accordance with
2 subsection (c) for a person selected to fill an office under this
3 subsection.

4 (g) A township board may repeal a resolution adopted under
5 subsection (b) subject to the following:

6 (1) The resolution may not be repealed earlier than twelve (12)
7 years after the resolution was adopted.

8 (2) The resolution may be repealed only in a year in which an
9 election for members of the township board is not held.

10 (3) The resolution must provide for the election of all members of
11 the township board at the next general election. Notwithstanding
12 subsection (c)(2) and section 2 of this chapter, the term of all the
13 members of the township board ends January 1 after the next
14 general election.

15 (4) The term of office of the members elected at the next general
16 election is four (4) years, beginning January 1 after that general
17 election.

18 (h) A resolution described in subsection (b) or a resolution repealing
19 a resolution previously adopted under subsection (b):

20 (1) must be filed with the circuit court clerk before January 1 of
21 a year in which an election of board members is scheduled to be
22 held; and

23 (2) takes effect when the ordinance is filed with the circuit court
24 clerk.

25 SECTION 487. IC 36-6-6-2.5, AS AMENDED BY P.L.271-2013,
26 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 APRIL 1, 2022]: Sec. 2.5. (a) This section applies to townships in a
28 **Marion County. ~~containing a consolidated city.~~**

29 (b) The legislative body shall adopt a resolution that divides the
30 township into legislative body districts that:

31 (1) are composed of contiguous territory;

32 (2) are reasonably compact;

33 (3) respect, as nearly as reasonably practicable, precinct boundary
34 lines; and

35 (4) contain, as nearly as reasonably practicable, equal population.

36 (c) Before a legislative body may adopt a resolution that divides a
37 township into legislative body districts, the secretary of the legislative
38 body shall mail a written notice to the circuit court clerk. This notice
39 must:

40 (1) state that the legislative body is considering the adoption of a
41 resolution to divide the township into legislative body districts;
42 and



- 1 (2) be mailed not later than ten (10) days before the legislative
2 body adopts the resolution.
- 3 (d) Except as provided in subsection (f), the legislative body shall
4 make a division into legislative body districts at the following times:
- 5 (1) During the second year after a year in which a federal
6 decennial census is conducted.
- 7 (2) Subject to IC 3-11-1.5-32.5, whenever the boundary of the
8 township changes.
- 9 (e) The legislative body may make the division under this section at
10 any time, subject to IC 3-11-1.5-32.5.
- 11 (f) This subsection applies during the second year after a year in
12 which a federal decennial census is conducted. If the legislative body
13 determines that a division is not required under subsection (b), the
14 legislative body shall adopt an ordinance recertifying that the districts
15 as drawn comply with this section.
- 16 (g) Each time there is a division under subsection (b) or a
17 recertification under subsection (f), the legislative body shall file with
18 the circuit court clerk of the county not later than thirty (30) days after
19 the adoption or recertification occurs a map of the district boundaries:
- 20 (1) adopted under subsection (b); or
21 (2) recertified under subsection (f).
- 22 (h) The limitations set forth in this section are part of the ordinance,
23 but do not have to be specifically set forth in the ordinance. The
24 ordinance must be construed, if possible, to comply with this chapter.
25 If a provision of the ordinance or an application of the ordinance
26 violates this chapter, the invalidity does not affect the other provisions
27 or applications of the ordinance that can be given effect without the
28 invalid provision or application. The provisions of the ordinance are
29 severable.
- 30 (i) If a conflict exists between:
- 31 (1) a map showing the boundaries of a district; and
32 (2) a description of the boundaries of that district set forth in the
33 ordinance;
34 the district boundaries are the description of the boundaries set forth in
35 the ordinance, not the boundaries shown on the map, to the extent there
36 is a conflict between the description and the map.
- 37 SECTION 488. IC 36-6-6-3, AS AMENDED BY P.L.240-2005,
38 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 APRIL 1, 2022]: Sec. 3. (a) This subsection applies to townships in a
40 **Marion** County. ~~containing a consolidated city.~~ One (1) member of the
41 legislative body must reside within each legislative body district. If a
42 member of the legislative body ceases to be a resident of the district



1 from which the member was elected, the office becomes vacant.

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

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

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

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

11 One (1) member of the legislative body must reside within the
12 boundaries of each of the former townships that merged. If a member
13 of the legislative body ceases to be a resident of that former township,
14 the office becomes vacant.

15 SECTION 489. IC 36-6-6-4, AS AMENDED BY P.L.159-2021,
16 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 APRIL 1, 2022]: Sec. 4. (a) Except as provided in subsections (b) and
18 (c), two (2) members of the legislative body constitute a quorum.

19 (b) ~~Before January 1, 2017, four (4) members of the legislative body~~
20 ~~in a county containing a consolidated city constitute a quorum. After~~
21 ~~December 31, 2016, Three (3) members of the legislative body in a~~
22 ~~Marion County having a consolidated city constitute a quorum.~~

23 (c) This subsection applies to a township government that:

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

26 (2) elects the township legislative body under section 2.1 of this
27 chapter.

28 A majority of the members of the township legislative body constitute
29 a quorum. If a township legislative body has an even number of
30 members, the township executive shall serve by virtue of office as a
31 member of the township legislative body for the purpose of casting the
32 deciding vote to break a tie.

33 (d) For townships not described in subsection (c), the township
34 executive shall serve by virtue of office as a member of the township
35 legislative body for the purpose of casting the deciding vote to break a
36 tie. However, the township executive may not vote to break a tie on the
37 adoption of an ordinance to increase the township executive's
38 compensation (as defined in section 10 of this chapter).

39 SECTION 490. IC 36-6-6-17, AS ADDED BY P.L.159-2020,
40 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 APRIL 1, 2022]: Sec. 17. (a) This section does not apply to a township
42 located in a Marion County. ~~having a consolidated city.~~

HB 1401—LS 7204/DI 75



1 (b) As used in this section, "immediate family member" refers only
2 to any of the following relatives of an individual:

- 3 (1) A parent.
4 (2) A sibling.
5 (3) A spouse.
6 (4) A child.

7 A relative by adoption, half-blood, marriage, or remarriage is
8 considered as a relative of whole kinship.

9 (c) A member of the township board may not participate in a vote
10 on the adoption of the township's budget and tax levies if the member
11 is an immediate family member of the township trustee.

12 (d) Notwithstanding any other law, if at least a majority of the
13 members of the township board are precluded from voting on the
14 township's budget and tax levies under subsection (c), the township's
15 most recent annual appropriations are continued for the ensuing budget
16 year, subject to the following:

- 17 (1) The township trustee may petition the county fiscal body for
18 an increase in the township's budget under subsection (e).
19 (2) The township trustee may petition the county fiscal body for
20 any additional appropriations under subsection (f).

21 (e) If subsection (d) applies, the township trustee may petition the
22 county fiscal body for an increase in the township's budget and property
23 tax levies. The county fiscal body may grant or deny the petition only
24 after conducting a public hearing on the petition.

25 (f) If subsection (d) applies, the county fiscal body may adopt any
26 additional appropriations of the township by ordinance before the
27 department of local government finance may approve the additional
28 appropriation.

29 SECTION 491. IC 36-7-1-6.5, AS ADDED BY P.L.161-2021,
30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 APRIL 1, 2022]: Sec. 6.5. "Excluded city" means a city or town that is
32 located within a **Marion** County ~~having a consolidated city~~ as
33 described in IC 36-3-1-7.

34 SECTION 492. IC 36-7-1-10 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 10. "Metropolitan
36 development commission" means the plan commission established by
37 IC 36-7-4-202(c) for a **Marion** County. ~~having a consolidated city.~~ The
38 term does not include a metropolitan plan commission established
39 under IC 36-7-4-202(a).

40 SECTION 493. IC 36-7-3-1, AS AMENDED BY P.L.126-2011,
41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 APRIL 1, 2022]: Sec. 1. (a) Section 2 of this chapter applies only to



1 areas subject to the jurisdiction of no plan commission under this
2 article.

3 (b) Sections 3 through 9 of this chapter apply only to:

4 (1) areas subject to the jurisdiction of an advisory plan
5 commission under this article; and

6 (2) areas subject to the jurisdiction of no plan commission under
7 this article.

8 (c) Sections 10, 14, and 16 of this chapter apply to all areas of the
9 state.

10 (d) Sections 12, 13, and 15 of this chapter apply to all areas of the
11 state, except in a **Marion** County. ~~having a consolidated city.~~

12 SECTION 494. IC 36-7-4-201, AS AMENDED BY P.L.161-2021,
13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 APRIL 1, 2022]: Sec. 201. (a) For purposes of IC 36-1-3-6, a unit
15 wanting to exercise planning and zoning powers in Indiana, including
16 the issuance of permits under IC 8-1-32.3 (except as otherwise
17 provided in IC 8-1-32.3), must do so in the manner provided by this
18 chapter.

19 (b) The purpose of this chapter is to encourage units to improve the
20 health, safety, convenience, and welfare of their citizens and to plan for
21 the future development of their communities to the end:

22 (1) that highway systems be carefully planned;

23 (2) that new communities grow only with adequate public way,
24 utility, health, educational, and recreational facilities;

25 (3) that the needs of agriculture, forestry, industry, and business
26 be recognized in future growth;

27 (4) that residential areas provide healthful surroundings for family
28 life; and

29 (5) that the growth of the community is commensurate with and
30 promotive of the efficient and economical use of public funds.

31 (c) Furthermore, municipalities and counties may cooperatively
32 establish single and unified planning and zoning entities to carry out
33 the purpose of this chapter on a countywide basis.

34 (d) METRO. Expanding urbanization in ~~each~~ **Marion** County
35 ~~having a consolidated city~~ has created problems that have made the
36 unification of planning and zoning functions a necessity to insure the
37 health, safety, morals, economic development, and general welfare of
38 the county. To accomplish this unification, a single planning and
39 zoning authority is established for the county. However, in an excluded
40 city (as described in IC 36-3-1-7):

41 (1) the legislative body of the excluded city; and

42 (2) the board of zoning appeals of the excluded city, if the



1 excluded city has a board of zoning appeals;
 2 have exclusive territorial jurisdiction within the boundaries of the
 3 excluded city. Unless expressly provided otherwise, any reference in
 4 this chapter to the legislative body with regard to an excluded city is a
 5 reference to the legislative body of the excluded city, and any reference
 6 in this chapter to the board of zoning appeals with regard to an
 7 excluded city is a reference to the board of zoning appeals of the
 8 excluded city, if the excluded city has a board of zoning appeals.

9 SECTION 495. IC 36-7-4-202, AS AMENDED BY P.L.119-2012,
 10 SECTION 193, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE APRIL 1, 2022]: Sec. 202. (a) ADVISORY. The
 12 legislative body of a county or municipality may establish by ordinance
 13 an advisory plan commission. In addition, in: ~~a county having a~~
 14 ~~population of:~~

15 (1) ~~more than one hundred seventy-five thousand (175,000) but~~
 16 ~~less than one hundred eighty-five thousand (185,000);~~

17 **Vanderburgh County;** or

18 (2) ~~more than one hundred fifteen thousand (115,000) but less~~
 19 ~~than one hundred twenty-five thousand (125,000);~~ **Delaware**

20 **County;**

21 the legislative bodies of that county and of the city having the largest
 22 population in that county may establish by identical ordinances a
 23 metropolitan plan commission as a department of county government.
 24 These ordinances must specify the legal name of the commission for
 25 purposes of section 404(a) of this chapter.

26 (b) AREA. There may be established in each county an area
 27 planning department in the county government, having:

28 (1) an area plan commission;

29 (2) an area board of zoning appeals;

30 (3) an executive director; and

31 (4) such staff as the area plan commission considers necessary.

32 Each municipality and each county desiring to participate in the
 33 establishment of a planning department may adopt an ordinance
 34 adopting the area planning law, fix a date for the establishment of the
 35 planning department, and provide for the appointment of its
 36 representatives to the commission. When a municipality or a county
 37 adopts such an ordinance, it shall certify a copy of the ordinance to
 38 each legislative body within the county. When a county and at least one
 39 (1) municipality within the county each adopt an ordinance adopting
 40 the area planning law and fix a date for the establishment of the
 41 department, the legislative body of the county shall establish the
 42 planning department.



1 (c) METRO. A metropolitan development commission is
 2 established in the department of metropolitan development of the
 3 consolidated city. The legislative body of the consolidated city may
 4 adopt ordinances to regulate the following:

- 5 (1) The time that the commission holds its meetings.
- 6 (2) The voting procedures of the commission.

7 SECTION 496. IC 36-7-4-918.6, AS AMENDED BY P.L.10-2015,
 8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 APRIL 1, 2022]: Sec. 918.6. (a) This section applies to the following:

- 10 (1) A municipality in a county having a population of more than
 11 four hundred thousand (400,000) but less than seven hundred
 12 thousand (700,000): **Lake County.**
- 13 (2) A county having a population of more than two hundred fifty
 14 thousand (250,000) but less than two hundred seventy thousand
 15 (270,000): **St. Joseph County.**

16 (b) ADVISORY–AREA. Notwithstanding sections 918.2, 918.4,
 17 and 918.5 of this chapter, a zoning or subdivision control ordinance
 18 shall require that the board of zoning appeals submit any of the
 19 following petitions to the legislative body for approval or disapproval:

- 20 (1) Special exceptions.
- 21 (2) Special uses.
- 22 (3) Use variances.

23 (c) ADVISORY–AREA. The board of zoning appeals shall file a
 24 petition under this section with the clerk of the legislative body with:

- 25 (1) a favorable recommendation;
- 26 (2) an unfavorable recommendation; or
- 27 (3) no recommendation.

28 (d) ADVISORY–AREA. The legislative body shall give notice
 29 under IC 5-14-1.5-5 of its intention to consider the petition at its first
 30 regular meeting after the board of zoning appeals files its
 31 recommendation.

32 (e) ADVISORY–AREA. A petition is granted or denied when the
 33 legislative body votes on the petition as follows:

- 34 (1) In a county described in subsection (a)(1), the legislative body
 35 shall vote on the petition within ninety (90) days after the board
 36 of zoning appeals makes its recommendation. If the legislative
 37 body does not vote to deny the petition within ninety (90) days,
 38 the petition is considered approved.
- 39 (2) In a county described in subsection (a)(2), the legislative body
 40 shall vote on the petition within sixty (60) days after the board of
 41 zoning appeals makes its recommendations. If the legislative body
 42 does not vote to deny the petition within sixty (60) days, the



- 1 petition is approved.
- 2 (f) ADVISORY—AREA. If the legislative body approves a petition,
3 it must make the determination in writing as required under section
4 918.2, 918.4, or 918.5 of this chapter or as required by the zoning
5 ordinance.
- 6 SECTION 497. IC 36-7-4-1210.5, AS AMENDED BY
7 P.L.119-2012, SECTION 196, IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1210.5. (a)
9 ADVISORY. As used in this section, "municipality" refers to the most
10 populous municipality in the jurisdiction of the plan commission.
- 11 (b) ADVISORY. This section applies to a plan commission
12 operating under a joinder agreement in a **Hamilton** County.
- 13 ~~(1) having a population of more than two hundred seventy~~
14 ~~thousand (270,000) but less than three hundred thousand~~
15 ~~(300,000); and~~
16 ~~(2) containing:~~
- 17 ~~(A) a township having a population of more than thirty-two~~
18 ~~thousand (32,000) but less than fifty thousand (50,000); or~~
19 ~~(B) a township having a population of more than nine thousand~~
20 ~~(9,000) but less than fifteen thousand (15,000).~~
- 21 (c) ADVISORY. Notwithstanding section 1210 of this chapter, a
22 plan commission described in subsection (b) shall have nine (9)
23 members as follows:
- 24 (1) Four (4) members who are residents of the municipality, to be
25 appointed for four (4) year terms by the executive of the
26 municipality.
- 27 (2) Three (3) members who are residents of the municipality, to
28 be appointed for four (4) year terms by the legislative body of the
29 municipality.
- 30 (3) Two (2) members who are residents of the township, to be
31 appointed for four (4) year terms by the township executive with
32 the approval of the township legislative body.
- 33 (d) The joinder agreement expires if the municipality annexes the
34 entire area of a township described in subsection (b)(2).
- 35 (e) A joinder agreement under this section may be terminated if:
- 36 (1) the municipality adopts an ordinance terminating the joinder
37 agreement;
- 38 (2) before adopting the ordinance under subdivision (1), the
39 municipality conducts a public hearing on the issue of terminating
40 the joinder agreement; and
- 41 (3) the executive of the municipality provides written notice to the
42 township executive of the township subject to the joinder



1 agreement that states the reason for the municipality's termination
2 of the joinder agreement.

3 SECTION 498. IC 36-7-5.1-11, AS AMENDED BY P.L.84-2016,
4 SECTION 179, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE APRIL 1, 2022]: Sec. 11. (a) Each member of the
6 commission must have:

- 7 (1) knowledge and experience regarding affairs in the joint
8 district;
9 (2) awareness of the social, economic, agricultural, and industrial
10 conditions of the joint district; and
11 (3) an interest in the development of the joint district.

12 (b) A challenge to the appointment of a member based on the
13 qualifications described in subsection (a) must be filed within thirty
14 (30) days after the appointment. The challenge may be filed in the
15 circuit court, superior court, or probate court of any county that
16 contains the entire joint district or any part of the joint district.

17 (c) Except as provided in subsection (d), a member must be a
18 resident of a county where a part of the joint district is located or reside
19 within ten (10) miles of the borders of the district.

20 (d) In a joint district that contains all or part of a **Bartholomew**
21 **County, having a population of more than seventy-five thousand**
22 **(75,000) but less than seventy-seven thousand (77,000);** two (2) of the
23 members appointed by the legislative body of that county under section
24 9(1) of this chapter must, in addition to the requirements of subsections
25 (a) and (b), be residents of any township that is entirely or partially
26 located within the joint district.

27 SECTION 499. IC 36-7-7.5-1, AS AMENDED BY P.L.119-2012,
28 SECTION 198, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a county
30 having the following population: **the following counties:**

- 31 (1) **More than forty thousand (40,000) but less than forty-two**
32 **thousand (42,000): Dubois County.**
33 (2) **More than nineteen thousand five hundred (19,500) but less**
34 **than twenty thousand (20,000): Orange County.**
35 (3) **More than ten thousand seven hundred (10,700) but less than**
36 **twelve thousand (12,000): Crawford County.**

37 SECTION 500. IC 36-7-7.6-1, AS AMENDED BY P.L.119-2012,
38 SECTION 199, IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to the area
40 consisting of the following counties:

- 41 (1) **A county having a population of more than four hundred**
42 **thousand (400,000) but less than seven hundred thousand**



1 ~~(700,000)~~: **Lake County.**

2 ~~(2) A county having a population of more than one hundred fifty~~
 3 ~~thousand (150,000) but less than one hundred seventy thousand~~
 4 ~~(170,000)~~: **Porter County.**

5 ~~(3) A county having a population of more than one hundred~~
 6 ~~eleven thousand (111,000) but less than one hundred fifteen~~
 7 ~~thousand (115,000)~~: **LaPorte County.**

8 SECTION 501. IC 36-7-7.6-4, AS AMENDED BY P.L.169-2006,
 9 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 APRIL 1, 2022]: Sec. 4. (a) The following members shall be appointed
 11 to the commission:

12 (1) A member of the county executive of each county described
 13 in section 1 of this chapter, to be appointed by the county
 14 executive.

15 (2) A member of the county fiscal body of each county described
 16 in section 1 of this chapter, to be appointed by the county fiscal
 17 body.

18 (3) The county surveyor of each county described in section 1 of
 19 this chapter.

20 (4) For a county having a population of not more than four
 21 hundred thousand (400,000), one (1) person appointed by the
 22 executive of each of the eleven (11) largest municipalities.

23 (5) For a **Lake** County, ~~having a population of more than four~~
 24 ~~hundred thousand (400,000) but less than seven hundred thousand~~
 25 ~~(700,000)~~; one (1) person appointed by the executive of each of
 26 the nineteen (19) largest municipalities.

27 (6) Beginning July 1, 2007, one (1) person appointed by the
 28 trustee of each township that:

- 29 (A) is located in a county described in section 1 of this chapter;
 30 (B) has a population of at least eight thousand (8,000); and
 31 (C) does not contain a municipality.

32 (b) One (1) voting member of the commission shall be appointed by
 33 the governor. The member appointed under this subsection may not
 34 vote in a weighted vote under section 9 of this chapter.

35 (c) A member of the commission who is a county surveyor may not
 36 vote in a weighted vote under section 9 of this chapter.

37 SECTION 502. IC 36-7-7.7-2, AS ADDED BY P.L.83-2020,
 38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 APRIL 1, 2022]: Sec. 2. The following definitions apply throughout
 40 this chapter:

- 41 (1) "Eligible political subdivision" means any of the following:
 42 (A) A county.



- 1 (B) A municipality.
 2 (C) An urban mass transportation system (as described in
 3 IC 36-9-4).
 4 (2) "Metropolitan planning area" of the MPO means the aggregate
 5 geographic territory of the following political subdivisions:
 6 (A) ~~A Marion County. having a population of more than seven~~
 7 ~~hundred thousand (700,000).~~
 8 (B) All eligible political subdivisions in ~~a~~ **Marion** County.
 9 ~~having a population of more than seven hundred thousand~~
 10 ~~(700,000).~~
 11 (C) All counties immediately adjacent to ~~a~~ **Marion** County.
 12 ~~having a population of more than seven hundred thousand~~
 13 ~~(700,000).~~
 14 (D) All eligible political subdivisions in a county immediately
 15 adjacent to ~~a~~ **Marion** County. ~~having a population of more than~~
 16 ~~seven hundred thousand (700,000).~~
 17 (3) "MPO" means the Indianapolis metropolitan planning
 18 organization established by section 3 of this chapter.
 19 SECTION 503. IC 36-7-9-1 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 21 to ~~each the~~ consolidated city and ~~its~~ **Marion** County. This chapter also
 22 applies to any other municipality or county that adopts an ordinance
 23 under section 3 of this chapter.
 24 SECTION 504. IC 36-7-9-2, AS AMENDED BY P.L.66-2014,
 25 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 APRIL 1, 2022]: Sec. 2. As used in this chapter:
 27 "Community organization" means a citizen's group, neighborhood
 28 association, neighborhood development corporation, or similar
 29 organization that:
 30 (1) has specific geographic boundaries defined in its bylaws or
 31 articles of incorporation and contains at least forty (40)
 32 households within those boundaries;
 33 (2) is a nonprofit corporation that is representative of at least
 34 twenty-five (25) households or twenty percent (20%) of the
 35 households in the community, whichever is less;
 36 (3) is operated primarily for the promotion of social welfare and
 37 general neighborhood improvement and enhancement;
 38 (4) has been incorporated for at least two (2) years; and
 39 (5) is exempt from taxation under Section 501(c)(3) or 501(c)(4)
 40 of the Internal Revenue Code.
 41 "Continuous enforcement order" means an order that:
 42 (1) is issued for compliance or abatement and that remains in full



1 force and effect on a property without further requirements to
2 seek additional:

3 (A) compliance and abatement authority; or

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

5 (2) authorizes specific ongoing compliance and enforcement
6 activities if a property requires reinspection or additional periodic
7 abatement;

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

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

13 "Department" refers to the executive department authorized by
14 ordinance to administer this chapter. In ~~a~~ **the** consolidated city, this
15 department is the department of code enforcement subject to
16 IC 36-3-4-23.

17 "Enforcement authority" refers to the chief administrative officer of
18 the department, except in ~~a~~ **the** consolidated city. In ~~a~~ **the** consolidated
19 city, the division of development services is the enforcement authority,
20 subject to IC 36-3-4-23.

21 "Hearing authority" refers to a person or persons designated as such
22 by the executive of a city or county, or by the legislative body of a
23 town. However, in ~~a~~ **the** consolidated city, the director of the
24 department or a person designated by the director is the hearing
25 authority. An employee of the enforcement authority may not be
26 designated as the hearing authority.

27 "Known or recorded fee interest, life estate interest, or equitable
28 interest of a contract purchaser" means any fee interest, life estate
29 interest, or equitable interest of a contract purchaser held by a person
30 whose identity and address may be determined from:

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

33 (2) written information or actual knowledge received by the
34 department (or, in the case of ~~a~~ **the** consolidated city, the
35 enforcement authority); or

36 (3) a review of department (or, in the case of ~~a~~ **the** consolidated
37 city, the enforcement authority) records that is sufficient to
38 identify information that is reasonably ascertainable.

39 "Known or recorded substantial property interest" means any right
40 in real property, including a fee interest, a life estate interest, a future
41 interest, a mortgage interest, a lien as evidenced by a certificate of sale
42 issued under IC 6-1.1-24, or an equitable interest of a contract



- 1 purchaser, that:
- 2 (1) may be affected in a substantial way by actions authorized by
- 3 this chapter; and
- 4 (2) is held by a person whose identity and address may be
- 5 determined from:
- 6 (A) an instrument recorded in:
- 7 (i) the recorder's office of the county where the unsafe
- 8 premises is located; or
- 9 (ii) the office of the county auditor of the county where the
- 10 unsafe premises are located in the case of a lien evidenced by
- 11 a certificate of sale issued under IC 6-1.1-24;
- 12 (B) written information or actual knowledge received by the
- 13 department (or, in the case of a **the** consolidated city, the
- 14 enforcement authority); or
- 15 (C) a review of department (or, in the case of a **the** consolidated
- 16 city, the enforcement authority) records that is sufficient to
- 17 identify information that is reasonably ascertainable.

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

22 SECTION 505. IC 36-7-9-25, AS AMENDED BY P.L.152-2021,
 23 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 APRIL 1, 2022]: Sec. 25. (a) Notice of orders, notice of continued
 25 hearings without a specified date, notice of a statement that public bids
 26 are to be let, and notice of claims for payment must be given by:

- 27 (1) sending a copy of the order or statement by registered or
- 28 certified mail to the residence or place of business or employment
- 29 of the person to be notified, with return receipt requested;
- 30 (2) delivering a copy of the order or statement personally to the
- 31 person to be notified;
- 32 (3) leaving a copy of the order or statement at the dwelling or
- 33 usual place of abode of the person to be notified and sending by
- 34 first class mail a copy of the order or statement to the last known
- 35 address of the person to be notified; or
- 36 (4) sending a copy of the order or statement by first class mail to
- 37 the last known address of the person to be notified.

38 If a notice described in subdivision (1) is returned undelivered, a copy
 39 of the order or statement must be given in accordance with subdivision
 40 (2), (3), or (4).

41 (b) If service is not obtained by a means described in subsection (a)
 42 and the hearing authority concludes that a reasonable effort has been



1 made to obtain service, service may be made by publishing a notice of
 2 the order or statement in accordance with IC 5-3-1 in the county where
 3 the unsafe premises are located. However, publication must be made
 4 two (2) times, at least one (1) week apart:

5 (1) with each publication of notice in a newspaper in accordance
 6 with IC 5-3-1 in the county where the unsafe premises are
 7 located; or

8 (2) with the first publication of notice in a newspaper described
 9 in subdivision (1) and the second publication of notice:

10 (A) in accordance with IC 5-3-5; and

11 (B) on the official web site of the county where the unsafe
 12 premises are located.

13 The second publication must be made at least three (3) days before an
 14 event described in subsection (a). If service of an order is made by
 15 publication, the publication must include the information required by
 16 section 5(b)(1), 5(b)(2), 5(b)(4), 5(b)(5), 5(b)(6), 5(b)(7), and 5(b)(9)
 17 of this chapter, and must also include a statement indicating generally
 18 what action is required by the order and that the exact terms of the
 19 order may be obtained from the enforcement authority. The hearing
 20 authority may make a determination about whether a reasonable effort
 21 has been made to obtain service by the means described in subsection
 22 (a) on the basis of information provided by the department (or, in the
 23 case of a ~~a~~ the consolidated city, the enforcement authority). The hearing
 24 authority is not required to make the determination at a hearing. The
 25 hearing authority must make the determination in writing.

26 (c) When service is made by any of the means described in this
 27 section, except by mailing or by publication, the person making service
 28 must make an affidavit stating that the person has made the service, the
 29 manner in which service was made, to whom the order or statement
 30 was issued, the nature of the order or statement, and the date of service.
 31 The affidavit must be placed on file with the enforcement authority.

32 (d) The date when notice of the order or statement is considered
 33 given is as follows:

34 (1) If the order or statement is delivered personally or left at the
 35 dwelling or usual place of abode, notice is considered given on
 36 the day when the order or statement is delivered to the person or
 37 left at the person's dwelling or usual place of abode.

38 (2) If the order or statement is mailed, notice is considered given
 39 on the date shown on the return receipt, or, if no date is shown, on
 40 the date when the return receipt is received by the enforcement
 41 authority.

42 (3) Notice by publication is considered given on the date of the



1 second day that publication was made.
 2 (e) A person with a property interest in an unsafe premises who does
 3 not:
 4 (1) record an instrument reflecting the interest in the recorder's
 5 office of the county where the unsafe premises is located; or
 6 (2) if an instrument reflecting the interest is not recorded, provide
 7 to the department (or, in the case of a **the** consolidated city, the
 8 enforcement authority) in writing the person's name and address
 9 and the location of the unsafe premises;
 10 is considered to consent to reasonable action taken under this chapter
 11 for which notice would be required and relinquish a claim to notice
 12 under this chapter.
 13 (f) The department (or, in the case of a **the** consolidated city, the
 14 enforcement authority) may, for the sake of administrative
 15 convenience, publish notice under subsection (b) at the same time
 16 notice is attempted under subsection (a). If published notice is given as
 17 described in subsection (b), the hearing authority shall subsequently
 18 make a determination about whether a reasonable effort has been made
 19 to obtain service by the means described in subsection (a).
 20 SECTION 506. IC 36-7-9-29, AS ADDED BY P.L.194-2007,
 21 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 APRIL 1, 2022]: Sec. 29. (a) This section applies to a person if:
 23 (1) an order is issued to the person under this chapter requiring
 24 action related to an unsafe premises:
 25 (A) owned by the person and leased to another person; or
 26 (B) being purchased by the person under a contract and leased
 27 to another person;
 28 (2) a hearing on the order was not requested under section 5(b)(6)
 29 of this chapter, or, if a hearing was requested, the order was
 30 affirmed at the hearing; and
 31 (3) either:
 32 (A) the order is not being reviewed under section 8 of this
 33 chapter; or
 34 (B) after review by the circuit or superior court, the court
 35 entered a judgment against the person.
 36 (b) A person described in subsection (a) must provide to the
 37 department (or, in the case of a **the** consolidated city, the enforcement
 38 authority) in writing the person's name, street address (excluding a post
 39 office box address), and phone number.
 40 SECTION 507. IC 36-7-11-1 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 42 to all units except:



- 1 (1) ~~counties having a consolidated city;~~ **Marion County;**
 2 (2) municipalities in ~~counties having a consolidated city;~~ **Marion**
 3 **County;** and
 4 (3) townships.

5 SECTION 508. IC 36-7-11-4, AS AMENDED BY P.L.127-2017,
 6 SECTION 184, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE APRIL 1, 2022]: Sec. 4. (a) A unit may establish, by
 8 ordinance, a historic preservation commission with an official name
 9 designated in the ordinance. The commission must have not less than
 10 three (3) nor more than nine (9) voting members, as designated by the
 11 ordinance. The voting members shall be appointed by the executive of
 12 the unit, subject to the approval of the legislative body. Voting
 13 members shall each serve for a term of three (3) years. However, the
 14 terms of the original voting members may be for one (1) year, two (2)
 15 years, or three (3) years in order for the terms to be staggered, as
 16 provided by the ordinance. A vacancy shall be filled for the duration of
 17 the term. In the case of a commission with jurisdiction in ~~a~~ **the city**
 18 ~~having a population of more than one hundred thousand (100,000) but~~
 19 ~~less than one hundred ten thousand (110,000);~~ **of South Bend,** the
 20 commission must after June 30, 2001, include as a voting member the
 21 superintendent of the largest school corporation in the city.

22 (b) The ordinance may provide qualifications for members of the
 23 commission, but members must be residents of the unit who are
 24 interested in the preservation and development of historic areas. The
 25 members of the commission should include professionals in the
 26 disciplines of architectural history, planning, and other disciplines
 27 related to historic preservation, to the extent that those professionals
 28 are available in the community. The ordinance may also provide for the
 29 appointment of advisory members that the legislative body considers
 30 appropriate.

31 (c) The ordinance may:

- 32 (1) designate an officer or employee of the unit to act as
 33 administrator;
 34 (2) permit the commission to appoint an administrator who shall
 35 serve without compensation except reasonable expenses incurred
 36 in the performance of the administrator's duties; or
 37 (3) provide that the commission act without the services of an
 38 administrator.

39 (d) Members of the commission shall serve without compensation
 40 except for reasonable expenses incurred in the performance of their
 41 duties.

42 (e) The commission shall elect from its membership a chair and vice



1 chair, who shall serve for one (1) year and may be reelected.

2 (f) The commission shall adopt rules consistent with this chapter for
3 the transaction of its business. The rules must include the time and
4 place of regular meetings and a procedure for the calling of special
5 meetings. All meetings of the commission must be open to the public,
6 and a public record of the commission's resolutions, proceedings, and
7 actions must be kept. If the commission has an administrator, the
8 administrator shall act as the commission's secretary, otherwise, the
9 commission shall elect a secretary from its membership.

10 (g) The commission shall hold regular meetings, at least monthly,
11 except when it has no business pending.

12 (h) A final decision of the commission is subject to judicial review
13 under IC 36-7-4 as if it were a final decision of a board of zoning
14 appeals.

15 SECTION 509. IC 36-7-11-8.5, AS AMENDED BY P.L.119-2012,
16 SECTION 201, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE APRIL 1, 2022]: Sec. 8.5. (a) When submitting a map to
18 the legislative body under section 7 or 8 of this chapter, the
19 commission may declare one (1) or more buildings or structures that
20 are classified and designated as historic on the map to be under interim
21 protection.

22 (b) Not more than two (2) working days after declaring a building
23 or structure to be under interim protection under this section, the
24 commission shall, by personal delivery or first class mail, provide the
25 owner or occupant of the building or structure with a written notice of
26 the declaration. The written notice must:

- 27 (1) cite the authority of the commission to put the building or
28 structure under interim protection under this section;
29 (2) explain the effect of putting the building or structure under
30 interim protection; and
31 (3) indicate that the interim protection is temporary.

32 (c) A building or structure put under interim protection under
33 subsection (a) remains under interim protection until:

- 34 (1) in a county other than a county described in subdivision (2),
35 the map is:
36 (A) submitted to; and
37 (B) approved in an ordinance or rejected by;
38 the legislative body of the unit; or
39 (2) in a **St. Joseph** County, ~~having a population of more than two~~
40 ~~hundred fifty thousand (250,000) but less than two hundred~~
41 ~~seventy thousand (270,000); the earlier of:~~
42 (A) thirty (30) days after the building or structure is declared to



1 be under interim protection; or
 2 (B) the date the map is:
 3 (i) submitted to; and
 4 (ii) approved in an ordinance or rejected by;
 5 the legislative body of the unit.
 6 (d) While a building or structure is under interim protection under
 7 this section:
 8 (1) the building or structure may not be demolished or moved;
 9 and
 10 (2) the exterior appearance of the building or structure may not be
 11 conspicuously changed by:
 12 (A) addition;
 13 (B) reconstruction; or
 14 (C) alteration.
 15 SECTION 510. IC 36-7-11-22, AS AMENDED BY P.L.119-2012,
 16 SECTION 202, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE APRIL 1, 2022]: Sec. 22. (a) This section applies only
 18 to a **St. Joseph** County. ~~having a population of more than two hundred~~
 19 ~~fifty thousand (250,000) but less than two hundred seventy thousand~~
 20 ~~(270,000).~~
 21 (b) Notwithstanding any other provision, in the case of a building or
 22 structure owned by a political subdivision that is classified by a
 23 commission as historic and for which the classification is approved by
 24 the legislative body of the unit that established the commission, the
 25 commission may remove the historic classification of the building or
 26 structure without the adoption of an ordinance by the legislative body
 27 of the unit if the commission determines that removal of the
 28 classification is in the best interest of the unit and the political
 29 subdivision.
 30 SECTION 511. IC 36-7-11.1-1 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 32 to **each Marion** County. ~~having a consolidated city.~~
 33 SECTION 512. IC 36-7-11.1-3, AS AMENDED BY P.L.88-2009,
 34 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 APRIL 1, 2022]: Sec. 3. (a) The executive and the legislative body of
 36 the consolidated city shall appoint a commission of nine (9) members
 37 to be known as the " **Indianapolis** Historic Preservation
 38 Commission". ~~(including the name of the city):~~
 39 (b) The following apply to the appointment of members:
 40 (1) The executive shall appoint five (5) members of the
 41 commission. The executive:
 42 (A) may select two (2) members from lists of names submitted



- 1 by the Historic Landmarks Foundation of Indiana and the
2 historical society of ~~the consolidated city's~~ **Marion** County;
- 3 (B) may select one (1) member who is a member of the
4 metropolitan development commission; and
- 5 (C) may select one (1) member from a list of names submitted
6 by the local chapter of the American Institute of Architects.
- 7 (2) The legislative body shall appoint four (4) members of the
8 commission. The legislative body:
- 9 (A) shall select one (1) member who is a resident of a historic
10 area of the consolidated city;
- 11 (B) may select one (1) member from lists of names submitted
12 by the Historic Landmarks Foundation of Indiana and the
13 historical society of ~~the consolidated city's~~ **Marion** County; and
- 14 (C) may select one (1) member from a list of names submitted
15 by the local chapter of the American Institute of Architects.
- 16 (c) Each appointment to the commission is for a term of four (4)
17 years, commencing on January 1 following the appointment, and until
18 a successor is appointed and is qualified. A member is eligible for
19 reappointment.
- 20 (d) If a vacancy occurs in the commission during any term, a
21 successor shall be appointed by the appointing authority to serve for the
22 remainder of the vacated term. Any member of the commission may be
23 removed for cause by the appointing authority. All members must be
24 residents of the county.
- 25 (e) The members receive no salary, but are entitled to
26 reimbursement for any expenses necessarily incurred in the
27 performance of their duties.
- 28 (f) At its first scheduled meeting each year, the commission shall
29 hold a meeting for the purpose of organization. The commission shall
30 elect from its membership a president, vice president, secretary, and
31 treasurer who shall perform the duties pertaining to those offices. The
32 officers serve from the date of their election until their successors are
33 elected and qualified. The commission may adopt bylaws and rules for
34 the proper conduct of its proceedings, the carrying out of its duties, and
35 the safeguarding of its funds and property. A majority of the members
36 of the commission constitute a quorum, and the concurrence of a
37 majority of the commission is necessary to authorize any action.
- 38 (g) A member of the commission is not disqualified from hearing
39 and voting upon any matter coming before the commission because that
40 member owns or occupies property within or adjacent to a historic area,
41 unless that property is the subject property or located within two
42 hundred (200) feet of it.



1 (h) A member of the commission who is absent from three (3)
 2 consecutive regular meetings of the commission shall be treated as if
 3 the member had resigned, unless the appointing authority reaffirms the
 4 member's appointment. However, the counting of such a member
 5 toward a quorum requirement or the voting by such a member does not
 6 invalidate any official action taken by the commission before the time
 7 that the minutes of the commission reflect that the member has
 8 resigned.

9 SECTION 513. IC 36-7-13-10, AS AMENDED BY P.L.119-2012,
 10 SECTION 203, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE APRIL 1, 2022]: Sec. 10. (a) After approval by
 12 ordinance or resolution of the legislative body of a municipality located
 13 in: ~~a county having a population of:~~

14 (1) ~~more than one hundred thirty-five thousand (135,000) but less~~
 15 ~~than one hundred thirty-eight thousand (138,000); **Monroe**~~
 16 ~~**County;**~~

17 (2) ~~more than two hundred fifty thousand (250,000) but less than~~
 18 ~~two hundred seventy thousand (270,000); **St. Joseph County;** or~~

19 (3) ~~more than three hundred thousand (300,000) but less than four~~
 20 ~~hundred thousand (400,000); **Allen County;**~~

21 the executive of the municipality may submit an application to an
 22 advisory commission on industrial development requesting that an area
 23 within the municipality be designated as a district.

24 (b) After approval by ordinance or resolution of the legislative body
 25 of a county, the executive of the county may submit an application to
 26 an advisory commission on industrial development requesting that an
 27 area within the county, but not within a municipality, be designated as
 28 a district. However, in a **Delaware County, having a population of**
 29 **more than one hundred fifteen thousand (115,000) but less than one**
 30 **hundred twenty-five thousand (125,000),** the legislative body of the
 31 county may request that an area within the county be designated as a
 32 district even if the area is within a municipality.

33 SECTION 514. IC 36-7-13-10.1 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 10.1. (a) This section
 35 applies to: ~~a:~~

36 (1) ~~first class the consolidated~~ city; or

37 (2) ~~a~~ second class city.

38 (b) After approval by ordinance or resolution of the legislative body
 39 of a city described in subsection (a), the executive of the city may
 40 submit an application to an advisory commission on industrial
 41 development requesting that one (1) area within the city be designated
 42 as a district under section 12.1 of this chapter. However, the total



1 number of districts designated in a city under this chapter after June 30,
 2 2003, (excluding districts designated before July 1, 2003) may not
 3 exceed one (1).

4 SECTION 515. IC 36-7-13-10.7, AS AMENDED BY P.L.119-2012,
 5 SECTION 204, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE APRIL 1, 2022]: Sec. 10.7. (a) This section applies to a
 7 district designated under section 10.5 of this chapter and approved by
 8 the budget agency before January 1, 2002, in a **the city having a**
 9 **population of more than twenty-nine thousand nine hundred (29,900)**
 10 **but less than thirty-one thousand (31,000): of Marion.**

11 (b) An area is added to and becomes part of a district described in
 12 subsection (a) if the area consists of property that:

13 (1) is located in a **the city having a population of more than**
 14 **twenty-nine thousand nine hundred (29,900) but less than**
 15 **thirty-one thousand (31,000); of Marion; and**

16 (2) experienced a loss of at least three hundred (300) jobs during
 17 the calendar year ending December 31, 2001.

18 (c) After the addition of property to a district described in
 19 subsection (a) under this section, the gross retail base period amount
 20 determined under section 2.4 of this chapter for the district before the
 21 addition of the property to the district under this section shall be
 22 increased by an amount equal to:

23 (1) the aggregate amount of state gross retail and use taxes
 24 remitted:

25 (A) under IC 6-2.5 by the businesses operating in the area
 26 added to the district under subsection (b); and

27 (B) during the period beginning after December 31, 2001, and
 28 ending before February 1, 2002; multiplied by

29 (2) twelve (12).

30 (d) After the addition of property to a district described in
 31 subsection (a) under this section, the income tax base period amount
 32 determined under section 3.2 of this chapter for the district before the
 33 addition of the property to the district under this section shall be
 34 increased by an amount equal to:

35 (1) the aggregate amount of state and local income taxes paid:

36 (A) by employees employed in the area added to the district
 37 under subsection (b) with respect to wages and salary earned
 38 for work in the area added; and

39 (B) during the period beginning after December 31, 2001, and
 40 ending before February 1, 2002; multiplied by

41 (2) twelve (12).

42 (e) The addition of property to a district under this section does not



1 require adoption of an ordinance, review by the budget committee, or
2 approval of the budget agency under section 10.5 of this chapter.

3 SECTION 516. IC 36-7-13-12, AS AMENDED BY P.L.119-2012,
4 SECTION 205, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE APRIL 1, 2022]: Sec. 12. (a) If a municipal or county
6 executive has submitted an application to an advisory commission on
7 industrial development requesting that an area be designated as a
8 district under this chapter and the advisory commission has compiled
9 and prepared the information required under section 11 of this chapter
10 concerning the area, the advisory commission may adopt a resolution
11 designating the area as a district if it makes the findings described in
12 subsection (b), (c), (d), or (e). In a county described in subsection (c),
13 an advisory commission may designate more than one (1) district under
14 subsection (c).

15 (b) For an area located in a **Monroe** County, ~~having a population of~~
16 ~~more than one hundred thirty-five thousand (135,000) but less than one~~
17 ~~hundred thirty-eight thousand (138,000)~~; an advisory commission may
18 adopt a resolution designating a particular area as a district only after
19 finding all of the following:

- 20 (1) The area contains a building or buildings:
21 (A) with at least one million (1,000,000) square feet of usable
22 interior floor space; and
23 (B) that is or are vacant or will become vacant due to the
24 relocation of an employer.
25 (2) At least one thousand (1,000) fewer persons are employed in
26 the area than were employed in the area during the year that is ten
27 (10) years previous to the current year.
28 (3) There are significant obstacles to redevelopment of the area
29 due to any of the following problems:
30 (A) Obsolete or inefficient buildings.
31 (B) Aging infrastructure or inefficient utility services.
32 (C) Utility relocation requirements.
33 (D) Transportation or access problems.
34 (E) Topographical obstacles to redevelopment.
35 (F) Environmental contamination.
36 (4) The unit has expended, appropriated, pooled, set aside, or
37 pledged at least one hundred thousand dollars (\$100,000) for
38 purposes of addressing the redevelopment obstacles described in
39 subdivision (3).
40 (5) The area is located in a **Monroe** County. ~~having a population~~
41 ~~of more than one hundred thirty-five thousand (135,000) but less~~
42 ~~than one hundred thirty-eight thousand (138,000)~~;



1 (c) For a **Delaware** County, ~~having a population of more than one~~
 2 ~~hundred fifteen thousand (115,000) but less than one hundred~~
 3 ~~twenty-five thousand (125,000)~~; an advisory commission may adopt a
 4 resolution designating not more than three (3) areas as districts. An
 5 advisory commission may designate an area as a district only after
 6 finding the following:

7 (1) The area meets at least one (1) of the following conditions:

8 (A) The area meets the following conditions:

9 (i) The area contains a building with at least seven hundred
 10 ninety thousand (790,000) square feet.

11 (ii) At least eight hundred (800) fewer people are employed
 12 in the area than were employed in the area during the year
 13 that is fifteen (15) years previous to the current year.

14 (iii) The area is located in or is adjacent to an industrial park.

15 (B) The area meets the following conditions:

16 (i) The area contains a building with at least three hundred
 17 eighty-six thousand (386,000) square feet.

18 (ii) At least four hundred (400) fewer people are employed in
 19 the area than were employed in the area during the year that
 20 is fifteen (15) years previous to the current year.

21 (iii) The area is located in or is adjacent to an industrial park.

22 (C) The area meets the following conditions:

23 (i) The area contains a building with at least one million
 24 (1,000,000) square feet.

25 (ii) At least seven hundred (700) fewer people are employed
 26 in the area than were employed in the area on January 1,
 27 2008.

28 (2) There are significant obstacles to redevelopment of the area
 29 due to any of the following problems:

30 (A) Obsolete or inefficient buildings.

31 (B) Aging infrastructure or inefficient utility services.

32 (C) Utility relocation requirements.

33 (D) Transportation or access problems.

34 (E) Topographical obstacles to redevelopment.

35 (F) Environmental contamination.

36 (3) The area is located in a **Delaware** County, ~~having a~~
 37 ~~population of more than one hundred fifteen thousand (115,000)~~
 38 ~~but less than one hundred twenty-five thousand (125,000)~~;

39 (d) For an area located in a **St. Joseph** County, ~~having a population~~
 40 ~~of more than two hundred fifty thousand (250,000) but less than two~~
 41 ~~hundred seventy thousand (270,000)~~; an advisory commission may
 42 adopt a resolution designating a particular area as a district only after



- 1 finding all of the following:
- 2 (1) The area contains a building or buildings:
- 3 (A) with at least one million five hundred thousand (1,500,000)
- 4 square feet of usable interior floor space; and
- 5 (B) that is or are vacant or will become vacant.
- 6 (2) At least eighteen thousand (18,000) fewer persons are
- 7 employed in the area at the time of application than were
- 8 employed in the area before the time of application.
- 9 (3) There are significant obstacles to redevelopment of the area
- 10 due to any of the following problems:
- 11 (A) Obsolete or inefficient buildings.
- 12 (B) Aging infrastructure or inefficient utility services.
- 13 (C) Utility relocation requirements.
- 14 (D) Transportation or access problems.
- 15 (E) Topographical obstacles to redevelopment.
- 16 (F) Environmental contamination.
- 17 (4) The unit has expended, appropriated, pooled, set aside, or
- 18 pledged at least one hundred thousand dollars (\$100,000) for
- 19 purposes of addressing the redevelopment obstacles described in
- 20 subdivision (3).
- 21 (5) The area is located in a **St. Joseph** County, ~~having a~~
- 22 ~~population of more than two hundred fifty thousand (250,000) but~~
- 23 ~~less than two hundred seventy thousand (270,000).~~
- 24 (e) For an area located in a **Allen** County, ~~having a population of~~
- 25 ~~more than three hundred thousand (300,000) but less than four hundred~~
- 26 ~~thousand (400,000);~~ an advisory commission may adopt a resolution
- 27 designating a particular area as a district only after finding all of the
- 28 following:
- 29 (1) The area contains a building or buildings:
- 30 (A) with at least eight hundred thousand (800,000) gross square
- 31 feet; and
- 32 (B) having leasable floor space, at least fifty percent (50%) of
- 33 which is or will become vacant.
- 34 (2) There are significant obstacles to redevelopment of the area
- 35 due to any of the following problems:
- 36 (A) Obsolete or inefficient buildings as evidenced by a decline
- 37 of at least seventy-five percent (75%) in their assessed
- 38 valuation during the preceding ten (10) years.
- 39 (B) Transportation or access problems.
- 40 (C) Environmental contamination.
- 41 (3) At least four hundred (400) fewer persons are employed in the
- 42 area than were employed in the area during the year that is fifteen



- 1 (15) years previous to the current year.
- 2 (4) The area has been designated as an economic development
- 3 target area under IC 6-1.1-12.1-7.
- 4 (5) The unit has appropriated, pooled, set aside, or pledged at
- 5 least two hundred fifty thousand dollars (\$250,000) for purposes
- 6 of addressing the redevelopment obstacles described in
- 7 subdivision (2).
- 8 (6) The area is located in a **Allen** County, ~~having a population of~~
- 9 ~~more than three hundred thousand (300,000) but less than four~~
- 10 ~~hundred thousand (400,000):~~
- 11 (f) The advisory commission, or the county or municipal legislative
- 12 body, in the case of a district designated under section 10.5 of this
- 13 chapter, shall designate the duration of the district. However, a district
- 14 must terminate not later than fifteen (15) years after the income tax
- 15 incremental amount or gross retail incremental amount is first allocated
- 16 to the district.
- 17 (g) Upon adoption of a resolution designating a district, the advisory
- 18 commission shall:
- 19 (1) publish notice of the adoption and substance of the resolution
- 20 in accordance with IC 5-3-1; and
- 21 (2) file the following information with each taxing unit in the
- 22 county where the district is located:
- 23 (A) A copy of the notice required by subdivision (1).
- 24 (B) A statement disclosing the impact of the district, including
- 25 the following:
- 26 (i) The estimated economic benefits and costs incurred by the
- 27 district, as measured by increased employment and
- 28 anticipated growth of property assessed values.
- 29 (ii) The anticipated impact on tax revenues of each taxing
- 30 unit.
- 31 The notice must state the general boundaries of the district.
- 32 (h) Upon completion of the actions required by subsection (g), the
- 33 advisory commission shall submit the resolution to the budget
- 34 committee for review and recommendation to the budget agency. If the
- 35 budget agency fails to take action on a resolution designating a district
- 36 within one hundred twenty (120) days after the date that the resolution
- 37 is submitted to the budget committee, the designation of the district by
- 38 the resolution is considered approved.
- 39 (i) When considering a resolution, the budget committee and the
- 40 budget agency must make the following findings:
- 41 (1) The area to be designated as a district meets the conditions
- 42 necessary for designation as a district.



1 (2) The designation of the district will benefit the people of
 2 Indiana by protecting or increasing state and local tax bases and
 3 tax revenues for at least the duration of the district.

4 (j) The income tax incremental amount and the gross retail
 5 incremental amount may not be allocated to the district until the
 6 resolution is approved under this section.

7 SECTION 517. IC 36-7-14-1, AS AMENDED BY P.L.1-2006,
 8 SECTION 564, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) This chapter applies to all
 10 units except:

11 (1) ~~counties having a consolidated city, Marion County, and~~
 12 ~~units in those counties, Marion County, except those units~~
 13 ~~described in subsection (b); and~~

14 (2) townships.

15 (b) This chapter applies to an excluded city (as defined in
 16 IC 36-3-1-7) that adopts an ordinance electing to be governed by this
 17 chapter and establishes a redevelopment commission under section 3
 18 of this chapter. Upon the adoption of an ordinance under this
 19 subsection:

20 (1) an area needing redevelopment;

21 (2) an economic development area; or

22 (3) an allocation area previously established under
 23 IC 36-7-15.1-37 through IC 36-7-15.1-58;

24 continues in full force and effect as if the area had been created under
 25 this chapter.

26 (c) An:

27 (1) area needing redevelopment;

28 (2) economic development area; or

29 (3) allocation area previously established under IC 36-7-15.1-37
 30 through IC 36-7-15.1-58;

31 described in subsection (b) is subject to the jurisdiction of the
 32 redevelopment commission established under section 3 of this chapter
 33 and is not subject to the jurisdiction of the commission (as defined in
 34 IC 36-7-15.1-37).

35 SECTION 518. IC 36-7-14-15.5, AS AMENDED BY P.L.119-2012,
 36 SECTION 206, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE APRIL 1, 2022]: Sec. 15.5. (a) This section applies to a
 38 **St. Joseph** County. ~~having a population of more than two hundred fifty~~
 39 ~~thousand (250,000) but less than two hundred seventy thousand~~
 40 ~~(270,000).~~

41 (b) In adopting a declaratory resolution under section 15 of this
 42 chapter, a redevelopment commission may include a provision stating



1 that the redevelopment project area is considered to include one (1) or
2 more additional areas outside the boundaries of the redevelopment
3 project area if the redevelopment commission makes the following
4 findings and the requirements of subsection (c) are met:

5 (1) One (1) or more taxpayers presently located within the
6 boundaries of the redevelopment project area are expected within
7 one (1) year to relocate all or part of their operations outside the
8 boundaries of the redevelopment project area and have expressed
9 an interest in relocating all or part of their operations within the
10 boundaries of an additional area.

11 (2) The relocation described in subdivision (1) will contribute to
12 the continuation of the conditions described in IC 36-7-1-3 in the
13 redevelopment project area.

14 (3) For purposes of this section, it will be of public utility and
15 benefit to include the additional areas as part of the
16 redevelopment project area.

17 (c) Each additional area must be designated by the redevelopment
18 commission as a redevelopment project area or an economic
19 development area under this chapter.

20 (d) Notwithstanding section 3 of this chapter, the additional areas
21 shall be considered to be a part of the redevelopment special taxing
22 district under the jurisdiction of the redevelopment commission. Any
23 excess property taxes that the commission has determined may be paid
24 to taxing units under section 39(b)(4) of this chapter shall be paid to
25 the taxing units from which the excess property taxes were derived. All
26 powers of the redevelopment commission authorized under this chapter
27 may be exercised by the redevelopment commission in additional areas
28 under its jurisdiction.

29 (e) The declaratory resolution must include a statement of the
30 general boundaries of each additional area. However, it is sufficient to
31 describe those boundaries by location in relation to public ways,
32 streams, or otherwise, as determined by the commissioners.

33 (f) The declaratory resolution may include a provision with respect
34 to the allocation and distribution of property taxes with respect to one
35 (1) or more of the additional areas in the manner provided in section 39
36 of this chapter. If the redevelopment commission includes such a
37 provision in the resolution, allocation areas in the redevelopment
38 project area and in the additional areas considered to be part of the
39 redevelopment project area shall be considered a single allocation area
40 for purposes of this chapter.

41 (g) The additional areas must be located within the same county as
42 the redevelopment project area but are not otherwise required to be



1 within the jurisdiction of the redevelopment commission, if the
2 redevelopment commission obtains the consent by ordinance of:

3 (1) the county legislative body, for each additional area located
4 within the unincorporated part of the county; or

5 (2) the legislative body of the city or town affected, for each
6 additional area located within a city or town.

7 In granting its consent, the legislative body shall approve the plan of
8 development or redevelopment relating to the additional area.

9 (h) A declaratory resolution previously adopted may be amended to
10 include a provision to include additional areas as set forth in this
11 section and an allocation provision under section 39 of this chapter
12 with respect to one (1) or more of the additional areas in accordance
13 with sections 15, 16, and 17 of this chapter.

14 (i) The redevelopment commission may amend the allocation
15 provision of a declaratory resolution in accordance with sections 15,
16 16, and 17 of this chapter to change the assessment date that
17 determines the base assessed value of property in the allocation area to
18 any assessment date following the effective date of the allocation
19 provision of the declaratory resolution. Such a change may relate to the
20 assessment date that determines the base assessed value of that portion
21 of the allocation area that is located in the redevelopment project area
22 alone, that portion of the allocation area that is located in an additional
23 area alone, or the entire allocation area.

24 SECTION 519. IC 36-7-14-39.2, AS AMENDED BY P.L.257-2019,
25 SECTION 121, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE APRIL 1, 2022]: Sec. 39.2. (a) This section applies to a
27 **St. Joseph** County. ~~having a population of more than two hundred fifty~~
28 ~~thousand (250,000) but less than two hundred seventy thousand~~
29 ~~(270,000).~~

30 (b) As used in this section, "designated taxpayer" means any
31 taxpayer designated by the commission in a declaratory resolution
32 adopted or amended under section 15 or 17.5 of this chapter and with
33 respect to which the commission finds that taxes to be derived from the
34 taxpayer's depreciable personal property in the allocation area, in
35 excess of the taxes attributable to the base assessed value of that
36 personal property, are reasonably expected to exceed in one (1) or more
37 future years the taxes to be derived from the taxpayer's real property in
38 the allocation area in excess of the taxes attributable to the base
39 assessed value of that real property.

40 (c) The allocation provision of a declaratory resolution may modify
41 the definition of "property taxes" under section 39(a) of this chapter to
42 include taxes imposed under IC 6-1.1 on the depreciable personal



1 property of designated taxpayers, in accordance with the procedures
 2 and limitations set forth in this section and section 39 of this chapter.
 3 If such a modification is included in the resolution for purposes of
 4 section 39 of this chapter, the term "base assessed value" with respect
 5 to the depreciable personal property of designated taxpayers means,
 6 subject to section 39(j) of this chapter, the net assessed value of all the
 7 depreciable personal property as finally determined for the assessment
 8 date immediately preceding:

9 (1) the effective date of the modification, for modifications
 10 adopted before July 1, 1995; and

11 (2) the adoption date of the modification for modifications
 12 adopted after June 30, 1995;

13 as adjusted under section 39(h) of this chapter.

14 SECTION 520. IC 36-7-14.5-5 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5. As used in this
 16 chapter, "commission" refers to a redevelopment commission
 17 established under IC 36-7-14 or a military base reuse authority
 18 established under IC 36-7-30 and located outside the boundaries of a
 19 **Marion County, with a consolidated city:**

20 SECTION 521. IC 36-7-15.1-1 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 22 in **each Marion County, having a consolidated city:**

23 SECTION 522. IC 36-7-15.1-11, AS AMENDED BY P.L.141-2007,
 24 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 APRIL 1, 2022]: Sec. 11. (a) A person who filed a written
 26 remonstrance with the commission under section 10 of this chapter and
 27 is aggrieved by the final action taken may, within ten (10) days after
 28 that final action, file with the presiding judge of the superior court a
 29 copy of the order of the commission and the person's remonstrance
 30 against that order, together with the person's bond, as provided by
 31 IC 34-13-5-7, in the event the appeal is determined against the person.
 32 The burden of proof is on the remonstrator, and no change of venue
 33 may be granted.

34 (b) An appeal under this section shall be promptly heard by the
 35 court without a jury. ~~Except in a county containing a consolidated city,~~
 36 ~~all the judges of the court, or a majority of the judges if not all are~~
 37 ~~available, shall hear the appeal. In a county containing a consolidated~~
 38 ~~city, The appeal shall be heard by one (1) judge unless rules adopted~~
 39 ~~by the court or by the Indiana supreme court require an appeal to be~~
 40 ~~heard by additional judges. All remonstrances upon which an appeal~~
 41 ~~has been taken shall be consolidated and heard and determined within~~
 42 ~~thirty (30) days after the time of the filing of the appeal. The court shall~~



1 decide the appeal based on the record and evidence before the
 2 commission, not by trial de novo. It may confirm the final action of the
 3 commission or sustain the remonstrances. ~~If the appeal is decided in a~~
 4 ~~county that does not contain a consolidated city, the vote of at least a~~
 5 ~~majority of all the elected judges is required to confirm the final action~~
 6 ~~of the commission or sustain the remonstrances.~~ The judgment of the
 7 court is final and conclusive, unless an appeal is taken as in other civil
 8 actions. An appeal to the court of appeals or supreme court has priority
 9 over all other civil appeals.

10 SECTION 523. IC 36-7-15.3-5 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5. As used in this
 12 chapter, "commission" refers to a redevelopment commission
 13 established under IC 36-7-15.1 or a military base reuse authority
 14 established under IC 36-7-30 and located in a **Marion** County. ~~with a~~
 15 ~~consolidated city:~~

16 SECTION 524. IC 36-7-15.6-1, AS ADDED BY P.L.61-2018,
 17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 APRIL 1, 2022]: Sec. 1. This chapter applies only to ~~a the~~ consolidated
 19 city.

20 SECTION 525. IC 36-7-16-2 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. As used in this
 22 chapter:

23 "Agency" refers to the department of metropolitan development in
 24 a **Marion** County, ~~having a consolidated city~~; the works board in
 25 second class cities, and the department of redevelopment in other units.

26 "Home" means a residential building containing no more than four
 27 (4) family dwelling units.

28 SECTION 526. IC 36-7-16-4, AS AMENDED BY P.L.127-2017,
 29 SECTION 208, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE APRIL 1, 2022]: Sec. 4. (a) As used in this section,
 31 "concentrated code delinquency area" means an area of at least
 32 one-half (1/2) square block in which:

33 (1) at least two-thirds (2/3) of the lots are occupied by
 34 improvements;

35 (2) at least two-thirds (2/3) of the improvements are homes; and

36 (3) an investigation by the agency shows that at least one-half
 37 (1/2) of the homes are not in compliance with applicable building
 38 code standards.

39 The agency may conduct an investigation on its own initiative, and
 40 shall conduct an investigation on receipt of a petition signed by the
 41 occupants of at least one-half (1/2) of the family dwelling units within
 42 the proposed area. In conducting the investigation, the agency may use



1 its own staff or hire independent appraisers and inspectors.

2 (b) Rehabilitation loans may be made to enable the borrower to
3 make repairs that will bring the borrower's home into compliance with
4 applicable building code standards, if all of the following conditions
5 are present:

6 (1) The borrower holds marketable title to the property, subject
7 only to mortgage indebtedness or contract for the purchase of the
8 property, the lien of taxes that are not yet due and payable, and
9 any assessment for public improvements that is not yet due and
10 payable.

11 (2) The property is located within the area of a community
12 development target area designated by an application to the
13 Department of Housing and Urban Development under the 1974
14 Community Development Act, as amended (42 U.S.C. sections
15 5301-5318), an urban renewal project, a concentrated code
16 delinquency neighborhood, or an area needing redevelopment.

17 (3) The agency has determined that the borrower is an acceptable
18 credit risk. In making this determination, the agency shall be
19 guided by the fact that a principal purpose of this chapter is to
20 make rehabilitation available to those who would be unable to
21 obtain such loans through normal commercial channels.

22 (4) The borrower has in full force and effect a policy of insurance
23 protecting the property in an amount and with an insurer
24 satisfactory to the agency.

25 (c) Subject to subsection (d), the agency shall use the procedures
26 prescribed by IC 36-7-14-15 through IC 36-7-14-18 to make a finding
27 that an area is an area needing redevelopment.

28 (d) The agency in ~~a~~ **the** consolidated city shall use the procedures
29 prescribed by law to make a finding that an area is an area needing
30 redevelopment.

31 SECTION 527. IC 36-7-18-1 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) This chapter
33 applies to all units except townships.

34 (b) Only the sections of this chapter that are listed in section 1.5 of
35 this chapter apply to ~~a~~ **the** consolidated city that by ordinance
36 establishes or designates a department, division, or agency of the city
37 to perform the public housing function.

38 (c) An ordinance establishing or designating a department, division,
39 or agency of ~~a~~ **the** consolidated city to perform the public housing
40 function may not impair the obligations of the housing authority
41 existing under any contract in effect at the time that ordinance is
42 effective. The consolidated city shall fulfill any obligations of the



1 housing authority that are transferred to the consolidated city.

2 SECTION 528. IC 36-7-18-1.5 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1.5. If ~~a~~ **the**
4 consolidated city adopts an ordinance under section 1 of this chapter,
5 the legislative body or the department, division, or agency performing
6 the public housing function:

7 (1) has all powers granted to it by the consolidated city under this
8 section and IC 36-1;

9 (2) has all powers granted to a housing authority by and is subject
10 to sections 2, 3, 10(b), 10(c), 10(d), 15, 16(a), 17, 18, 19, 20, 21,
11 22, 23, 24, 25, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41,
12 and 42 of this chapter and may exercise all those powers as
13 commissioners of a housing authority exercise those powers under
14 those sections; and

15 (3) designate officials or employees to exercise all its powers and
16 execute all necessary documents, instruments, or obligations.
17 However, notes or bonds issued by the consolidated city under
18 this chapter shall be executed and attested as other notes or bonds
19 of the consolidated city are executed and attested.

20 SECTION 529. IC 36-7-18-30 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 30. (a) A housing
22 authority may issue bonds, notes, or warrants to finance any of its
23 corporate purposes. An authority may also issue refunding bonds for
24 the purpose of paying or retiring bonds issued by it.

25 (b) A housing authority may determine the types of bonds, notes, or
26 warrants to be issued, including those on which the principal and
27 interest are payable:

28 (1) exclusively from the income and revenues of the housing
29 project financed with their proceeds;

30 (2) exclusively from the income and revenues of certain
31 designated housing projects, whether or not they were financed in
32 whole or in part with their proceeds; or

33 (3) except for ~~a~~ **the** consolidated city, from its revenues generally.

34 The bonds, notes, or warrants may be additionally secured by a pledge
35 of any revenues or a mortgage of any project or other property of the
36 authority.

37 (c) Neither the commissioners of an authority nor any person
38 executing the bonds, notes, or warrants under this section are
39 personally liable on the bonds, notes, or warrants.

40 (d) The bonds, notes, or warrants of a housing authority are not a
41 debt of the state or any political subdivision and must state this fact on
42 their face. Neither the state nor any political subdivision is liable on



1 them. The bonds, notes, or warrants are not payable out of any funds or
2 properties other than those of the authority.

3 (e) Bonds, notes, or warrants issued under this chapter are not an
4 indebtedness within the meaning of any constitutional or statutory debt
5 limitation or restriction.

6 (f) The bonds, notes, or warrants of a housing authority and the
7 interest on them are exempt from all taxes.

8 (g) The bonds, notes, or warrants of ~~a~~ **the** consolidated city:

9 (1) are payable only from revenues derived from the public
10 housing function;

11 (2) are payable only from a special fund continued or established
12 for that purpose; and

13 (3) are not a debt of the consolidated city and must state this fact
14 on their face.

15 The consolidated city is not liable on the bonds, notes, or warrants
16 other than out of the special fund.

17 (h) All bonds, notes, or warrants issued by a housing authority or ~~a~~
18 **the** consolidated city serving the public housing function before
19 September 1, 1987, are legalized, ratified, and declared valid, and all
20 proceedings had and actions taken under which those bonds, notes, or
21 warrants were issued are fully legalized and declared valid. The
22 assumption of any obligations of a housing authority by ~~a~~ **the**
23 consolidated city is also legalized and declared valid.

24 (i) Bonds, notes, or warrants payable by ~~a~~ **the** consolidated city
25 under its assumption of the obligations of a housing authority under
26 this chapter are payable only out of the funds pledged to obligees and
27 as such are a limited obligation of the consolidated city in accordance
28 with subsections (c), (d), (e), and (g).

29 SECTION 530. IC 36-7-18-41 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 41. (a) This subsection
31 applies to a municipality located in a county that does not have a
32 county housing authority. A municipal housing authority has
33 jurisdiction to exercise the powers granted by this chapter in the
34 municipality and in the area within five (5) miles of the corporate
35 boundaries of the municipality. However, the authority may not
36 exercise its powers within the corporate boundaries of another
37 municipality without the consent, by resolution, of the fiscal body of
38 that municipality.

39 (b) Except as provided in subsection (c), a county housing authority
40 has jurisdiction to exercise the powers granted by this chapter in all
41 unincorporated areas of the county outside the jurisdiction of municipal
42 housing authorities. However, the jurisdiction of a county housing



1 authority may be expanded to include all or part of the jurisdiction of
 2 a municipal housing authority within the corporate boundaries of the
 3 municipality if the fiscal bodies of the county and of the municipality
 4 each adopt a resolution declaring a need for the county housing
 5 authority to exercise its powers within the jurisdiction of the municipal
 6 housing authority. Such a resolution may be adopted only after a public
 7 hearing, with notice of the time, place, and purpose of the hearing
 8 given by the fiscal body by publication in accordance with IC 5-3-1.

9 (c) A municipal housing authority and a county housing authority
 10 share jurisdiction to exercise the powers granted by this chapter in the
 11 area that is:

12 (1) within the county; and

13 (2) located within five (5) miles outside the corporate boundaries
 14 of the municipality.

15 (d) Notwithstanding subsections (a), (b), and (c), the housing
 16 authority of ~~a~~ **the** consolidated city has jurisdiction to exercise the
 17 powers granted by this chapter only in the area that was subject to its
 18 jurisdiction on December 31, 1969.

19 SECTION 531. IC 36-7-21-3 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3. (a) A
 21 redevelopment commission may by resolution request the legislative
 22 body of the unit to establish a special improvement district for the
 23 purposes set forth in IC 36-7-15.1 with respect to ~~counties having a~~
 24 ~~consolidated city~~ **Marion County** and in IC 36-7-14 with respect to all
 25 other eligible units.

26 (b) A special improvement district shall be established according to
 27 the procedures set forth for the establishment of allocation areas under
 28 IC 36-7-15.1 or IC 36-7-14, as applicable.

29 (c) In establishing the special improvement district, the legislative
 30 body must find that the projects to be undertaken in the district:

31 (1) constitute local public improvements;

32 (2) provide special benefits to property owners in the district; and

33 (3) will be of public utility and benefit.

34 SECTION 532. IC 36-7-25-1 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 36 to all units having a department of redevelopment under IC 36-7-14-3
 37 or a department of metropolitan development as the redevelopment
 38 commission of ~~a~~ **the** consolidated city or excluded city under
 39 IC 36-7-15.1.

40 SECTION 533. IC 36-7-25-3, AS AMENDED BY P.L.185-2005,
 41 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 APRIL 1, 2022]: Sec. 3. (a) Projects, improvements, or purposes that



1 may be financed by a commission in redevelopment project areas or
 2 economic development areas may be financed if the projects,
 3 improvements, or purposes are not located in those areas or the
 4 redevelopment district as long as the projects, improvements, or
 5 purposes directly serve or benefit those areas.

6 (b) This subsection applies only to ~~counties having a consolidated~~
 7 ~~city.~~ **Marion County.** A metropolitan development commission acting
 8 as the redevelopment commission of the consolidated city may finance
 9 projects, improvements, or purposes that are located in the county and
 10 in a reuse area established under IC 36-7-30, even though the reuse
 11 area is not located in the redevelopment district. However, at the time
 12 this financing is initiated, the redevelopment commission must make
 13 a finding that the project, improvement, or purpose will serve or benefit
 14 the redevelopment district.

15 SECTION 534. IC 36-7-26-1, AS AMENDED BY P.L.119-2012,
 16 SECTION 208, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to the
 18 following:

19 (1) ~~A city having a population of more than eighty thousand five~~
 20 ~~hundred (80,500) but less than one hundred thousand (100,000).~~

21 **The city of Hammond.**

22 (2) ~~A city having a population of more than one hundred thousand~~
 23 ~~(100,000) but less than one hundred ten thousand (110,000).~~

24 **The city of South Bend.**

25 (3) ~~A city having a population of more than one hundred fifty~~
 26 ~~thousand (150,000) but less than five hundred thousand~~
 27 ~~(500,000).~~ **The city of Fort Wayne.**

28 (4) ~~A city having a population of more than one hundred ten~~
 29 ~~thousand (110,000) but less than one hundred fifty thousand~~
 30 ~~(150,000).~~ **The city of Evansville.**

31 SECTION 535. IC 36-7-27-1 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 33 to ~~each Marion County. having a consolidated city.~~

34 SECTION 536. IC 36-7-27-3 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3. As used in this
 36 chapter, "commission" refers to the metropolitan development
 37 commission acting as the redevelopment commission of ~~a the~~
 38 consolidated city, subject to IC 36-3-4-23.

39 SECTION 537. IC 36-7-29-1, AS AMENDED BY P.L.119-2012,
 40 SECTION 209, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to the
 42 following units:



1 (1) A city having a population of more than eight thousand seven
 2 hundred (8,700) but less than nine thousand (9,000). **The city of**
 3 **Columbia City.**

4 (2) ~~A Tippecanoe County, having a population of more than one~~
 5 ~~hundred seventy thousand (170,000) but less than one hundred~~
 6 ~~seventy-five thousand (175,000).~~

7 SECTION 538. IC 36-7-30-3 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 3. (a) A unit may
 9 establish a board of five (5) members to be known as the "
 10 Reuse Authority", designating the name of the military base. Once a
 11 unit has established a reuse authority for a military base, no other unit
 12 may create a reuse authority for that portion of the military base that
 13 lies within the boundaries of that unit.

14 (b) All of the territory within the corporate boundaries of a
 15 municipality constitutes a taxing district for the purpose of levying and
 16 collecting special benefit taxes for reuse purposes as provided in this
 17 chapter. All of the territory in a county constitutes a taxing district for
 18 a county.

19 (c) All of the taxable property within a taxing district is considered
 20 to be benefited by reuse projects carried out under this chapter to the
 21 extent of the special taxes levied under this chapter.

22 (d) ~~A Marion County having a consolidated city~~ may not establish
 23 a reuse authority for a military base located in an excluded city without
 24 the approval of the legislative body of the excluded city.

25 SECTION 539. IC 36-7-30-5, AS AMENDED BY P.L.257-2019,
 26 SECTION 134, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) Except as provided in
 28 subsection (b), each member of a military base reuse authority shall
 29 serve the longer of three (3) years beginning with the first day of
 30 January after the member's appointment or until the member's
 31 successor has been appointed and qualified. If a vacancy occurs, a
 32 successor shall be appointed in the same manner as the original
 33 member, and the successor shall serve for the remainder of the vacated
 34 term.

35 (b) In the case of a municipal military base reuse authority in an
 36 excluded city located in ~~a Marion County, with a consolidated city,~~ the
 37 original members shall serve for the following terms:

38 (1) A member appointed by the executive of the excluded city or
 39 the consolidated city executive shall serve for the longer of three
 40 (3) years beginning with the first day of January after the
 41 member's appointment or until the member's successor is
 42 appointed and qualified.



1 (2) A member appointed by the legislative body of the excluded
2 city or the consolidated city legislative body shall serve for the
3 longer of one (1) year beginning with the first day of January after
4 the member's appointment or until the member's successor is
5 appointed and qualified.

6 (3) A member appointed by the board of county commissioners
7 shall serve for the longer of two (2) years beginning with the first
8 day of January after the member's appointment or until the
9 member's successor is appointed and qualified.

10 (c) Each member of a reuse authority, before beginning the
11 member's duties, shall take and subscribe an oath of office in the usual
12 form, to be endorsed on the certificate of the member's appointment.
13 The endorsed certificate must be promptly filed with the clerk for the
14 unit that the member serves.

15 (d) Each member of a reuse authority, before beginning the
16 member's duties, shall execute a bond payable to the state, with surety
17 to be approved by the executive of the unit. The bond must be in the
18 penal sum of fifteen thousand dollars (\$15,000) and must be
19 conditioned on the faithful performance of the duties of the member's
20 office and the accounting for all money and property that may come
21 into the member's hands or under the member's control. The cost of the
22 bond shall be paid by the special taxing district.

23 (e) A member of a reuse authority must be at least eighteen (18)
24 years of age and must be a resident of the unit responsible for the
25 member's appointment.

26 (f) If a member ceases to be qualified under this section, the
27 member forfeits the member's office.

28 (g) Members of a reuse authority are not entitled to salaries but are
29 entitled to reimbursement for expenses necessarily incurred in the
30 performance of their duties.

31 SECTION 540. IC 36-7-30-9.5, AS ADDED BY P.L.91-2016,
32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 APRIL 1, 2022]: Sec. 9.5. (a) This section applies only to a municipal
34 military base reuse authority in an excluded city that is ~~located in a~~
35 **Marion County.** ~~with a consolidated city.~~

36 (b) This section applies in the absence of an agreement in effect for
37 payment by the reuse authority to the excluded city for police, fire
38 protection, and utility services provided by the excluded city.

39 (c) As used in this section, "city services" means police, fire
40 protection, and utility services.

41 (d) After December 31, 2016, the municipal military base reuse
42 authority shall pay the excluded city for city services that are provided



1 by the excluded city to the reuse area. The amount the municipal
 2 military base reuse authority shall pay for the city services is as
 3 follows:

4 (1) Police and fire protection services must be paid at the same
 5 property tax rate imposed on taxpayers located within the
 6 excluded city.

7 (2) Utility services must be paid at the same rates and charges
 8 imposed upon property owners located within the excluded city.

9 (e) The payment for city services under this section is subordinate
 10 to those debt service payments for bonds of the municipal military base
 11 reuse authority issued before January 1, 2016.

12 (f) The payment for city services under this section shall be
 13 determined by a financial advisor with the approval, by written
 14 agreement, of the excluded city and the municipal military base reuse
 15 authority not later than August 1 of each year. Any deficiencies in
 16 payment of the fee for city services in a budget year must be
 17 replenished from the next available municipal military base reuse
 18 revenues subordinate to payment of debt service.

19 SECTION 541. IC 36-7-30-11 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 11. (a) After adoption
 21 of a resolution under section 10 of this chapter, the reuse authority shall
 22 submit the resolution and supporting data to the plan commission of the
 23 unit or other body charged with the duty of developing a general plan
 24 for the unit, if there is such a body. The plan commission may
 25 determine whether the resolution and the reuse plan conform to the
 26 plan of development for the unit and approve or disapprove the
 27 resolution and plan proposed. The reuse authority may amend or
 28 modify the resolution and proposed plan to conform to the
 29 requirements of the plan commission. The plan commission shall issue
 30 a written order approving or disapproving the resolution and military
 31 base reuse plan, and may with the consent of the reuse authority rescind
 32 or modify the order.

33 (b) The determination that a geographic area is a military base reuse
 34 area must be approved by the unit's legislative body.

35 (c) If a military base is located in an excluded city ~~that is located in~~
 36 ~~a Marion County, having a consolidated city,~~ the determination that a
 37 geographic area is a military base reuse area must be approved by the
 38 excluded city legislative body and the consolidated city legislative
 39 body.

40 SECTION 542. IC 36-7-30-20 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 20. (a) Any of the
 42 following persons may lease facilities referred to in section 19 of this



1 chapter to a military base reuse authority under this chapter:

2 (1) A for-profit or nonprofit corporation organized under Indiana
3 law or admitted to do business in Indiana.

4 (2) A partnership, an association, a limited liability company, or
5 a firm.

6 (3) An individual.

7 (4) With respect to all reuse authorities located in a county ~~that~~
8 ~~does not have a consolidated city, other than Marion County,~~ a
9 redevelopment authority established under IC 36-7-14.5.

10 (5) With respect to all reuse authorities located in a **Marion**
11 **County,** ~~with a consolidated city,~~ an authority established under
12 IC 36-7-15.3.

13 (b) Notwithstanding any other law, a lessor under this section and
14 section 19 of this chapter is a qualified entity for purposes of IC 5-1.4.

15 (c) Notwithstanding any other law, a military base reuse facility
16 leased by the reuse authority under this chapter from a lessor borrowing
17 bond proceeds from a unit under IC 36-7-12 is an economic
18 development facility for purposes of IC 36-7-11.9-3 and IC 36-7-12.

19 (d) Notwithstanding IC 36-7-12-25 and IC 36-7-12-26, payments by
20 a reuse authority to a lessor described in subsection (c) may be made
21 from sources set forth in section 19 of this chapter if the payments and
22 the lease are structured to prevent the lease obligation from constituting
23 a debt of the unit or the district for purposes of the Constitution of the
24 State of Indiana.

25 SECTION 543. IC 36-7-31-1 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
27 only to a **Marion County.** ~~having a consolidated city.~~

28 SECTION 544. IC 36-7-31-5 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 5. As used in this
30 chapter, "commission" refers to the metropolitan development
31 commission acting as the redevelopment commission of a **the**
32 consolidated city.

33 SECTION 545. IC 36-7-31.3-1 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. Except as provided
35 in section 8(b) of this chapter, this chapter applies only to a city or a
36 county ~~without a consolidated city other than Marion County~~ that has
37 a professional sports franchise playing the majority of its home games
38 in a facility owned by the city, the county, a school corporation, or a
39 board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11.

40 SECTION 546. IC 36-7-31.3-4, AS AMENDED BY P.L.197-2016,
41 SECTION 135, IS AMENDED TO READ AS FOLLOWS
42 [EFFECTIVE APRIL 1, 2022]: Sec. 4. As used in this chapter,



1 "covered taxes" means the part of the following taxes attributable to the
 2 operation of a facility designated as part of a tax area under section 8
 3 of this chapter:

4 (1) The state gross retail tax imposed under IC 6-2.5-2-1 or use
 5 tax imposed under IC 6-2.5-3-2.

6 (2) An adjusted gross income tax imposed under IC 6-3-2-1 on an
 7 individual.

8 (3) The local income tax imposed under IC 6-3.6.

9 (4) Except in a **Allen** County, ~~having a population of more than~~
 10 ~~three hundred thousand (300,000) but less than four hundred~~
 11 ~~thousand (400,000)~~; a food and beverage tax imposed under
 12 IC 6-9.

13 SECTION 547. IC 36-7-31.3-8, AS AMENDED BY THE
 14 TECHNICAL CORRECTIONS BILL OF THE 2022 GENERAL
 15 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 APRIL 1, 2022]: Sec. 8. (a) A designating body may designate as part
 17 of a professional sports and convention development area any facility
 18 that is:

19 (1) owned by the city, the county, a school corporation, or a board
 20 under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11, and
 21 used by a professional sports franchise for practice or competitive
 22 sporting events;

23 (2) owned by the city, the county, or a board under IC 36-9-13,
 24 IC 36-10-8, IC 36-10-10, or IC 36-10-11, and used as one (1) of
 25 the following:

26 (A) A facility used principally for convention or tourism related
 27 events serving national or regional markets.

28 (B) An airport.

29 (C) A museum.

30 (D) A zoo.

31 (E) A facility used for public attractions of national
 32 significance.

33 (F) A performing arts venue.

34 (G) A county courthouse registered on the National Register of
 35 Historic Places; or

36 (3) a hotel.

37 Notwithstanding section 9 of this chapter or any other law, a
 38 designating body may by resolution approve the expansion of a
 39 professional sports and convention development area after June 30,
 40 2009, to include a hotel designated by the designating body. A
 41 resolution for such an expansion must be reviewed by the budget
 42 committee and approved by the budget agency in the same manner as



1 a resolution establishing a professional sports and convention
 2 development area is reviewed and approved. A facility may not include
 3 a private golf course or related improvements. The tax area may
 4 include only facilities described in this section and any parcel of land
 5 on which a facility is located. An area may contain noncontiguous
 6 tracts of land within the city, county, or school corporation.

7 (b) Except for a tax area that is located in: ~~a city having a population~~
 8 ~~of:~~

9 (1) ~~more than one hundred fifty thousand (150,000) but less than~~
 10 ~~five hundred thousand (500,000); the city of Fort Wayne; or~~

11 (2) ~~more than eighty thousand (80,000) but less than eighty~~
 12 ~~thousand four hundred (80,400); the city of Gary;~~

13 a tax area must include at least one (1) facility described in subsection
 14 (a)(1).

15 (c) A tax area may contain other facilities not owned by the
 16 designating body if:

17 (1) the facility is owned by a city, the county, a school
 18 corporation, or a board established under IC 36-9-13, IC 36-10-8,
 19 IC 36-10-10, or IC 36-10-11; and

20 (2) an agreement exists between the designating body and the
 21 owner of the facility specifying the distribution and uses of the
 22 covered taxes to be allocated under this chapter.

23 (d) This subsection applies to all tax areas located in ~~a Allen~~
 24 ~~County. having a population of more than three hundred thousand~~
 25 ~~(300,000) but less than four hundred thousand (400,000).~~ The facilities
 26 located at an Indiana University Fort Wayne and Purdue University
 27 Fort Wayne campus are added to the tax area designated by the county.
 28 For state fiscal years:

29 (1) beginning before July 1, 2021, the maximum amount of
 30 covered taxes that may be captured in all tax areas located in the
 31 county is three million dollars (\$3,000,000) per year; and

32 (2) beginning after June 30, 2021, the maximum amount of
 33 covered taxes that may be captured in all tax areas located in the
 34 county is five million dollars (\$5,000,000) **per year;**

35 regardless of the designating body that established the tax area. The
 36 revenue from the local income tax imposed under IC 6-3.6 that is
 37 captured must be counted first toward this maximum.

38 (e) This subsection applies to a tax area located in **the city of**
 39 **Evansville.** Notwithstanding any other provision of this chapter, for
 40 state fiscal years beginning after July 1, 2021, any facility in **the city**
 41 **of Evansville: Indiana:**

42 (1) that consists of a hotel; and



1 (2) is located in the north part of an area bounded on the
 2 northwest by Walnut Street, on the northeast by SE Martin Luther
 3 King Jr. Boulevard, on the southwest by SE 6th Street, and on the
 4 southeast by Cherry Street, as those streets were located on July
 5 1, 2021;

6 is added to the tax area. The provisions in sections 11 and 12 of this
 7 chapter are not applicable to the area described in this subsection.

8 (f) This subsection applies to a tax area located in **the city of South**
 9 **Bend**. Notwithstanding any other provision of this chapter, for state
 10 fiscal years in which the tax area is renewed under section ~~10(d)~~ **10(e)**
 11 of this chapter after June 30, 2021, the tax area shall also include any
 12 facility or complex of facilities:

13 (1) that consists of hotels located in the following areas in **the city**
 14 **of South Bend: Indiana:**

15 (A) in the east quadrant of an area bounded on the north by
 16 Columbus Court, on the east by North Main Street, and on the
 17 south by West Washington Street, as those streets were located
 18 on July 1, 2021;

19 (B) an area bounded on the north by East Colfax Avenue, on
 20 the east by Doctor Martin Luther King, Jr. Boulevard, on the
 21 south by East Washington Street, and on the west by North
 22 Michigan Street, as those streets were located on July 1, 2021;
 23 and

24 (C) in the southeast quadrant of an area bounded on the north
 25 by East Washington Street, on the east by Doctor Martin Luther
 26 King, Jr. Boulevard, and on the south by East Jefferson
 27 Boulevard, as those streets were located on July 1, 2021;

28 (2) that consists of a sports, recreational and event facility or
 29 complex of facilities located in **the city of South Bend, Indiana;**
 30 in the northeast quadrant of an area bounded on the north by East
 31 Jefferson Boulevard, on the east by South St. Louis Boulevard, as
 32 those streets were located on July 1, 2021, and on the west by the
 33 St. Joseph River; and

34 (3) located at an Indiana University South Bend campus.

35 The provisions in sections 11 and 12 of this chapter are not applicable
 36 to the renewal of the tax areas described in this subsection.

37 SECTION 548. IC 36-7-31.3-9, AS AMENDED BY P.L.100-2014,
 38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 APRIL 1, 2022]: Sec. 9. (a) A tax area must be initially established by
 40 resolution:

41 (1) before January 1, 2013, in the case of:

42 (A) a second class city;



- 1 (B) the city of Marion; or
 2 (C) the city of Westfield; or
 3 (2) before July 1, 1999, if subdivision (1) does not apply;
 4 according to the procedures set forth for the establishment of an
 5 economic development area under IC 36-7-14. Only one (1) tax area
 6 may be created in each county.
- 7 (b) In establishing the tax area, the designating body must make the
 8 following findings instead of the findings required for the
 9 establishment of economic development areas:
- 10 (1) Except for a tax area in: a city having a population of:
 11 (A) ~~more than one hundred fifty thousand (150,000) but less~~
 12 ~~than five hundred thousand (500,000); the city of Fort Wayne;~~
 13 or
 14 (B) ~~more than eighty thousand (80,000) but less than eighty~~
 15 ~~thousand four hundred (80,400); the city of Gary;~~
 16 there is a capital improvement that will be undertaken or has been
 17 undertaken in the tax area for a facility that is used by a
 18 professional sports franchise for practice or competitive sporting
 19 events. A tax area to which this subdivision applies may also
 20 include a capital improvement that will be undertaken or has been
 21 undertaken in the tax area for a facility that is used for any
 22 purpose specified in section 8(a)(2) of this chapter.
- 23 (2) For a tax area in a city having a population of ~~more than one~~
 24 ~~hundred fifty thousand (150,000) but less than five hundred~~
 25 ~~thousand (500,000); the city of Fort Wayne,~~ there is a capital
 26 improvement that will be undertaken or has been undertaken in
 27 the tax area for a facility that is used for any purpose specified in
 28 section 8(a) of this chapter.
- 29 (3) For a tax area in a city having a population of ~~more than eighty~~
 30 ~~thousand (80,000) but less than eighty thousand four hundred~~
 31 ~~(80,400); the city of Gary,~~ there is a capital improvement that
 32 will be undertaken or has been undertaken in the tax area for a
 33 facility that is used for any purpose specified in section 8(a)(2) of
 34 this chapter.
- 35 (4) The capital improvement that will be undertaken or that has
 36 been undertaken in the tax area will benefit the public health and
 37 welfare and will be of public utility and benefit.
- 38 (5) The capital improvement that will be undertaken or that has
 39 been undertaken in the tax area will protect or increase state and
 40 local tax bases and tax revenues.
- 41 (c) The tax area established under this chapter is a special taxing
 42 district authorized by the general assembly to enable the designating



1 body to provide special benefits to taxpayers in the tax area by
2 promoting economic development that is of public use and benefit.

3 SECTION 549. IC 36-7-31.3-10, AS AMENDED BY P.L.79-2021,
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 APRIL 1, 2022]: Sec. 10. (a) A tax area must be established by
6 resolution. A resolution establishing a tax area must provide for the
7 allocation of covered taxes attributable to a taxable event or covered
8 taxes earned in the tax area to the professional sports and convention
9 development area fund established for the city or county. The
10 allocation provision must apply to the entire tax area. The following
11 apply to Allen County:

12 (1) The fund required by this subsection is the coliseum
13 professional sports and convention development area fund. This
14 fund shall be administered by the Allen County Memorial
15 Coliseum board of trustees.

16 (2) The allocation each year must be as follows:

17 (A) The following for state fiscal years ending before July 1,
18 2021:

19 (i) The first two million six hundred thousand dollars
20 (\$2,600,000) shall be transferred to the county treasurer for
21 deposit in the coliseum professional sports and convention
22 development area fund.

23 (ii) The remaining amount shall be transferred to the treasurer
24 of the joint county-city capital improvement board in the
25 county.

26 (B) The following for state fiscal years beginning after June 30,
27 2021:

28 (i) The first two million six hundred thousand dollars
29 (\$2,600,000) shall be transferred to the county treasurer for
30 deposit in the coliseum professional sports and convention
31 development area fund.

32 (ii) After the allocation under item (i), the next four hundred
33 thousand dollars (\$400,000) shall be transferred to the joint
34 county-city capital improvement board in the county for the
35 Grand Wayne Center.

36 (iii) After the allocations under items (i) and (ii), any
37 remaining amount shall be transferred to the joint county-city
38 capital improvement board in the county to be split evenly
39 between the Allen County War Memorial Coliseum and the
40 Grand Wayne Center.

41 A tax area located in Allen County terminates not later than December
42 31, 2038. Any bonds that were issued before January 1, 2015, to



1 finance the facility or proposed facility must have a maturity of less
2 than twenty-five (25) years.

3 (b) In addition to subsection (a), all of the salary, wages, bonuses,
4 and other compensation that are:

- 5 (1) paid during a taxable year to a professional athlete for
- 6 professional athletic services;
- 7 (2) taxable in Indiana; and
- 8 (3) earned in the tax area;

9 shall be allocated to the tax area if the professional athlete is a member
10 of a team that plays the majority of the professional athletic events that
11 the team plays in Indiana in the tax area.

12 (c) Except as provided in subsection (d), for a tax area that is:

- 13 (1) not located in a **Allen** County; ~~having a population of more~~
14 ~~than three hundred thousand (300,000) but less than four hundred~~
15 ~~thousand (400,000); and~~
- 16 (2) not located in a ~~city having a population of more than one~~
17 ~~hundred thousand (100,000) but less than one hundred ten~~
18 ~~thousand (110,000); **the city of South Bend;**~~

19 the total amount of state revenue captured by the tax area may not
20 exceed five dollars (\$5) per resident of the city or county per year for
21 twenty (20) consecutive years.

22 (d) This subsection applies to a tax area established in a ~~city having~~
23 ~~a population of more than one hundred ten thousand (110,000) but less~~
24 ~~than one hundred fifty thousand (150,000) **the city of Evansville** that~~
25 expired before July 1, 2021. The tax area described in this subsection
26 is renewed beginning after June 30, 2021, for an additional twenty (20)
27 consecutive years, and shall include:

- 28 (1) the boundaries of the tax area before its expiration; plus
- 29 (2) the additional tax area added under section 8(e) of this
30 chapter.

31 The provisions in sections 11 and 12 of this chapter are not applicable
32 to the renewal of the tax area described in this subsection.

33 (e) This subsection applies to a tax area established in a ~~city having~~
34 ~~a population of more than one hundred thousand (100,000) but less~~
35 ~~than one hundred ten thousand (110,000) **the city of South Bend** that~~
36 expired before July 1, 2021. The tax area described in this subsection
37 is renewed beginning after June 30, 2021, for an additional twenty (20)
38 consecutive years, and shall include:

- 39 (1) the boundaries of the tax area before its expiration; plus
- 40 (2) the additional tax areas added under section 8(f) of this
41 chapter.

42 The provisions in sections 11 and 12 of this chapter are not applicable



1 to the renewal of the tax area described in this subsection. The
 2 maximum amount of covered taxes that may be captured in the tax area
 3 under this subsection is two million dollars (\$2,000,000) per year.

4 (f) The resolution establishing the tax area must designate the
 5 facility or proposed facility and the facility site for which the tax area
 6 is established.

7 (g) The department may adopt rules under IC 4-22-2 and guidelines
 8 to govern the allocation of covered taxes to a tax area.

9 SECTION 550. IC 36-7-31.3-19, AS AMENDED BY P.L.119-2012,
 10 SECTION 213, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE APRIL 1, 2022]: Sec. 19. The resolution establishing the
 12 tax area must designate the use of the funds. The funds are to be used
 13 only for the following:

14 (1) Except in a tax area in: a city having a population of:

15 (A) ~~more than one hundred fifty thousand (150,000) but less~~
 16 ~~than five hundred thousand (500,000); the city of Fort Wayne;~~

17 or

18 (B) ~~more than eighty thousand (80,000) but less than eighty~~
 19 ~~thousand four hundred (80,400); the city of Gary;~~

20 a capital improvement that will construct or equip a facility
 21 owned by the city, the county, a school corporation, or a board
 22 under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11 and
 23 used by a professional sports franchise for practice or competitive
 24 sporting events. In a tax area to which this subdivision applies,
 25 funds may also be used for a capital improvement that will
 26 construct or equip a facility owned by the city, the county, or a
 27 board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11
 28 and used for any purpose specified in section 8(a)(2) of this
 29 chapter.

30 (2) In a city having a population of more than one hundred fifty
 31 thousand (150,000) but less than five hundred thousand
 32 (500,000); **the city of Fort Wayne**, a capital improvement that
 33 will construct or equip a facility owned by the city, the county, a
 34 school corporation, or a board under IC 36-9-13, IC 36-10-8,
 35 IC 36-10-10, or IC 36-10-11 and used for any purpose specified
 36 in section 8(a) of this chapter.

37 (3) In a city having a population of more than eighty thousand
 38 (80,000) but less than eighty thousand four hundred (80,400); **the**
 39 **city of Gary**, a capital improvement that will construct or equip
 40 a facility owned by the city, the county, or a board under
 41 IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11 and used for
 42 any purpose specified in section 8(a)(1) or 8(a)(2) of this chapter.



1 (4) The financing or refinancing of a capital improvement
 2 described in subdivision (1), (2), or (3) or the payment of lease
 3 payments for a capital improvement described in subdivision (1),
 4 (2), or (3).

5 SECTION 551. IC 36-7-31.5-1, AS ADDED BY P.L.109-2019,
 6 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 APRIL 1, 2022]: Sec. 1. (a) This chapter applies only to a **Marion**
 8 **County, having a consolidated city.**

9 (b) The authority for the creation of a professional sports
 10 development area under this chapter is in addition to the authority for
 11 the creation of a professional sports development area under
 12 IC 36-7-31.

13 SECTION 552. IC 36-7-31.5-2, AS ADDED BY P.L.109-2019,
 14 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 APRIL 1, 2022]: Sec. 2. The following definitions apply throughout
 16 this chapter:

17 (1) "Bonds" means bonds, notes, or other evidence of
 18 indebtedness.

19 (2) "Budget agency" means the budget agency created by
 20 IC 4-12-1.

21 (3) "Budget committee" means the budget committee established
 22 by IC 4-12-1-3.

23 (4) "Capital improvement" means any facility or complex of
 24 facilities established as part of an additional professional sports
 25 development area under section 4 of this chapter.

26 (5) "Capital improvement board" refers to the capital
 27 improvement board of managers created by IC 36-10-9-3.

28 (6) "City" refers to the city of Indianapolis, Indiana.

29 (7) "Commission" refers to the metropolitan development
 30 commission acting as the redevelopment commission of a **the**
 31 **consolidated city.**

32 (8) "Covered taxes" means the following:

33 (A) The state gross retail tax imposed under IC 6-2.5-2-1 or use
 34 tax imposed under IC 6-2.5-3-2.

35 (B) An adjusted gross income tax imposed under IC 6-3-2-1 on
 36 an individual.

37 (C) The local income tax imposed under IC 6-3.6, other than
 38 local income taxes that are paid by local taxpayers described in
 39 IC 6-3.6-2-13(3).

40 (D) A food and beverage tax imposed under IC 6-9.

41 (9) "Department" refers to the department of state revenue.

42 (10) "Facility" means all or any part of one (1) or more buildings,



- 1 structures, or improvements constituting a capital improvement.
 2 The term refers to and includes a capital improvement.
 3 (11) "Facilities authority" refers to the county convention and
 4 recreational facilities authority created by IC 36-10-9.1.
 5 (12) "Professional soccer team" means a professional soccer team
 6 that holds its home professional sporting events in a facility
 7 constituting a capital improvement.
 8 (13) "Tax area" means a geographic area established by a
 9 commission as an additional professional sports development area
 10 under section 8 of this chapter.
 11 (14) "Taxpayer" means a person that is liable for a covered tax.
 12 SECTION 553. IC 36-7-32-1 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 14 to all units having a department of redevelopment under IC 36-7-14 or
 15 a department of metropolitan development as the redevelopment
 16 commission of ~~a~~ **the** consolidated city under IC 36-7-15.1.
 17 SECTION 554. IC 36-7-38-1, AS AMENDED BY P.L.26-2020,
 18 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 APRIL 1, 2022]: Sec. 1. The following definitions apply throughout
 20 this chapter:
 21 (1) "Distressed real property" includes real property in a neglected
 22 or unmarketable condition.
 23 (2) "Eligible unit" means:
 24 (A) a county;
 25 (B) ~~a~~ **the** consolidated city;
 26 (C) a second class city; or
 27 (D) a third class city;
 28 to which IC 36-7-9 applies.
 29 (3) "Land bank" means an entity established under section 2 of
 30 this chapter.
 31 (4) "Person" means an individual, a corporation, a limited liability
 32 company, a partnership, or other legal entity.
 33 SECTION 555. IC 36-7-38-5, AS ADDED BY P.L.211-2016,
 34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 APRIL 1, 2022]: Sec. 5. (a) This section applies to the board of a
 36 county land bank established by a county ~~that does not have a~~
 37 ~~consolidated city.~~ **other than Marion County.**
 38 (b) The board of a land bank to which this section applies is
 39 comprised of the following:
 40 (1) A director appointed by the county treasurer. A director
 41 appointed under this subdivision must be a resident of the county.
 42 (2) A director appointed by the county auditor. A director



1 appointed under this subdivision must be a resident of the county.

2 (3) Five (5) directors respectively appointed by the executives of
 3 the five (5) municipalities in the county with the five (5) largest
 4 populations, as determined by the most recent federal decennial
 5 census. A director appointed under this subdivision must reside
 6 in the municipality of the appointing authority that appoints the
 7 director.

8 (4) At most two (2) additional directors appointed, as applicable,
 9 in the manner and subject to the requirements set forth in the land
 10 bank's bylaws.

11 (c) The terms of the initial directors of a land bank to which this
 12 section applies are equal to:

13 (1) the remainder of the calendar year in which the land bank is
 14 established; plus

15 (2) a number of additional years equal to:

16 (A) one (1) calendar year, for:

17 (i) the director appointed under subsection (b)(1);

18 (ii) the director appointed under subsection (b)(2); and

19 (iii) the director appointed under subsection (b)(3) by the
 20 executive of the municipality in the county that has the
 21 largest population;

22 (B) two (2) calendar years, for directors appointed under
 23 subsection (b)(3) by the executives of the municipalities that
 24 have the second through the fourth largest populations in the
 25 county; and

26 (C) three (3) calendar years, for:

27 (i) the director appointed under subsection (b)(3) by the
 28 executive of the municipality that has the fifth largest
 29 population in the county; and

30 (ii) any directors appointed under subsection (b)(4).

31 SECTION 556. IC 36-7-38-6, AS ADDED BY P.L.211-2016,
 32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 APRIL 1, 2022]: Sec. 6. (a) This section applies to the board of a
 34 county land bank established by a **Marion** County. ~~that has a~~
 35 ~~consolidated city.~~

36 (b) The board of a land bank to which this section applies is
 37 comprised of the following:

38 (1) Three (3) directors appointed by the county executive. A
 39 director appointed under this subdivision must be a resident of the
 40 county.

41 (2) Three (3) directors appointed by the legislative body of the
 42 county. A director appointed under this subdivision must be a



- 1 resident of the county.
- 2 (3) A director appointed by the county auditor. A director
- 3 appointed under this subdivision must be a resident of the county.
- 4 (4) A director appointed by the local community foundation. A
- 5 director appointed under this subdivision must be a resident of the
- 6 county.
- 7 (5) At most one (1) additional director appointed, as applicable,
- 8 in the manner and subject to the requirements set forth in the land
- 9 bank's bylaws.
- 10 (c) The terms of the initial directors of a land bank to which this
- 11 section applies are equal to:
- 12 (1) the remainder of the calendar year in which the land bank is
- 13 established; plus
- 14 (2) a number of additional years equal to:
- 15 (A) one (1) calendar year, for directors appointed under
- 16 subsection (b)(1);
- 17 (B) two (2) calendar years, for directors appointed under
- 18 subsection (b)(2); and
- 19 (C) three (3) calendar years, for directors appointed under
- 20 subsection (b)(3) through (b)(5).
- 21 SECTION 557. IC 36-7-38-12, AS AMENDED BY P.L.26-2020,
- 22 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 APRIL 1, 2022]: Sec. 12. (a) This subsection does not apply to **a the**
- 24 consolidated city. The legislative body of an eligible unit that has
- 25 established a land bank under section 2 of this chapter may not rescind
- 26 the ordinance that the legislative body adopted under IC 36-7-9-3,
- 27 unless the land bank is first dissolved.
- 28 (b) A land bank does not have authority to exercise the power of
- 29 eminent domain.
- 30 SECTION 558. IC 36-7.5-1-2, AS ADDED BY P.L.214-2005,
- 31 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 APRIL 1, 2022]: Sec. 2. "Airport authority" refers to an airport
- 33 authority established under IC 8-22-3 in a **Lake County. having a**
- 34 **population of more than four hundred thousand (400,000) but less than**
- 35 **seven hundred thousand (700,000).**
- 36 SECTION 559. IC 36-7.5-1-4, AS AMENDED BY P.L.119-2012,
- 37 SECTION 214, IS AMENDED TO READ AS FOLLOWS
- 38 [EFFECTIVE APRIL 1, 2022]: Sec. 4. "Airport development authority"
- 39 refers to an airport development authority established under
- 40 IC 8-22-3.7 in a **city having a population of more than eighty thousand**
- 41 **(80,000) but less than eighty thousand four hundred (80,400). the city**
- 42 **of Gary.**



1 SECTION 560. IC 36-7.5-1-11, AS AMENDED BY P.L.165-2021,
 2 SECTION 207, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE APRIL 1, 2022]: Sec. 11. "Eligible county" refers to the
 4 following counties:

5 (1) ~~A Lake County. having a population of more than four~~
 6 ~~hundred thousand (400,000) but less than seven hundred thousand~~
 7 ~~(700,000).~~

8 (2) ~~A Porter County. having a population of more than one~~
 9 ~~hundred fifty thousand (150,000) but less than one hundred~~
 10 ~~seventy thousand (170,000).~~

11 (3) ~~A LaPorte County, having a population of more than one~~
 12 ~~hundred eleven thousand (111,000) but less than one hundred~~
 13 ~~fifteen thousand (115,000), if:~~

14 (A) the fiscal body of the county has adopted an ordinance
 15 under IC 36-7.5-2-3(d) providing that the county is joining the
 16 development authority; and

17 (B) the fiscal body of the city described in IC 36-7.5-2-3(d) has
 18 adopted an ordinance under IC 36-7.5-2-3(d) providing that the
 19 city is joining the development authority.

20 SECTION 561. IC 36-7.5-2-3, AS AMENDED BY THE
 21 TECHNICAL CORRECTIONS BILL OF THE 2022 GENERAL
 22 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 APRIL 1, 2022]: Sec. 3. (a) The development authority is governed by
 24 the development board appointed under this section.

25 (b) Except as provided in subsections (d), (e), and (g), the
 26 development board is composed of the following ten (10) members:

27 (1) Two (2) members appointed by the governor. One (1) of the
 28 members appointed by the governor under this subdivision shall
 29 be designated as chair by the governor. One (1) of the members
 30 appointed by the governor must reside in Porter County. Both
 31 members appointed by the governor under this subdivision serve
 32 at the pleasure of the governor.

33 (2) The following members from a **Lake County**: ~~having a~~
 34 ~~population of more than four hundred thousand (400,000) but less~~
 35 ~~than seven hundred thousand (700,000):~~

36 (A) One (1) member appointed by the mayor of the largest city
 37 in the county in which a riverboat is located. The member
 38 appointed under this clause must be a resident of the largest city
 39 in the county in which a riverboat is located.

40 (B) One (1) member appointed by the mayor of the second
 41 largest city in the county in which a riverboat is located. The
 42 member appointed under this clause must be a resident of the



- 1 second largest city in the county in which a riverboat is located.
 2 (C) One (1) member appointed by the mayor of the third largest
 3 city in the county in which a riverboat is located. The member
 4 appointed under this clause must be a resident of the third
 5 largest city in the county in which a riverboat is located.
 6 (D) One (1) member appointed jointly by the county executive
 7 and the county fiscal body. A member appointed under this
 8 clause may not reside in a city described in clause (A), (B), or
 9 (C).
 10 (3) One (1) member appointed jointly by the county executive and
 11 county fiscal body of a **Porter** County. ~~having a population of~~
 12 ~~more than one hundred fifty thousand (150,000) but less than one~~
 13 ~~hundred seventy thousand (170,000)~~. The member appointed
 14 under this subdivision must be a resident of a **Porter** County.
 15 ~~having a population of more than one hundred fifty thousand~~
 16 ~~(150,000) but less than one hundred seventy thousand (170,000)~~.
 17 (4) The following three (3) members appointed under subsection
 18 (i):
 19 (A) One (1) member appointed from Lake County.
 20 (B) One (1) member appointed from Porter County.
 21 (C) One (1) member appointed from LaPorte County.
 22 The members appointed under this subdivision may only vote on
 23 matters that pertain strictly to a transit development district
 24 established under IC 36-7.5-4.5-17.
 25 (c) A member appointed to the development board must have
 26 knowledge and at least five (5) years professional work experience in
 27 at least one (1) of the following:
 28 (1) Rail transportation or air transportation.
 29 (2) Regional economic development.
 30 (3) Business or finance.
 31 (d) ~~A LaPorte County having a population of more than one~~
 32 ~~hundred eleven thousand (111,000) but less than one hundred fifteen~~
 33 ~~thousand (115,000) shall be~~ is an eligible county participating in the
 34 development authority if the fiscal body of the county adopts an
 35 ordinance providing that the county is joining the development
 36 authority and the fiscal body of a city that is located in the county and
 37 that has a population of ~~more than thirty-one thousand (31,000) but less~~
 38 ~~than thirty-one thousand five hundred (31,500) the city of Michigan~~
 39 **City** adopts an ordinance providing that the city is joining the
 40 development authority. Notwithstanding subsection (b), if ordinances
 41 are adopted under this subsection and the county becomes an eligible
 42 county participating in the development authority:



1 (1) the development board shall be composed of twelve (12)
2 members rather than ten (10) members; and

3 (2) the additional two (2) members shall be appointed in the
4 following manner:

5 (A) One (1) additional member shall be appointed by the
6 governor and shall serve at the pleasure of the governor. The
7 member appointed under this clause must be an individual
8 nominated under ~~subsection (f)~~; **subsection (e)**.

9 (B) One (1) additional member shall be appointed jointly by the
10 county executive and county fiscal body. The member
11 appointed under this clause must be a resident of **a LaPorte**
12 **County, having a population of more than one hundred eleven**
13 **thousand (111,000) but less than one hundred fifteen thousand**
14 **(115,000)**;

15 (e) This subsection applies only if the county described in
16 subsection (d) is an eligible county participating in the development
17 authority. The mayor of the largest city in the county described in
18 subsection (d) shall nominate three (3) residents of the county for
19 appointment to the development board. The governor's initial
20 appointment under subsection (d)(2)(A) must be an individual
21 nominated by the mayor. At the expiration of the member's term, the
22 mayor of the second largest city in the county described in subsection
23 (d) shall nominate three (3) residents of the county for appointment to
24 the development board. The governor's second appointment under
25 subsection (d)(2)(A) must be an individual nominated by the mayor.
26 Thereafter, the authority to nominate the three (3) individuals from
27 among whom the governor shall make an appointment under
28 subsection (d)(2)(A) shall alternate between the mayors of the largest
29 and the second largest city in the county at the expiration of a member's
30 term.

31 (f) An individual or entity required to make an appointment under
32 subsection (b) must make the initial appointment before September 1,
33 2005, or the initial nomination before August 15, 2005. If an individual
34 or entity does not make an initial appointment under subsection (b)
35 before September 1, 2005, the governor shall instead make the initial
36 appointment.

37 (g) Subsection (h) applies only:

38 (1) to municipalities located in **a county that:**

39 ~~(1) has a population of more than one hundred fifty thousand~~
40 ~~(150,000) but less than one hundred seventy thousand (170,000);~~

41 **Porter County; and**

42 **(2) if Porter County was a member of the development authority**



- 1 on January 1, 2009, and subsequently ceases to be a member of
2 the development authority.
- 3 (h) If the fiscal bodies of at least two (2) municipalities subject to
4 this subsection adopt ordinances to become members of the
5 development authority, those municipalities shall become members of
6 the development authority. If two (2) or more municipalities become
7 members of the development authority under this subsection, the fiscal
8 bodies of the municipalities that become members of the development
9 authority shall jointly appoint one (1) member of the development
10 board who shall serve in place of the member described in subsection
11 (b)(3). A municipality that becomes a member of the development
12 authority under this subsection is considered an eligible municipality
13 for purposes of this article.
- 14 (i) The governor shall appoint three (3) members to the
15 development board as follows:
- 16 (1) The initial appointment of one (1) member shall be selected
17 out of a list of three (3) nominations from the county executive of
18 Lake County. The nominations shall be transmitted to the
19 governor before July 1, 2020. If the county executive of Lake
20 County does not make the initial nominations by July 1, 2020, the
21 governor shall instead make the initial appointment. After the
22 expiration of the term of a member appointed under this
23 subdivision, or if a vacancy occurs before the end of the term of
24 a member appointed under this subdivision, the county executive
25 of Lake County shall transmit a list of three (3) nominations to the
26 governor not later than ninety (90) days after the expiration or the
27 vacancy occurs. The governor shall appoint one (1) member out
28 of the list of three (3) nominations, or, if the county executive of
29 Lake County does not make the nominations within ninety (90)
30 days after the expiration or the vacancy occurs, the governor shall
31 instead make the appointment. A member appointed under this
32 subdivision must be a resident of Lake County.
- 33 (2) The initial appointment of one (1) member shall be selected
34 out of a list of three (3) nominations from the county executive of
35 Porter County. The nominations shall be transmitted to the
36 governor before July 1, 2020. If the county executive of Porter
37 County does not make the initial nominations by July 1, 2020, the
38 governor shall instead make the initial appointment. After the
39 expiration of the term of a member appointed under this
40 subdivision, or if a vacancy occurs before the end of the term of
41 a member appointed under this subdivision, the county executive
42 of Porter County shall transmit a list of three (3) nominations to



1 the governor not later than ninety (90) days after the expiration or
 2 the vacancy occurs. The governor shall appoint one (1) member
 3 out of the list of three (3) nominations, or, if the county executive
 4 of Porter County does not make the nominations within ninety
 5 (90) days after the expiration or the vacancy occurs, the governor
 6 shall instead make the appointment. A member appointed under
 7 this subdivision must be a resident of Porter County.

8 (3) The initial appointment of one (1) member shall be selected
 9 out of a list of three (3) nominations from the county executive of
 10 LaPorte County. The nominations shall be transmitted to the
 11 governor before July 1, 2020. If the county executive of LaPorte
 12 County does not make the initial nominations by July 1, 2020, the
 13 governor shall instead make the initial appointment. After the
 14 expiration of the term of a member appointed under this
 15 subdivision, or if a vacancy occurs before the end of the term of
 16 a member appointed under this subdivision, the county executive
 17 of LaPorte County shall transmit a list of three (3) nominations to
 18 the governor not later than ninety (90) days after the expiration or
 19 the vacancy occurs. The governor shall appoint one (1) member
 20 out of the list of three (3) nominations, or, if the county executive
 21 of LaPorte County does not make the nominations within ninety
 22 (90) days after the expiration or the vacancy occurs, the governor
 23 shall instead make the appointment. A member appointed under
 24 this subdivision must be a resident of LaPorte County.

25 SECTION 562. IC 36-7.5-4-2, AS AMENDED BY P.L.165-2021,
 26 SECTION 213, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) Except as provided in
 28 subsections (b) and (d), the fiscal officer of each city and county
 29 described in IC 36-7.5-2-3(b) shall each transfer three million five
 30 hundred thousand dollars (\$3,500,000) each year to the development
 31 authority for deposit in the development authority revenue fund
 32 established under section 1 of this chapter. However, if a **Porter**
 33 **County having a population of more than one hundred fifty thousand**
 34 **(150,000) but less than one hundred seventy thousand (170,000)** ceases
 35 to be a member of the development authority and two (2) or more
 36 municipalities in the county have become members of the development
 37 authority as authorized by IC 36-7.5-2-3(h), the transfer of the local
 38 income tax revenue that is dedicated to economic development
 39 purposes that is required to be transferred under IC 6-3.6-11-6 is the
 40 contribution of the municipalities in the county that have become
 41 members of the development authority.

42 (b) This subsection applies only if:

HB 1401—LS 7204/DI 75



1 (1) the fiscal body of the county described in IC 36-7.5-2-3(d) has
 2 adopted an ordinance under IC 36-7.5-2-3(d) providing that the
 3 county is joining the development authority;

4 (2) the fiscal body of the city described in IC 36-7.5-2-3(d) has
 5 adopted an ordinance under IC 36-7.5-2-3(d) providing that the
 6 city is joining the development authority; and

7 (3) the county described in IC 36-7.5-2-3(d) is an eligible county
 8 participating in the development authority.

9 The fiscal officer of the county described in IC 36-7.5-2-3(d) shall
 10 transfer two million six hundred twenty-five thousand dollars
 11 (\$2,625,000) each year to the development authority for deposit in the
 12 development authority revenue fund established under section 1 of this
 13 chapter. The fiscal officer of the city described in IC 36-7.5-2-3(d)
 14 shall transfer eight hundred seventy-five thousand dollars (\$875,000)
 15 each year to the development authority for deposit in the development
 16 authority revenue fund established under section 1 of this chapter.

17 (c) This subsection does not apply to Lake County, Hammond, Gary,
 18 or East Chicago. The following apply to the remaining transfers
 19 required by subsections (a) and (b):

20 (1) Except for transfers of money described in subdivision (4)(D),
 21 the transfers shall be made without appropriation by the city or
 22 county fiscal body or approval by any other entity.

23 (2) Except as provided in subdivision (3), each fiscal officer shall
 24 transfer eight hundred seventy-five thousand dollars (\$875,000)
 25 to the development authority revenue fund before the last
 26 business day of January, April, July, and October of each year.
 27 Food and beverage tax revenue deposited in the fund under
 28 IC 6-9-36-8 is in addition to the transfers required by this section.

29 (3) The fiscal officer of the county described in IC 36-7.5-2-3(d)
 30 shall transfer six hundred fifty-six thousand two hundred fifty
 31 dollars (\$656,250) to the development authority revenue fund
 32 before the last business day of January, April, July, and October
 33 of each year. The county is not required to make any payments or
 34 transfers to the development authority covering any time before
 35 January 1, 2017. The fiscal officer of a city described in
 36 IC 36-7.5-2-3(d) shall transfer two hundred eighteen thousand
 37 seven hundred fifty dollars (\$218,750) to the development
 38 authority revenue fund before the last business day of January,
 39 April, July, and October of each year. The city is not required to
 40 make any payments or transfers to the development authority
 41 covering any time before January 1, 2017.

42 (4) The transfers shall be made from one (1) or more of the



- 1 following:
- 2 (A) Riverboat admissions tax revenue received by the city or
- 3 county, riverboat wagering tax revenue received by the city or
- 4 county, or riverboat incentive payments received from a
- 5 riverboat licensee by the city or county.
- 6 (B) Any local income tax revenue that is dedicated to economic
- 7 development purposes under IC 6-3.6-6 and received under
- 8 IC 6-3.6-9 by the city or county.
- 9 (C) Any other local revenue other than property tax revenue
- 10 received by the city or county.
- 11 (D) In the case of a county described in IC 36-7.5-2-3(d) or a
- 12 city described in IC 36-7.5-2-3(d), any money from the major
- 13 moves construction fund that is distributed to the county or city
- 14 under IC 8-14-16.
- 15 (d) This subsection applies only to Lake County, Hammond, Gary,
- 16 and East Chicago. The obligations of each city and the county under
- 17 subsection (a) are satisfied by the distributions made by the auditor of
- 18 state on behalf of each unit under IC 4-33-12-8 and IC 4-33-13-5(i).
- 19 However, if the total amount distributed under IC 4-33 on behalf of a
- 20 unit with respect to a particular state fiscal year is less than the amount
- 21 required by subsection (a), the fiscal officer of the unit shall transfer
- 22 the amount of the shortfall to the authority from any source of revenue
- 23 available to the unit other than property taxes. The auditor of state shall
- 24 certify the amount of any shortfall to the fiscal officer of the unit after
- 25 making the distribution required by IC 4-33-13-5(i) on behalf of the
- 26 unit with respect to a particular state fiscal year.
- 27 (e) A transfer made on behalf of a county, city, or town under this
- 28 section after December 31, 2018:
- 29 (1) is considered to be a payment for services provided to
- 30 residents by a rail project as those services are rendered; and
- 31 (2) does not impair any pledge of revenues under this article
- 32 because a pledge by the development authority of transferred
- 33 revenue under this section to the payment of bonds, leases, or
- 34 obligations under this article or IC 5-1.3:
- 35 (A) constitutes the obligations of the northwest Indiana regional
- 36 development authority; and
- 37 (B) does not constitute an indebtedness of a county, city, or
- 38 town described in this section or of the state within the meaning
- 39 or application of any constitutional or statutory provision or
- 40 limitation.
- 41 (f) Neither the transfer of revenue as provided in this section nor the
- 42 pledge of revenue transferred under this section is an impairment of



1 contract within the meaning or application of any constitutional
2 provision or limitation because of the following:

3 (1) The statutes governing local taxes, including the transferred
4 revenue, have been the subject of legislation annually since 1973,
5 and during that time the statutes have been revised, amended,
6 expanded, limited, and recodified dozens of times.

7 (2) Owners of bonds, leases, or other obligations to which local
8 tax revenues have been pledged recognize that the regulation of
9 local taxes has been extensive and consistent.

10 (3) All bonds, leases, or other obligations, due to their essential
11 contractual nature, are subject to relevant state and federal law
12 that is enacted after the date of a contract.

13 (4) The state of Indiana has a legitimate interest in assisting the
14 development authority in financing rail projects.

15 (g) All proceedings had and actions described in this section are
16 valid pledges under IC 5-1-14-4 as of the date of those proceedings or
17 actions and are hereby legalized and declared valid if taken before
18 March 15, 2018.

19 SECTION 563. IC 36-8-3-6, AS AMENDED BY P.L.227-2005,
20 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 APRIL 1, 2022]: Sec. 6. (a) This section applies to:

22 (1) all municipalities; and

23 (2) ~~a Marion County. having a consolidated city.~~

24 (b) A warrant of search or arrest, issued by any judge, may be
25 executed in the municipality by:

26 (1) any municipal police officer; or

27 (2) a member of the consolidated law enforcement department
28 established under IC 36-3-1-5.1;

29 subject to the laws governing arrest and bail.

30 (c) The police officers of a municipality or a member of the
31 consolidated law enforcement department shall:

32 (1) serve all process within the municipality or the consolidated
33 city issuing from the city or town court;

34 (2) arrest, without process, all persons who within view violate
35 statutes, take them before the court having jurisdiction of the
36 offense, and retain them in custody until the cause of the arrest
37 has been investigated;

38 (3) enforce municipal ordinances in accordance with IC 36-1-6;

39 (4) suppress all breaches of the peace within their knowledge and
40 may call to their aid the power of the municipality or the
41 consolidated city and pursue and commit to jail persons guilty of
42 crimes;



- 1 (5) serve all process issued by:
- 2 (A) the legislative body of the municipality or the consolidated
- 3 city;
- 4 (B) any committee of the legislative body of the municipality or
- 5 the consolidated city; or
- 6 (C) any of the executive departments of the municipality or the
- 7 consolidated city;
- 8 (6) serve the city or town court and assist the bailiff in preserving
- 9 order in the court; and
- 10 (7) convey prisoners to and from the county jail or station houses
- 11 of the municipality or the consolidated city for arraignment or
- 12 trial in the city or town court or to the place of imprisonment
- 13 under sentence of the court.

14 SECTION 564. IC 36-8-3-12, AS AMENDED BY P.L.135-2012,
 15 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 APRIL 1, 2022]: Sec. 12. Subject to IC 3-5-9, members of the safety
 17 board and members of any township, town, or city (including ~~a~~ **the**
 18 consolidated city) police department, fire department, or volunteer fire
 19 department (as defined by IC 36-8-12-2) may:

- 20 (1) be candidates for elective office and serve in that office if
- 21 elected;
- 22 (2) be appointed to any office and serve in that office if appointed;
- 23 and
- 24 (3) as long as they are not in uniform and not on duty, solicit votes
- 25 and campaign funds and challenge voters for the office for which
- 26 they are candidates.

27 SECTION 565. IC 36-8-5-1, AS AMENDED BY P.L.1-2006,
 28 SECTION 574, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) This chapter applies to the
 30 following:

- 31 (1) All municipalities.
- 32 (2) ~~A~~ **Marion** County ~~having a consolidated city that if the~~
 33 **county** establishes a consolidated law enforcement department
 34 under IC 36-3-1-5.1.
- 35 (b) Section 2 of this chapter applies to any other political
 36 subdivision that employs full-time, fully paid firefighters.

37 SECTION 566. IC 36-8-7-1, AS AMENDED BY P.L.227-2005,
 38 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 APRIL 1, 2022]: Sec. 1. (a) This chapter applies to pension benefits for
 40 members of fire departments hired before May 1, 1977, in units for
 41 which a 1937 fund was established before May 1, 1977.

- 42 (b) A firefighter with twenty (20) years of service is covered by this



- 1 chapter and not by IC 36-8-8 if the firefighter:
 2 (1) was hired before May 1, 1977;
 3 (2) did not convert under IC 19-1-36.5-7 (repealed September 1,
 4 1981); and
 5 (3) is rehired after April 30, 1977, by the same employer.
 6 (c) A firefighter is covered by this chapter and not by IC 36-8-8 if
 7 the firefighter:
 8 (1) was hired before May 1, 1977;
 9 (2) did not convert under IC 19-1-36.5-7 (repealed September 1,
 10 1981);
 11 (3) was rehired after April 30, 1977, but before February 1, 1979;
 12 and
 13 (4) was made, before February 1, 1979, a member of a 1937 fund.
 14 (d) A firefighter who:
 15 (1) is covered by this chapter before a consolidation under
 16 IC 36-3-1-6.1; and
 17 (2) becomes a member of a fire department of ~~a~~ **the** consolidated
 18 city under IC 36-3-1-6.1;
 19 is covered by this chapter after the effective date of the consolidation,
 20 and the firefighter's service as a member of a fire department of ~~a~~ **the**
 21 consolidated city is considered active service under this chapter.
 22 SECTION 567. IC 36-8-7.5-1, AS AMENDED BY P.L.227-2005,
 23 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 APRIL 1, 2022]: Sec. 1. (a) This chapter applies to pension benefits for
 25 members of police departments hired before May 1, 1977, by ~~a~~ **the**
 26 consolidated city.
 27 (b) A police officer with twenty (20) years of service is covered by
 28 this chapter and not by IC 36-8-8 if:
 29 (1) the officer was hired before May 1, 1977;
 30 (2) the officer did not convert under IC 19-1-17.8-7 (repealed
 31 September 1, 1981);
 32 (3) the officer was not a member of the 1953 fund because:
 33 (A) the officer's employment was on a temporary or emergency
 34 status under a statute in effect before February 25, 1953;
 35 (B) the officer failed to pass a five (5) year physical
 36 requirement under such a statute; or
 37 (C) the officer was a war veteran without pension status;
 38 (4) the officer submitted to a physical medical examination, if
 39 required by the local board, and the results were satisfactory; and
 40 (5) the officer was accepted by the local board as a member of the
 41 1953 fund upon payment of all dues required for the officer's
 42 entire time as a member of the police department.



1 (c) A police officer is covered by this chapter and not by IC 36-8-8
2 if the officer:

3 (1) was hired before May 1, 1977; and

4 (2) did not convert under IC 19-1-17.8-7 (repealed September 1,
5 1981).

6 (d) A police officer is covered by this chapter and not by IC 36-8-8
7 if the officer:

8 (1) was hired before May 1, 1977;

9 (2) did not convert under IC 19-1-17.8-7 (repealed September 1,
10 1981);

11 (3) is a regularly appointed member of the police department;

12 (4) is a member of the 1953 fund;

13 (5) was employed on a temporary or emergency status before
14 regular employment; and

15 (6) paid into the 1953 fund by not later than January 1, 1968, all
16 dues for the period the officer was on temporary or emergency
17 status.

18 (e) A police officer who:

19 (1) is covered by this chapter before consolidation under
20 IC 36-3-1-5.1; and

21 (2) becomes a member of the consolidated law enforcement
22 department through consolidation under IC 36-3-1-5.1;

23 is covered by this chapter after the effective date of the consolidation,
24 and the officer's service as a member of the consolidated law
25 enforcement department is considered active service under this chapter.

26 (f) In computing the length of active service rendered by any police
27 officer for the purpose of determining the expiration of a period of
28 twenty (20) years of active service, all of the following periods are
29 counted:

30 (1) All of the time the officer performed the duties of the officer's
31 position in active service.

32 (2) Vacation time or periods of leave of absence with whole or
33 part pay.

34 (3) Periods of leave of absence without pay that were necessary
35 on account of physical or mental disability.

36 (4) Periods of disability for which the officer will receive or has
37 received any disability benefit.

38 (g) In computing the term of service there is not included any of the
39 following:

40 (1) Periods during which the police officer was or is suspended or
41 on leave of absence without pay.

42 (2) Periods during which the officer was not in active service on



1 account of the officer's resignation from the department.

2 (3) Time served as a special police officer, a merchant police
3 officer, or private police officer.

4 SECTION 568. IC 36-8-7.5-2, AS AMENDED BY P.L.127-2017,
5 SECTION 253, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) A police pension fund to be
7 known as the 1953 fund is established in ~~each~~ **the** consolidated city.

8 (b) The 1953 fund shall be managed by a board of trustees (referred
9 to as the "local board" in this chapter) having nine (9) trustees, as
10 follows:

11 (1) The city executive, the county treasurer, and the city police
12 chief.

13 (2) One (1) retired member of the police department.

14 (3) Five (5) active members of the police department.

15 (c) The trustee under subsection (b)(2) shall be elected at a meeting
16 of the retired members of the 1953 fund. The trustees under subsection
17 (b)(3) shall be elected at a meeting of the active members of the police
18 department. The trustees are elected for terms of three (3) years,
19 beginning on January 1 following the election, and succeeding those
20 trustees whose terms of office expire on that date.

21 (d) If a vacancy occurs on the local board among those trustees
22 elected by the police department, the remaining trustees of the local
23 board shall fill the vacancy for the unexpired term of the trustee
24 causing the vacancy, from the same class of members, active or retired,
25 as was the trustee causing the vacancy.

26 (e) Any trustee of the local board elected as an active member of the
27 police department automatically ceases to be a member of the local
28 board if the trustee ceases, for any reason, to be an active member of
29 the police department and the vacancy shall be filled as provided in
30 subsection (d).

31 (f) The trustees receive no compensation for their services and shall
32 be paid only their necessary and actual expenses, including travel
33 expenses, out of the fund in the custody of the treasurer, for acting
34 upon matters related to the 1953 fund. The submission of expenses by
35 any local board member and the authorization by the local board at
36 regular meeting is sufficient authorization to the treasurer for payment.

37 (g) The local board may make all necessary bylaws for:

38 (1) meetings of the trustees;

39 (2) the manner of their election, including the counting and
40 canvassing of the votes;

41 (3) the collection of all money and other property due or
42 belonging to the 1953 fund;



1 (4) all matters connected with the care, preservation, and
2 disbursement of the fund; and

3 (5) all other matters connected with the proper execution of this
4 chapter.

5 SECTION 569. IC 36-8-7.5-12.5, AS ADDED BY P.L.130-2008,
6 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 APRIL 1, 2022]: Sec. 12.5. (a) Not less than thirty (30) days after a
8 member retires from a police department covered by this chapter, the
9 member may:

10 (1) be rehired by the ~~same~~ consolidated city that employed the
11 member as a police officer for a position other than that of a
12 full-time, fully paid police officer; and

13 (2) continue to receive the member's pension benefit under this
14 chapter.

15 (b) This section may be implemented unless the local board receives
16 from the Internal Revenue Service a determination that prohibits the
17 implementation.

18 SECTION 570. IC 36-8-8-1, AS AMENDED BY P.L.115-2016,
19 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 APRIL 1, 2022]: Sec. 1. This chapter applies to:

21 (1) full-time police officers hired or rehired after April 30, 1977,
22 in all municipalities, or who converted their benefits under
23 IC 19-1-17.8-7 (repealed September 1, 1981);

24 (2) full-time fully paid firefighters hired or rehired after April 30,
25 1977, or who converted their benefits under IC 19-1-36.5-7
26 (repealed September 1, 1981);

27 (3) a police matron hired or rehired after April 30, 1977, and
28 before July 1, 1996, who is a member of a police department in a
29 second or third class city on March 31, 1996;

30 (4) a park ranger who:

31 (A) completed at least the number of weeks of training at the
32 Indiana law enforcement academy or a comparable law
33 enforcement academy in another state that were required at the
34 time the park ranger attended the Indiana law enforcement
35 academy or the law enforcement academy in another state;

36 (B) graduated from the Indiana law enforcement academy or a
37 comparable law enforcement academy in another state; and

38 (C) is employed by the parks department of a city having a
39 population of more than one hundred ten thousand (110,000)
40 but less than one hundred fifty thousand (150,000); **the city of**
41 **Evansville;**

42 (5) a full-time fully paid firefighter who is covered by this chapter



1 before the effective date of consolidation and becomes a member
 2 of the fire department of a **the** consolidated city under
 3 IC 36-3-1-6.1, provided that the firefighter's service as a member
 4 of the fire department of a **the** consolidated city is considered
 5 active service under this chapter;

6 (6) except as otherwise provided, a full-time fully paid firefighter
 7 who is hired or rehired after the effective date of the consolidation
 8 by a consolidated fire department established under
 9 IC 36-3-1-6.1;

10 (7) a full-time police officer who is covered by this chapter before
 11 the effective date of consolidation and becomes a member of the
 12 consolidated law enforcement department as part of the
 13 consolidation under IC 36-3-1-5.1, provided that the officer's
 14 service as a member of the consolidated law enforcement
 15 department is considered active service under this chapter;

16 (8) except as otherwise provided, a full-time police officer who is
 17 hired or rehired after the effective date of the consolidation by a
 18 consolidated law enforcement department established under
 19 IC 36-3-1-5.1; and

20 (9) a veteran described in IC 36-8-4.7;

21 except as provided by section 7 of this chapter.

22 SECTION 571. IC 36-8-8-2, AS AMENDED BY P.L.227-2005,
 23 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 APRIL 1, 2022]: Sec. 2. As used in this chapter, "employer" means:

25 (1) a municipality that established a 1925 or 1953 fund or that
 26 participates in the 1977 fund under section 3 or 18 of this chapter;

27 (2) a unit that established a 1937 fund or that participates in the
 28 1977 fund under section 3 or 18 of this chapter;

29 (3) a **the** consolidated city that consolidated the fire departments
 30 of units that:

31 (A) established a 1937 fund; or

32 (B) participated in the 1977 fund;

33 before the units' consolidation into the fire department of a **the**
 34 consolidated city established by IC 36-3-1-6.1; or

35 (4) a **the** consolidated city that establishes a consolidated law
 36 enforcement department under IC 36-3-1-5.1.

37 SECTION 572. IC 36-8-8-2.1 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2.1. (a) As used in this
 39 chapter, "local board" means the following:

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

42 (2) For a unit that established a 1937 fund for its firefighters, the



1 local board described in IC 36-8-7-3.

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

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

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

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

17 SECTION 573. IC 36-8-8-7, AS AMENDED BY P.L.96-2020,
18 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 APRIL 1, 2022]: Sec. 7. (a) Subject to IC 36-8-4.7 and except as
20 provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

21 (1) a police officer who is less than forty (40) years of age; or

22 (2) a firefighter who is less than thirty-six (36) years of age;
23 who passes the baseline statewide physical and mental examinations
24 required under section 19 of this chapter shall be a member of the 1977
25 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953
26 fund.

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

42 (c) Except as provided in section 18 of this chapter, a police officer



1 or firefighter is entitled to credit for all years of service after April 30,
2 1977, with the police or fire department of an employer covered by this
3 chapter.

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

7 (1) was hired before May 1, 1977;

8 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
9 of which were repealed September 1, 1981); and

10 (3) is rehired after April 30, 1977, by the same employer.

11 (e) A police officer or firefighter does not become a member of the
12 1977 fund and is not covered by this chapter if the police officer or
13 firefighter:

14 (1) was hired before May 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) was rehired after April 30, 1977, but before February 1, 1979;
18 and

19 (4) was made, before February 1, 1979, a member of a 1925,
20 1937, or 1953 fund.

21 (f) A police officer or firefighter does not become a member of the
22 1977 fund and is not covered by this chapter if the police officer or
23 firefighter:

24 (1) was hired by the police or fire department of a unit before May
25 1, 1977;

26 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
27 of which were repealed September 1, 1981);

28 (3) is rehired by the police or fire department of another unit after
29 December 31, 1981; and

30 (4) is made, by the fiscal body of the other unit after December
31 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
32 unit.

33 If the police officer or firefighter is made a member of a 1925, 1937, or
34 1953 fund, the police officer or firefighter is entitled to receive credit
35 for all the police officer's or firefighter's years of service, including
36 years before January 1, 1982.

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

40 (1) is employed by a unit that is participating in the 1977 fund;

41 (2) was employed as an emergency medical technician by a
42 political subdivision wholly or partially within the department's



1 jurisdiction;

2 (3) was a member of the public employees' retirement fund during
3 the employment described in subdivision (2); and

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

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

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

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

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

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

21 (j) A park ranger who:

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

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

29 (3) is employed by the parks department of a city having a
30 population of more than one hundred ten thousand (110,000) but
31 less than one hundred fifty thousand (150,000); **the city of**
32 **Evansville;**

33 is a member of the fund.

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

36 (1) who is a member of the 1977 fund before a consolidation
37 under IC 36-3-1-5.1 or IC 36-3-1-6.1;

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

41 (3) who, after the consolidation, becomes an employee of the
42 consolidated law enforcement department or the consolidated fire



1 department under IC 36-3-1-5.1 or IC 36-3-1-6.1;
 2 is a member of the 1977 fund without meeting the requirements under
 3 sections 19 and 21 of this chapter.

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

5 (1) before a consolidation under IC 8-22-3-11.6, a police officer
 6 or firefighter provides law enforcement services or fire protection
 7 services for an entity in a **the** consolidated city;

8 (2) the provision of those services is consolidated into the law
 9 enforcement department or fire department of a **the** consolidated
 10 city; and

11 (3) after the consolidation, the police officer or firefighter
 12 becomes an employee of the consolidated law enforcement
 13 department or the consolidated fire department under
 14 IC 8-22-3-11.6;

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

17 (m) A police officer or firefighter who is a member of the 1977 fund
 18 under subsection (k) or (l) may not be:

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

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

21 solely because of a change in employer under the consolidation.

22 (n) Notwithstanding any other provision of this chapter and subject
 23 to subsection (o), a police officer or firefighter who:

24 (1) is an active member of the 1977 fund with an employer that
 25 participates in the 1977 fund;

26 (2) separates from that employer; and

27 (3) not later than one hundred eighty (180) days after the date of
 28 the separation described in subdivision (2), becomes employed as
 29 a full-time police officer or firefighter with the same or a second
 30 employer that participates in the 1977 fund;

31 is a member of the 1977 fund without meeting for a second time the
 32 age limitation under subsection (a) and the requirements under sections
 33 19 and 21 of this chapter. A police officer or firefighter to whom this
 34 subsection applies is entitled to receive credit for all years of 1977 fund
 35 covered service as a police officer or firefighter with all employers that
 36 participate in the 1977 fund.

37 (o) The one hundred eighty (180) day limitation described in
 38 subsection (n)(3) does not apply to a member of the 1977 fund who is
 39 eligible for reinstatement under IC 36-8-4-11.

40 (p) Notwithstanding any other provision of this chapter, a veteran
 41 who is:

42 (1) described in IC 36-8-4.7; and



1 (2) employed as a firefighter or police officer;
2 is a member of the 1977 fund.

3 SECTION 574. IC 36-8-8-14.2, AS ADDED BY P.L.159-2020,
4 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 APRIL 1, 2022]: Sec. 14.2. (a) This section applies to every unit that
6 is an employer of one (1) or more individuals who are active members
7 of the 1977 fund.

8 (b) As used in this section, "survivor" means:

9 (1) a surviving spouse of a deceased member of the 1977 fund; or

10 (2) a surviving natural child, stepchild, or adopted child of a
11 deceased member of the 1977 fund;

12 who is entitled to health insurance coverage under section 14.1(h) of
13 this chapter.

14 (c) If a unit is obligated under section 14.1(h) of this chapter to pay
15 for health insurance coverage for one (1) or more survivors of a
16 deceased member of the 1977 fund who died in the line of duty, the
17 legislative body of the unit may establish a public safety officer
18 survivors' health coverage cumulative fund under this section to pay for
19 health coverage under section 14.1(h) of this chapter.

20 (d) The fiscal body of a unit may provide money for a public safety
21 officer survivors' health coverage cumulative fund established under
22 subsection (c) by levying a tax in compliance with IC 6-1.1-41 on the
23 taxable property in the unit.

24 (e) The property tax rate that may be imposed under this section for
25 property taxes first due and payable during a particular year may not
26 exceed the rate necessary to pay the annual cost of the health coverage
27 that the unit is obligated to pay under section 14.1(h) of this chapter.
28 The unit shall provide any documentation requested by the department
29 of local government finance that is necessary to certify the rate adopted
30 by the unit. The unit's maximum permissible ad valorem property tax
31 levy determined under IC 6-1.1-18.5-3 excludes the property tax levied
32 under this section.

33 (f) The tax money collected under this section shall be held in a
34 special fund to be known as the public safety officer survivors' health
35 coverage cumulative fund.

36 (g) In ~~a~~ **the** consolidated city, money may be transferred from the
37 public safety officer survivors' health coverage cumulative fund to the
38 fund of a department of the consolidated city responsible for carrying
39 out a purpose for which the public safety officer survivors' health
40 coverage cumulative fund was created. The department may not
41 expend any money transferred under this subsection until an
42 appropriation is made, and the department may not expend any money



1 transferred under this subsection for operating costs of the department.

2 SECTION 575. IC 36-8-10-6 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 6. (a) A sheriff may
4 appoint additional deputy sheriffs or assistants if an emergency arises
5 that requires them for:

- 6 (1) promoting public safety and conserving the peace;
7 (2) repressing, preventing, and detecting crime; and
8 (3) apprehending criminals.

9 (b) The county executive shall determine the number and salaries of
10 deputy sheriffs or assistants to be appointed in an emergency. The
11 executive shall provide compensation and necessary expenses for them
12 from the general fund of the county without a specific appropriation.
13 Expenses shall be paid after the appointed persons file sworn vouchers
14 with the executive detailing their expenses.

15 (c) The deputies or assistants have the same powers that sheriffs
16 have under statute.

17 (d) The deputy sheriffs or assistants must have been bona fide
18 residents of the county for at least one (1) year before their
19 appointment. This subsection does not apply to a **Marion** County.
20 ~~having a consolidated city.~~

21 (e) When the emergency ends, the county executive may reduce the
22 number of deputy sheriffs or assistants to the number that the
23 circumstances require for the public welfare.

24 SECTION 576. IC 36-8-10-7, AS AMENDED BY P.L.119-2012,
25 SECTION 220, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE APRIL 1, 2022]: Sec. 7. (a) The state examiner of the
27 state board of accounts shall fix the exact amount per meal that the
28 sheriff of each county receives for feeding the prisoners in the sheriff's
29 custody. Subject to the maximum meal allowance provided in this
30 section, the state examiner shall increase the amount per meal that a
31 sheriff receives as follows:

- 32 (1) Increase the amount per meal by a percentage that does not
33 exceed the percent of increase in the United States Department of
34 Labor Consumer Price Index during the year preceding the year
35 in which an increase is established.
36 (2) Increase the amount per meal above the amount determined
37 under subdivision (1) if the sheriff furnishes to the state examiner
38 sufficient documentation to prove that the sheriff cannot provide
39 meals at the amount per meal that is determined under
40 subdivision (1).

41 The amount must be fixed by April 15 each year and takes effect
42 immediately upon approval. The allowance may not exceed two dollars



1 (\$2) per person per meal. The allowance shall be paid out of the
 2 general fund of the county after the sheriff submits to the county
 3 executive an itemized statement, under oath, showing the names of the
 4 prisoners, the date that each was imprisoned in the county jail, and the
 5 number of meals served to each prisoner.

6 (b) Notwithstanding subsection (a), IC 36-2-13-2.5(b)(4) through
 7 IC 36-2-13-2.5(b)(5), and IC 36-2-13-2.8(b), this subsection applies to
 8 a county ~~having a population of:~~ **the following counties:**

9 (1) ~~more than one hundred seventy-five thousand (175,000) but~~
 10 ~~less than one hundred eighty-five thousand (185,000); or~~
 11 **Vanderburgh County.**

12 (2) ~~more than three hundred thousand (300,000):~~ **Allen County.**

13 (3) **Lake County.**

14 (4) **Marion County.**

15 A county shall feed the county prisoners through an appropriation in
 16 the usual manner by the county fiscal body. The appropriation shall be
 17 expended by the sheriff under the direction of the county executive. If
 18 a county has a population of less than four hundred thousand
 19 (400,000), an accounting of the expenditures must be filed monthly
 20 with the county auditor by the fifth day of the month following the
 21 expenditure. If a county has a population of four hundred thousand
 22 (400,000) or more, an accounting of the expenditures must be filed
 23 with the county auditor on the first Monday of January and the first
 24 Monday of July of each year. Neither the sheriff nor the sheriff's
 25 officers, deputies, and employees may make a profit as a result of the
 26 appropriation.

27 SECTION 577. IC 36-8-10-10.6, AS AMENDED BY P.L.114-2012,
 28 SECTION 149, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE APRIL 1, 2022]: Sec. 10.6. (a) The sheriff may appoint
 30 as a special deputy any person who is employed by a governmental
 31 entity as defined in IC 35-31.5-2-144 or private employer, the nature
 32 of which employment necessitates that the person have the powers of
 33 a law enforcement officer. During the term of the special deputy's
 34 appointment and while the special deputy is fulfilling the specific
 35 responsibilities for which the appointment is made, a special deputy
 36 has the powers, privileges, and duties of a county police officer under
 37 this chapter, subject to any written limitations and specific
 38 requirements imposed by the sheriff and signed by the special deputy.
 39 A special deputy is subject to the direction of the sheriff and shall obey
 40 the rules and orders of the department. A special deputy may be
 41 removed by the sheriff at any time, without notice and without
 42 assigning any cause.



1 (b) The sheriff shall fix the prerequisites of training, education, and
 2 experience for special deputies, subject to the minimum requirements
 3 prescribed by this subsection. Applicants must:

- 4 (1) be twenty-one (21) years of age or older;
 5 (2) never have been convicted of a felony, or a misdemeanor
 6 involving moral turpitude;
 7 (3) be of good moral character; and
 8 (4) have sufficient training to insure the proper performance of
 9 their authorized duties.

10 (c) Except as provided in subsection (d), a special deputy shall wear
 11 a uniform the design and color of which is easily distinguishable from
 12 the uniforms of the Indiana state police, the regular county police force,
 13 and all municipal police and fire forces located in the county.

14 (d) The sheriff may permit a special deputy to wear the uniform of
 15 the regular county police force if the special deputy:

- 16 (1) has successfully completed the minimum basic training
 17 requirements under IC 5-2-1;
 18 (2) is periodically assigned by the sheriff to duties of a regular
 19 county police officer; and
 20 (3) is an employee of the department.

21 The sheriff may revoke permission for the special deputy to wear the
 22 uniform of the regular county police force at any time without cause or
 23 notice.

24 (e) The sheriff may also appoint one (1) legal deputy, who must be
 25 a member of the Indiana bar. The legal deputy does not have police
 26 powers. The legal deputy may continue to practice law. However,
 27 neither the legal deputy nor any attorney in partnership with the legal
 28 deputy may represent a defendant in a criminal case.

29 (f) The sheriff, for the purpose of guarding prisoners in the county
 30 jail:

- 31 (1) in ~~counties not having a consolidated city, a county other~~
 32 **than Marion County**, may appoint special deputies to serve as
 33 county jail guards; and
 34 (2) in ~~counties having a consolidated city, Marion County~~, shall
 35 appoint only special deputies to serve as county jail guards.

36 This subsection does not affect the rights or liabilities accrued by any
 37 county police officer assigned to guard the jail before August 31, 1982.

38 SECTION 578. IC 36-8-10-12, AS AMENDED BY P.L.173-2007,
 39 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 APRIL 1, 2022]: Sec. 12. (a) The department and a trustee may
 41 establish and operate an actuarially sound pension trust as a retirement
 42 plan for the exclusive benefit of the employee beneficiaries. However,



1 a department and a trustee may not establish or modify a retirement
 2 plan after June 30, 1989, without the approval of the county fiscal body
 3 which shall not reduce or diminish any benefits of the employee
 4 beneficiaries set forth in any retirement plan that was in effect on
 5 January 1, 1989.

6 (b) The normal retirement age may be earlier but not later than the
 7 age of seventy (70). However, the sheriff may retire an employee who
 8 is otherwise eligible for retirement if the board finds that the employee
 9 is not physically or mentally capable of performing the employee's
 10 duties.

11 (c) Joint contributions shall be made to the trust fund:

12 (1) either by:

13 (A) the department through a general appropriation provided to
 14 the department;

15 (B) a line item appropriation directly to the trust fund; or

16 (C) both; and

17 (2) by an employee beneficiary through authorized monthly
 18 deductions from the employee beneficiary's salary or wages.

19 However, the employer may pay all or a part of the contribution
 20 for the employee beneficiary.

21 Contributions through an appropriation are not required for plans
 22 established or modifications adopted after June 30, 1989, unless the
 23 establishment or modification is approved by the county fiscal body.

24 (d) For a county ~~not having a consolidated city; other than Marion~~
 25 **County**, the monthly deductions from an employee beneficiary's wages
 26 for the trust fund may not exceed six percent (6%) of the employee
 27 beneficiary's average monthly wages. For a **Marion County**, ~~having a~~
 28 ~~consolidated city~~; the monthly deductions from an employee
 29 beneficiary's wages for the trust fund may not exceed seven percent
 30 (7%) of the employee beneficiary's average monthly wages.

31 (e) The minimum annual contribution by the department must be
 32 sufficient, as determined by the pension engineers, to prevent
 33 deterioration in the actuarial status of the trust fund during that year. If
 34 the department fails to make minimum contributions for three (3)
 35 successive years, the pension trust terminates and the trust fund shall
 36 be liquidated.

37 (f) If during liquidation all expenses of the pension trust are paid,
 38 adequate provision must be made for continuing pension payments to
 39 retired persons. Each employee beneficiary is entitled to receive the net
 40 amount paid into the trust fund from the employee beneficiary's wages,
 41 and any remaining sum shall be equitably divided among employee
 42 beneficiaries in proportion to the net amount paid from their wages into



1 the trust fund.

2 (g) If a person ceases to be an employee beneficiary because of
3 death, disability, unemployment, retirement, or other reason, the
4 person, the person's beneficiary, or the person's estate is entitled to
5 receive at least the net amount paid into the trust fund from the person's
6 wages, either in a lump sum or monthly installments not less than the
7 person's pension amount.

8 (h) If an employee beneficiary is retired for old age, the employee
9 beneficiary is entitled to receive a monthly income in the proper
10 amount of the employee beneficiary's pension during the employee
11 beneficiary's lifetime.

12 (i) To be entitled to the full amount of the employee beneficiary's
13 pension classification, an employee beneficiary must have contributed
14 at least twenty (20) years of service to the department before
15 retirement. Otherwise, the employee beneficiary is entitled to receive
16 a pension proportional to the length of the employee beneficiary's
17 service.

18 (j) This subsection does not apply to a county that adopts an
19 ordinance under section 12.1 of this chapter. For an employee
20 beneficiary who retires before January 1, 1985, a monthly pension may
21 not exceed by more than twenty dollars (\$20) one-half (1/2) the amount
22 of the average monthly wage received during the highest paid five (5)
23 years before retirement. However, in counties where the fiscal body
24 approves the increases, the maximum monthly pension for an employee
25 beneficiary who retires after December 31, 1984, may be increased by
26 no more or no less than two percent (2%) of that average monthly wage
27 for each year of service over twenty (20) years to a maximum of
28 seventy-four percent (74%) of that average monthly wage plus twenty
29 dollars (\$20). For the purposes of determining the amount of an
30 increase in the maximum monthly pension approved by the fiscal body
31 for an employee beneficiary who retires after December 31, 1984, the
32 fiscal body may determine that the employee beneficiary's years of
33 service include the years of service with the sheriff's department that
34 occurred before the effective date of the pension trust. For an employee
35 beneficiary who retires after June 30, 1996, the average monthly wage
36 used to determine the employee beneficiary's pension benefits may not
37 exceed the monthly minimum salary that a full-time prosecuting
38 attorney was entitled to be paid by the state at the time the employee
39 beneficiary retires.

40 (k) The trust fund may not be commingled with other funds, except
41 as provided in this chapter, and may be invested only in accordance
42 with statutes for investment of trust funds, including other investments



1 that are specifically designated in the trust agreement.

2 (l) The trustee receives and holds as trustee all money paid to it as
3 trustee by the department, the employee beneficiaries, or by other
4 persons for the uses stated in the trust agreement.

5 (m) The trustee shall engage pension engineers to supervise and
6 assist in the technical operation of the pension trust in order that there
7 is no deterioration in the actuarial status of the plan.

8 (n) Within ninety (90) days after the close of each fiscal year, the
9 trustee, with the aid of the pension engineers, shall prepare and file an
10 annual report with the department. The report must include the
11 following:

12 (1) Schedule 1. Receipts and disbursements.

13 (2) Schedule 2. Assets of the pension trust listing investments by
14 book value and current market value as of the end of the fiscal
15 year.

16 (3) Schedule 3. List of terminations, showing the cause and
17 amount of refund.

18 (4) Schedule 4. The application of actuarially computed "reserve
19 factors" to the payroll data properly classified for the purpose of
20 computing the reserve liability of the trust fund as of the end of
21 the fiscal year.

22 (5) Schedule 5. The application of actuarially computed "current
23 liability factors" to the payroll data properly classified for the
24 purpose of computing the liability of the trust fund as of the end
25 of the fiscal year.

26 (o) No part of the corpus or income of the trust fund may be used or
27 diverted to any purpose other than the exclusive benefit of the members
28 and the beneficiaries of the members.

29 SECTION 579. IC 36-8-13-3, AS AMENDED BY P.L.255-2017,
30 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 APRIL 1, 2022]: Sec. 3. (a) The executive of a township, with the
32 approval of the legislative body, may do the following:

33 (1) Purchase firefighting and emergency services apparatus and
34 equipment for the township, provide for the housing, care,
35 maintenance, operation, and use of the apparatus and equipment
36 to provide services within the township but outside the corporate
37 boundaries of municipalities, and employ full-time or part-time
38 personnel to operate the apparatus and equipment and to provide
39 services in that area. Preference in employment under this section
40 shall be given according to the following priority:

41 (A) A war veteran who has been honorably discharged from the
42 United States armed forces.



1 (B) A person whose mother or father was a:

- 2 (i) firefighter of a unit;
 3 (ii) municipal police officer; or
 4 (iii) county police officer;

5 who died in the line of duty (as defined in IC 5-10-10-2).

6 The executive of a township may give a preference for
 7 employment under this section to a person who was employed
 8 full-time or part-time by another township to provide fire
 9 protection and emergency services and has been laid off by the
 10 township. The executive of a township may also give a preference
 11 for employment to a firefighter laid off by a city under
 12 IC 36-8-4-11. A person described in this subdivision may not
 13 receive a preference for employment unless the person applies for
 14 employment and meets all employment requirements prescribed
 15 by law, including physical and age requirements, and all
 16 employment requirements prescribed by the fire department.

17 (2) Contract with a municipality in the township or in a
 18 contiguous township that maintains adequate firefighting or
 19 emergency services apparatus and equipment to provide fire
 20 protection or emergency services for the township in accordance
 21 with IC 36-1-7.

22 (3) Cooperate with a municipality in the township or in a
 23 contiguous township in the purchase, maintenance, and upkeep of
 24 firefighting or emergency services apparatus and equipment for
 25 use in the municipality and township in accordance with
 26 IC 36-1-7.

27 (4) Contract with a volunteer fire department that has been
 28 organized to fight fires in the township for the use and operation
 29 of firefighting apparatus and equipment that has been purchased
 30 by the township in order to save the private and public property
 31 of the township from destruction by fire, including use of the
 32 apparatus and equipment in an adjoining township by the
 33 department if the department has made a contract with the
 34 executive of the adjoining township for the furnishing of
 35 firefighting service within the township.

36 (5) Contract with a volunteer fire department that maintains
 37 adequate firefighting service in accordance with IC 36-8-12.

38 (6) Use money in the township's rainy day fund to pay costs
 39 attributable to providing fire protection or emergency services
 40 under this chapter.

41 (b) This subsection applies only to townships that provide fire
 42 protection or emergency services or both under subsection (a)(1) and



1 to municipalities that have some part of the municipal territory within
 2 a township and do not have a full-time paid fire department. A
 3 township may provide fire protection or emergency services or both
 4 without contracts inside the corporate boundaries of the municipalities
 5 if before July 1 of a year the following occur:

6 (1) The legislative body of the municipality adopts an ordinance
 7 to have the township provide the services without a contract.

8 (2) The township legislative body passes a resolution approving
 9 the township's provision of the services without contracts to the
 10 municipality.

11 In a township providing services to a municipality under this section,
 12 the legislative body of either the township or a municipality in the
 13 township may opt out of participation under this subsection by adopting
 14 an ordinance or a resolution, respectively, before July 1 of a year.

15 (c) This subsection applies only to a township that:

16 (1) is located in ~~a Marion County; containing a consolidated city;~~

17 (2) has at least three (3) included towns (as defined in
 18 IC 36-3-1-7) that have all municipal territory completely within
 19 the township on January 1, 1996; and

20 (3) provides fire protection or emergency services, or both, under
 21 subsection (a)(1);

22 and to included towns (as defined in IC 36-3-1-7) that have all the
 23 included town's municipal territory completely within the township. A
 24 township may provide fire protection or emergency services, or both,
 25 without contracts inside the corporate boundaries of the municipalities
 26 if before August 1 of the year preceding the first calendar year to which
 27 this subsection applies the township legislative body passes a
 28 resolution approving the township's provision of the services without
 29 contracts to the municipality. The resolution must identify the included
 30 towns to which the resolution applies. In a township providing services
 31 to a municipality under this section, the legislative body of the
 32 township may opt out of participation under this subsection by adopting
 33 a resolution before July 1 of a year. A copy of a resolution adopted
 34 under this subsection shall be submitted to the executive of each
 35 included town covered by the resolution, the county auditor, and the
 36 department of local government finance.

37 SECTION 580. IC 36-8-15-1, AS AMENDED BY P.L.119-2012,
 38 SECTION 221, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to the
 40 following counties:

41 (1) ~~A Marion County. having a consolidated city.~~

42 (2) ~~A Elkhart County. having a population of more than one~~

HB 1401—LS 7204/DI 75



- 1 ~~hundred eighty-five thousand (185,000) but less than two hundred~~
 2 ~~fifty thousand (250,000).~~
 3 (3) A county that adopts an ordinance providing for the county to
 4 be governed by this chapter.
 5 However, sections 9.5, 15, 16, 17, and 18 of this chapter apply only to
 6 a **Marion County**. ~~having a consolidated city.~~
 7 SECTION 581. IC 36-8-15-2 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. As used in this
 9 chapter, "board" means the following:
 10 (1) In a **Marion County**, ~~having a consolidated city~~; a board
 11 established by and operated as set forth in an ordinance of the
 12 city-county legislative body.
 13 (2) In a county ~~not having a consolidated city~~, **other than Marion**
 14 **County**, the board of commissioners.
 15 SECTION 582. IC 36-8-15-7 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 7. (a) This subsection
 17 applies to a **Marion County**. ~~having a consolidated city.~~ The
 18 _____ (name of consolidated city) _____
 19 **Indianapolis** public safety communications systems and computer
 20 facilities district is created in the county as a special taxing district of
 21 the consolidated city. The territory of the district includes the entire
 22 county.
 23 (b) This subsection applies to a county ~~not having a consolidated~~
 24 ~~city~~ **other than Marion County**. The _____ (name of
 25 county) _____ public safety communications systems
 26 district may be created in the county as a special taxing district by an
 27 ordinance adopted before July 1 of a year by the county legislative
 28 body. The territory of the district includes the unincorporated area of
 29 the county, plus any municipality in the county in which the legislative
 30 body before July 1 of a year adopts an ordinance to join the district and
 31 to have its public safety agencies served by the district.
 32 (c) This subsection applies to a county ~~not having a consolidated~~
 33 ~~city~~ **other than Marion County**. The legislative body of any township
 34 in the county may, by adopting a resolution before July 1 of a year,
 35 authorize a township agency to be served by the district.
 36 (d) An ordinance or resolution adopted under subsection (b) or (c)
 37 may be rescinded before July 1 of a year.
 38 SECTION 583. IC 36-8-15-8 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 8. The purposes of the
 40 district are the following:
 41 (1) To provide and maintain modern, dependable, and efficient
 42 public safety communications systems within the district for the



1 purpose of promoting the expeditious delivery of public services
 2 to the residents and taxpayers throughout the district in order to
 3 assure the public health, safety, morals, and general welfare.

4 (2) In a **Marion** County, ~~having a consolidated city~~, to provide
 5 computers for the efficient functioning of governmental offices
 6 for the benefit of the residents and taxpayers throughout the
 7 district.

8 These purposes are public purposes for which public money may be
 9 spent and private property may be provided. The general assembly
 10 finds and declares that the facilities needed to accomplish these
 11 purposes are local public improvements.

12 SECTION 584. IC 36-8-15-9 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 9. (a) The board is the
 14 governing body of the district.

15 (b) The board may do the following:

16 (1) Finance, purchase, acquire, lease, erect, install, construct,
 17 equip, upgrade, operate, and maintain facilities.

18 (2) Sue, be sued, plead, and be impleaded.

19 (3) Condemn, appropriate, lease, rent, purchase, and hold any real
 20 or personal property needed or considered useful in connection
 21 with facilities.

22 (4) Acquire real or personal property by gift, devise, or bequest,
 23 and hold, use, or dispose of that property for purposes authorized
 24 by this chapter.

25 (5) Design, order, contract for, construct, and equip any facilities.

26 (6) Employ architects, engineers, attorneys, auditors, clerks,
 27 construction managers, and other employees necessary for the
 28 financing, erection, and equipping of facilities.

29 (7) Make and enter into all contracts and agreements necessary or
 30 incidental to accomplishing the purposes of the district.

31 (c) In a county ~~not having a consolidated city~~, **other than Marion**
 32 **County**, the board shall establish a public safety communications
 33 commission representing the public safety agencies that are served by
 34 the district. The members of this commission are:

35 (1) one (1) person appointed by the county executive;

36 (2) one (1) person appointed by the county fiscal body;

37 (3) one (1) person appointed by the executive of each city in the
 38 district; and

39 (4) the county sheriff.

40 Members serve for four (4) year terms. The county legislative body
 41 shall provide by ordinance for the length of each initial term so that the
 42 result is staggered terms for commission members.



1 (d) In a county ~~not having a consolidated city, other than Marion~~
 2 **County**, the chief law enforcement and fire safety officers of each
 3 participating unit shall constitute a technical advisory committee to
 4 advise the board and the public safety communications commission
 5 upon request.

6 (e) In a county ~~not having a consolidated city, other than Marion~~
 7 **County**, the commission established under this section shall operate
 8 any public safety communications system established under this
 9 chapter. In a **Marion** County, ~~having a consolidated city~~, the board
 10 shall operate any public safety communications system established
 11 under this chapter.

12 SECTION 585. IC 36-8-15-9.5 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 9.5. (a) This section
 14 applies to a **Marion** County. ~~having a consolidated city~~.

15 (b) The communications system may be combined or shared with
 16 the public service radio system.

17 (c) The board may do the following for the combined or shared
 18 system:

- 19 (1) Authorize expenditures from the district's operational funds.
- 20 (2) Exercise all of the powers listed in section 9 of this chapter.

21 (d) The board may not do the following for the combined or shared
 22 system:

- 23 (1) Authorize expenditures for facilities or services related only
 24 to public service radio.
- 25 (2) Have authority over planning or other decisions for public
 26 service radio.

27 SECTION 586. IC 36-8-15-15 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 15. (a) For the purpose
 29 of raising money to pay for any real or personal property to be acquired
 30 for a project within the district or to pay for the purchasing, acquiring,
 31 erecting, installing, constructing, equipping, or upgrading of a facility
 32 within the district, and in anticipation of the special benefit tax, the
 33 board may cause bonds to be issued in the name of the consolidated
 34 city (in ~~counties having a consolidated city~~) **Marion County**) for the
 35 benefit of the district. In a **Marion** County, ~~having a consolidated city~~,
 36 the bonds shall be issued in accordance with IC 36-3-5-8.

37 (b) The bonds may be in an amount not to exceed the estimated cost
 38 of all real and personal property to be acquired and the estimated cost
 39 of the facilities, including all expenses necessarily incurred in
 40 connection with the proceedings, together with a sum sufficient to pay
 41 the costs of supervision and inspection during the period of
 42 construction and all costs of programming, planning, and designing the



1 facilities. The expenses to be covered in the amount of the bond issue
 2 include all expenses of every kind actually incurred preliminary to the
 3 acquisition of property and the installation of the facilities, such as the
 4 cost of necessary records, engineering expenses, publication of notices,
 5 salaries, the letting of contracts, and the sale of bonds.

6 (c) The bonds issued may not exceed the estimates for the project
 7 as determined in the resolution adopted by the board under section 12
 8 of this chapter.

9 (d) Any surplus of bond proceeds remaining after all costs and
 10 expenses have been fully paid shall be paid into the public
 11 communications systems and computer facilities district bond fund.
 12 The board may appropriate the proceeds of the bonds.

13 SECTION 587. IC 36-8-15-18 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 18. (a) This section
 15 applies to a **Marion** County. ~~having a consolidated city.~~

16 (b) For the purpose of raising money to pay off bonds issued under
 17 section 15 of this chapter and any interest on them, the county fiscal
 18 body may levy each year a special tax upon all of the property located
 19 within the district, in such manner as to meet and pay the principal of
 20 the bonds as they severally mature, together with all accruing interest
 21 on them. Other revenues and funds may be annually allocated by
 22 statute or ordinance to be applied to reduction of the bonds and their
 23 interest for the next succeeding year, but to the extent that money on
 24 hand is insufficient for payments required in the next succeeding year,
 25 the special tax shall be levied.

26 (c) The tax collected and all other allocated money shall be
 27 accumulated and kept in a separate fund to be known as the public
 28 communications systems and computer facilities district revenue fund,
 29 and shall be applied to the payment of the district bonds and interest as
 30 they severally mature and fiscal agency charges for making such
 31 payments and to no other purposes. All accumulations may be
 32 deposited, at interest, with one (1) of the depositories of other funds of
 33 the consolidated city, and all interest collected belongs to the fund.

34 SECTION 588. IC 36-8-15-19, AS AMENDED BY P.L.197-2016,
 35 SECTION 146, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE APRIL 1, 2022]: Sec. 19. (a) This subsection applies to
 37 a **Elkhart** County. ~~that has a population of more than one hundred~~
 38 ~~eighty-five thousand (185,000) but less than two hundred fifty thousand~~
 39 ~~(250,000):~~ For the purpose of raising money to fund the operation of
 40 the district, the county fiscal body may impose, for property taxes first
 41 due and payable during each year after the adoption of an ordinance
 42 establishing the district, an ad valorem property tax levy on property



1 within the district. The property tax rate for that levy may not exceed
2 five cents (\$0.05) on each one hundred dollars (\$100) of assessed
3 valuation.

4 (b) This subsection applies to a **Marion County**. ~~having a~~
5 ~~consolidated city~~. The county fiscal body may elect to fund the
6 operation of the district from part of the certified distribution, if any,
7 that the county is to receive during a particular calendar year under
8 IC 6-3.6-9. To make such an election, the county fiscal body must
9 adopt an ordinance before November 1 of the immediately preceding
10 calendar year. The county fiscal body must specify in the ordinance the
11 amount of the certified distribution that is to be used to fund the
12 operation of the district. If the county fiscal body adopts such an
13 ordinance, it shall immediately send a copy of the ordinance to the
14 county auditor.

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

22 (d) If a unit by ordinance or resolution joins the district or elects to
23 have its public safety agencies served by the district, the department of
24 local government finance shall reduce the maximum permissible ad
25 valorem property tax levy of the unit for property taxes first due and
26 payable during the year after the adoption of the ordinance or
27 resolution. The reduction shall be based on the amount budgeted by the
28 unit for public safety communication services in the year in which the
29 ordinance was adopted. If such an ordinance or resolution is adopted,
30 the district shall refer its proposed budget, ad valorem property tax
31 levy, and property tax rate for the following year to the department of
32 local government finance, which shall review and set the budget, levy,
33 and rate as though the district were covered by IC 6-1.1-18.5-7.

34 (e) If a unit by ordinance or resolution withdraws from the district
35 or rescinds its election to have its public safety agencies served by the
36 district, the department of local government finance shall reduce the
37 maximum permissible ad valorem property tax levy of the district for
38 property taxes first due and payable during the year after the adoption
39 of the ordinance or resolution. The reduction shall be based on the
40 amounts being levied by the district within that unit. If such an
41 ordinance or resolution is adopted, the unit shall refer its proposed
42 budget, ad valorem property tax levy, and property tax rate for public



1 safety communication services to the department of local government
2 finance, which shall review and set the budget, levy, and rate as though
3 the unit were covered by IC 6-1.1-18.5-7.

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

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

12 SECTION 589. IC 36-8-16.7-47, AS AMENDED BY P.L.213-2015,
13 SECTION 267, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE APRIL 1, 2022]: Sec. 47. (a) For purposes of this
15 section, a PSAP includes a public safety communications system
16 operated and maintained under IC 36-8-15.

17 (b) As used in this section, "PSAP operator" means:

- 18 (1) a political subdivision; or
19 (2) an agency;

20 that operates a PSAP. The term does not include any entity described
21 in subsection (c)(1) through (c)(3).

22 (c) Subject to subsection (d), after December 31, 2014, a county
23 may not contain more than two (2) PSAPs. However, a county may
24 contain one (1) or more PSAPs in addition to the number of PSAPs
25 authorized by this section, as long as any additional PSAPs are
26 operated:

- 27 (1) by a state educational institution;
28 (2) by an airport authority established for a **Marion** County;
29 ~~having a consolidated city~~; or
30 (3) in a **Marion** County, ~~having a consolidated city~~, by an
31 excluded city (as defined in IC 36-3-1-7).

32 (d) If, on March 15, 2008, a county does not contain more than one
33 (1) PSAP, not including any PSAP operated by an entity described in
34 subsection (c)(1) through (c)(3), an additional PSAP may not be
35 established and operated in the county on or after March 15, 2008,
36 unless the additional PSAP is established and operated by:

- 37 (1) a state educational institution;
38 (2) in the case of a **Marion** County, ~~having a consolidated city~~, an
39 airport authority established for the county; or
40 (3) the municipality having the largest population in the county or
41 an agency of that municipality.

42 (e) Before January 1, 2015, each PSAP operator in a county that



1 contains more than the number of PSAPs authorized by subsection (c)
 2 shall enter into an interlocal agreement under IC 36-1-7 with every
 3 other PSAP operator in the county to ensure that the county does not
 4 contain more than the number of PSAPs authorized by subsection (c)
 5 after December 31, 2014.

6 (f) An interlocal agreement required under subsection (e) may
 7 include as parties, in addition to the PSAP operators required to enter
 8 into the interlocal agreement under subsection (e), any of the following
 9 that seek to be served by a county's authorized PSAPs after December
 10 31, 2014:

- 11 (1) Other counties contiguous to the county.
- 12 (2) Other political subdivisions in a county contiguous to the
 13 county.
- 14 (3) Other PSAP operators in a county contiguous to the county.

15 (g) An interlocal agreement required under subsection (e) must
 16 provide for the following:

- 17 (1) A plan for the:
 - 18 (A) consolidation;
 - 19 (B) reorganization; or
 - 20 (C) elimination;

21 of one (1) or more of the county's PSAPs, as necessary to ensure
 22 that the county does not contain more than the number of PSAPs
 23 authorized by subsection (c) after December 31, 2014.

24 (2) A plan for funding and staffing the PSAP or PSAPs that will
 25 serve:

- 26 (A) the county; and
- 27 (B) any areas contiguous to the county, if additional parties
 28 described in subsection (f) participate in the interlocal
 29 agreement;

30 after December 31, 2014.

31 (3) Subject to any applicable state or federal requirements,
 32 protocol to be followed by the county's PSAP or PSAPs in:

- 33 (A) receiving incoming 911 calls; and
- 34 (B) dispatching appropriate public safety agencies to respond
 35 to the calls;

36 after December 31, 2014.

37 (4) Any other matters that the participating PSAP operators or
 38 parties described in subsection (f), if any, determine are necessary
 39 to ensure that the county does not contain more than the number
 40 of PSAPs authorized by subsection (c) after December 31, 2014.

41 (h) This section may not be construed to require a county to contain
 42 a PSAP.



1 (i) After December 31, 2014, if a county contains more than the
 2 number of PSAPs authorized by subsection (c), the county may not
 3 receive a distribution under section 37 of this chapter until the county
 4 complies with subsection (c). The board shall hold distributions in
 5 reserve until the county complies with subsection (c). A county is not
 6 entitled to any interest on any funds held by the board under this
 7 chapter.

8 SECTION 590. IC 36-8-18-1 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 10 to **each Marion County. having a consolidated city.**

11 SECTION 591. IC 36-8-19-1.5, AS AMENDED BY P.L.1-2006,
 12 SECTION 583, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE APRIL 1, 2022]: Sec. 1.5. (a) If the fire department of a
 14 township is consolidated under IC 36-3-1-6.1, after the effective date
 15 of the consolidation the township may not establish a fire protection
 16 territory under this chapter.

17 (b) A fire protection territory that is established before the effective
 18 date of the consolidation in a township in which the township's fire
 19 department is consolidated under IC 36-3-1-6.1 becomes part of the
 20 geographic area in which the fire department of ~~a~~ **the** consolidated city
 21 provides fire protection services.

22 SECTION 592. IC 36-9-3-2, AS AMENDED BY P.L.121-2016,
 23 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 APRIL 1, 2022]: Sec. 2. (a) A fiscal body of a county or municipality
 25 may, by ordinance, establish a regional transportation authority
 26 (referred to as "the authority" in this chapter) for the purpose of
 27 acquiring, improving, operating, maintaining, financing, and generally
 28 supporting a public transportation system that operates within the
 29 boundaries of an area designated as a transportation planning district
 30 by the Indiana department of transportation. However, only one (1)
 31 public transportation authority may be established within an area
 32 designated as a transportation planning district by the Indiana
 33 department of transportation.

34 (b) The ordinance establishing the authority must include an
 35 effective date and a name for the authority. Except as provided in
 36 subsection (c), the words "regional transportation authority" must be
 37 included in the name of the authority.

38 (c) The words "regional bus authority" must be included in the name
 39 of an authority that includes ~~a~~ **Lake County. having a population of**
 40 **more than four hundred thousand (400,000) but less than seven**
 41 **hundred thousand (700,000).**

42 SECTION 593. IC 36-9-3-3.5, AS AMENDED BY P.L.119-2012,



1 SECTION 225, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE APRIL 1, 2022]: Sec. 3.5. (a) This section applies to a
 3 **LaPorte** County with a population of more than one hundred eleven
 4 thousand (~~111,000~~) but less than one hundred fifteen thousand
 5 (~~115,000~~) and any second class city located in the county.

6 (b) A county or city described in subsection (a) shall become a
 7 member of an authority described in section 5(c) of this chapter if the
 8 fiscal body of the county or city adopts a resolution authorizing the
 9 county or city to become a member of the authority and the board of the
 10 authority approves the membership of the county or city.

11 SECTION 594. IC 36-9-3-5, AS AMENDED BY P.L.121-2016,
 12 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 APRIL 1, 2022]: Sec. 5. (a) An authority is under the control of a board
 14 (referred to as "the board" in this chapter) that, except as provided in
 15 subsections (b) and (c), consists of:

- 16 (1) two (2) members appointed by the executive of each county in
 17 the authority;
- 18 (2) one (1) member appointed by the executive of the largest
 19 municipality in each county in the authority;
- 20 (3) one (1) member appointed by the executive of each second
 21 class city in a county in the authority; and
- 22 (4) one (1) member from any other political subdivision that has
 23 public transportation responsibilities in a county in the authority.

24 (b) An authority that includes a **the** consolidated city is under the
 25 control of a board consisting of the following:

- 26 (1) Two (2) members appointed by the executive of **the Marion**
 27 **County. having the consolidated city.**
- 28 (2) One (1) member appointed by the board of commissioners of
 29 **the Marion County. having the consolidated city.**
- 30 (3) One (1) member appointed by the executive of each other
 31 county in the authority.
- 32 (4) Two (2) members appointed by the governor from a list of at
 33 least five (5) names provided by the Indianapolis regional
 34 transportation council.
- 35 (5) One (1) member representing the four (4) largest
 36 municipalities in the authority located in a county other than a
 37 **Marion County. containing a consolidated city.** The member shall
 38 be appointed by the executives of the municipalities acting
 39 jointly.
- 40 (6) One (1) member representing the excluded cities located in a
 41 **Marion County containing a consolidated city** that are members
 42 of the authority. The member shall be appointed by the executives



- 1 of the excluded cities acting jointly.
- 2 (7) One (1) member of a labor organization representing
- 3 employees of the authority who provide public transportation
- 4 services within the geographic jurisdiction of the authority. The
- 5 labor organization shall appoint the member.
- 6 (c) An authority that includes a **Lake County** having a population
- 7 of more than four hundred thousand (400,000) but less than seven
- 8 hundred thousand (700,000) is under the control of a board consisting
- 9 of the following twenty-one (21) members:
- 10 (1) Three (3) members appointed by the executive of a city with
- 11 a population of more than eighty thousand (80,000) but less than
- 12 eighty thousand four hundred (80,400): **the city of Gary.**
- 13 (2) Two (2) members appointed by the executive of a city with a
- 14 population of more than eighty thousand five hundred (80,500)
- 15 but less than one hundred thousand (100,000): **the city of**
- 16 **Hammond.**
- 17 (3) One (1) member jointly appointed by the executives of the
- 18 following municipalities located within a **Lake County**: having a
- 19 population of more than four hundred thousand (400,000) but less
- 20 than seven hundred thousand (700,000):
- 21 (A) A city with a population of more than four thousand nine
- 22 hundred fifty (4,950) but less than five thousand (5,000): **The**
- 23 **city of Whiting.**
- 24 (B) A city with a population of more than twenty-nine thousand
- 25 six hundred (29,600) but less than twenty-nine thousand nine
- 26 hundred (29,900): **The city of East Chicago.**
- 27 (4) One (1) member who is jointly appointed by the fiscal body of
- 28 **each of** the following municipalities located within a **Lake**
- 29 **County**: with a population of more than four hundred thousand
- 30 (400,000) but less than seven hundred thousand (700,000):
- 31 (A) A town with a population of more than sixteen thousand
- 32 five hundred (16,500) but less than twenty thousand (20,000):
- 33 **The town of Griffith.**
- 34 (B) A town with a population of more than twenty-three
- 35 thousand seven hundred (23,700) but less than twenty-four
- 36 thousand (24,000): **The town of Highland.**
- 37 (C) A town with a population of more than twenty thousand
- 38 (20,000) but less than twenty-three thousand seven hundred
- 39 (23,700): **The town of Munster.**
- 40 (5) One (1) member who is jointly appointed by the fiscal body of
- 41 the following municipalities located within a **Lake County**: with
- 42 a population of more than four hundred thousand (400,000) but



- 1 less than seven hundred thousand (700,000):
 2 (A) A town with a population of more than fourteen thousand
 3 (14,000) but less than sixteen thousand (16,000): **The town of**
 4 **St. John.**
 5 (B) A town with a population of more than twenty-four
 6 thousand (24,000) but less than thirty thousand (30,000): **The**
 7 **town of Schererville.**
 8 (C) A town with a population of more than sixteen thousand
 9 (16,000) but less than sixteen thousand five hundred (16,500):
 10 **The town of Dyer.**
 11 (6) One (1) member who is jointly appointed by the following
 12 authorities of municipalities located in a **Lake County**: **having a**
 13 **population of more than four hundred thousand (400,000) but less**
 14 **than seven hundred thousand (700,000):**
 15 (A) The executive of a city with a population of more than
 16 twenty-five thousand (25,000) but less than twenty-nine
 17 thousand (29,000): **The city of Crown Point.**
 18 (B) The fiscal body of a town with a population of more than
 19 ten thousand (10,000) but less than fourteen thousand (14,000):
 20 **The town of Cedar Lake.**
 21 (C) The fiscal body of a town with a population of more than
 22 five thousand (5,000) but less than ten thousand (10,000): **The**
 23 **town of Lowell.**
 24 (D) The fiscal body of a town with a population of less than one
 25 thousand five hundred (1,500): **The town of Schneider.**
 26 (E) The fiscal body of a town with a population of more than
 27 two thousand two hundred (2,200) but less than five thousand
 28 (5,000): **The town of Winfield.**
 29 (7) One (1) member appointed by the fiscal body of a town with
 30 a population of more than thirty thousand (30,000) located within
 31 a county with a population of more than four hundred thousand
 32 (400,000) but less than seven hundred thousand (700,000): **the**
 33 **town of Merrillville.**
 34 (8) One (1) member who is jointly appointed by the following
 35 authorities of municipalities that are located within a **Lake**
 36 **County**: **with a population of more than four hundred thousand**
 37 **(400,000) but less than seven hundred thousand (700,000):**
 38 (A) The executive of a city having a population of more than
 39 twenty-nine thousand (29,000) but less than twenty-nine
 40 thousand five hundred (29,500): **the city of Hobart.**
 41 (B) The executive of a city having a population of more than
 42 twelve thousand five hundred (12,500) but less than twelve



- 1 ~~thousand seven hundred (12,700); the city of Lake Station.~~
 2 (C) The fiscal body of a town having a population of more than
 3 ~~one thousand five hundred (1,500) but less than two thousand~~
 4 ~~two hundred (2,200); the town of New Chicago.~~
 5 (9) Three (3) members appointed by the fiscal body of a Lake
 6 County. with a population of more than four hundred thousand
 7 ~~(400,000) but less than seven hundred thousand (700,000).~~
 8 (10) One (1) member appointed by the county executive of a
 9 Lake County. with a population of more than four hundred
 10 thousand ~~(400,000) but less than seven hundred thousand~~
 11 ~~(700,000).~~
 12 (11) One (1) member of a labor organization representing
 13 employees of the authority who provide public transportation
 14 services within the geographic jurisdiction of the authority. The
 15 labor organization shall appoint the member. If more than one (1)
 16 labor organization represents the employees of the authority, each
 17 organization shall submit one (1) name to the governor, and the
 18 governor shall appoint the member from the list of names
 19 submitted by the organizations.
 20 (12) The executive of a city with a population of more than
 21 ~~thirty-one thousand seven hundred twenty-five (31,725) but less~~
 22 ~~than thirty-five thousand (35,000); or the executive's designee; the~~
 23 ~~city of Valparaiso.~~
 24 (13) The executive of a city with a population of more than
 25 ~~thirty-six thousand eight hundred twenty-five (36,825) but less~~
 26 ~~than forty thousand (40,000); or the executive's designee; the city~~
 27 ~~of Portage.~~
 28 (14) One (1) member of the board of commissioners of a Porter
 29 County. with a population of more than one hundred fifty
 30 thousand ~~(150,000) but less than one hundred seventy thousand~~
 31 ~~(170,000); appointed by the board of commissioners; or the~~
 32 ~~member's designee.~~
 33 (15) One (1) member appointed jointly by the township executive
 34 of the township containing the following towns:
 35 (A) Chesterton.
 36 (B) Porter.
 37 (C) Burns Harbor.
 38 (D) Dune Acres.
 39 The member appointed under this subdivision must be a resident
 40 of a town listed in this subdivision.
 41 (16) One (1) member appointed jointly by the township
 42 executives of the following townships located in Porter County:



- 1 (A) Washington Township.
 2 (B) Morgan Township.
 3 (C) Pleasant Township.
 4 (D) Boone Township.
 5 (E) Union Township.
 6 (F) Porter Township.
 7 (G) Jackson Township.
 8 (H) Liberty Township.
 9 (I) Pine Township.
- 10 The member appointed under this subdivision must be a resident
 11 of a township listed in this subdivision.
- 12 If a county or city becomes a member of the authority under section 3.5
 13 of this chapter, the executive of the county or city shall appoint one (1)
 14 member to serve on the board.
- 15 SECTION 595. IC 36-9-3-6, AS AMENDED BY P.L.182-2009(ss),
 16 SECTION 447, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE APRIL 1, 2022]: Sec. 6. (a) Except as provided in
 18 subsection (d), the appointments required by section 5 of this chapter
 19 must be made as soon as is practical, but not later than sixty (60) days
 20 after the adoption of the ordinance establishing the authority. If any
 21 appointing authority fails to make the required appointment within the
 22 sixty (60) day time limit, the circuit court from the jurisdiction of the
 23 appointing authority shall make the appointment without delay.
- 24 (b) The term of office of a member of the board is:
 25 (1) two (2) years, for a member of a board located in ~~a Lake~~
 26 ~~County, with a population of more than four hundred thousand~~
 27 ~~(400,000) but less than seven hundred thousand (700,000)~~; if such
 28 a board exists under this chapter; and
 29 (2) four (4) years for all other boards;
 30 and continues until the member's successor has qualified for the office.
 31 A member may be reappointed for successive terms.
- 32 (c) A member of the board serves at the pleasure of the appointing
 33 authority.
- 34 (d) An appointment to an authority located in ~~a Lake County, with~~
 35 ~~a population of more than four hundred thousand (400,000) but less~~
 36 ~~than seven hundred thousand (700,000)~~; if such an authority exists
 37 under this chapter, must be made not later than sixty (60) days after the
 38 adoption of the ordinance establishing the authority, or for the purpose
 39 of reappointments, sixty (60) days after a scheduled reappointment. If
 40 the appointing authority designated in section 5(c)(3), 5(c)(4), 5(c)(5),
 41 5(c)(6), or 5(c)(8) of this chapter fails to make an appointment, the
 42 appointment shall be made by the governor. If a county or city becomes



1 a member of the authority under section 3.5 of this chapter and the
 2 executive of the county or city fails to make an appointment to the
 3 board within sixty (60) days after the county or city becomes a member
 4 of the authority, the appointment shall be made by the governor. The
 5 governor shall select an individual from a list comprised of one (1)
 6 name from each appointing authority for that particular appointment.

7 SECTION 596. IC 36-9-3-7, AS AMENDED BY P.L.121-2016,
 8 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 APRIL 1, 2022]: Sec. 7. (a) Except as provided in subsection (e), as
 10 soon as is practical, but not later than ninety (90) days after the
 11 authority is established, the members shall meet and organize
 12 themselves as a board.

13 (b) Except as provided in subsection (f), at its first meeting, and
 14 annually after that, the board shall elect from its members a president,
 15 a vice president who shall perform the duties of the president during
 16 the absence or disability of the president, a secretary, and a treasurer.
 17 If the authority includes more than one (1) county, the president and
 18 vice president must be from different counties.

19 (c) The regional planning commission staff or the metropolitan
 20 planning organization if the authority includes ~~a~~ **the** consolidated city
 21 shall serve as staff to the board secretary for the purpose of recording
 22 the minutes of all board meetings and keeping the records of the
 23 authority.

24 (d) The board shall keep its maps, plans, documents, records, and
 25 accounts in a suitable office, subject to public inspection at all
 26 reasonable times.

27 (e) If the authority includes ~~a Lake County, having a population of~~
 28 ~~more than four hundred thousand (400,000) but less than seven~~
 29 ~~hundred thousand (700,000);~~ the first meeting of the board shall be at
 30 the call of the county council of ~~the Lake County, having a population~~
 31 ~~of more than four hundred thousand (400,000) but less than seven~~
 32 ~~hundred thousand (700,000).~~ The president of the county council shall
 33 preside over the first meeting until the officers of the board have been
 34 elected.

35 (f) If the authority includes ~~a Lake County, having a population of~~
 36 ~~more than four hundred thousand (400,000) but less than seven~~
 37 ~~hundred thousand (700,000);~~ the board shall first meet in January. At
 38 the first meeting the board shall elect from its members a president, a
 39 vice president who shall perform the duties of the president during the
 40 absence or disability of the president, a secretary, a treasurer, and any
 41 other officers the board determines are necessary for the board to
 42 function.



1 SECTION 597. IC 36-9-3-9, AS AMENDED BY P.L.121-2016,
 2 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 APRIL 1, 2022]: Sec. 9. (a) A majority of the members appointed to the
 4 board constitutes a quorum for a meeting.

5 (b) Except as provided in subsection (c), the board may act officially
 6 by an affirmative vote of a majority of those present at the meeting at
 7 which the action is taken.

8 (c) If the authority includes a **Lake** County, ~~having a population of~~
 9 ~~more than four hundred thousand (400,000) but less than seven~~
 10 ~~hundred thousand (700,000)~~; then:

11 (1) an affirmative vote of a majority of the board is necessary for
 12 an action to be taken; and

13 (2) a vacancy in membership does not impair the right of a
 14 quorum to exercise all rights and perform all duties of the board.

15 SECTION 598. IC 36-9-3-10, AS AMENDED BY P.L.121-2016,
 16 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 APRIL 1, 2022]: Sec. 10. (a) Except as provided in subsection (b), the
 18 members of the board are not entitled to a salary but are entitled to an
 19 allowance for actual expenses and mileage at the same rate as other
 20 county officials.

21 (b) If the authority includes a **Lake** County, ~~having a population of~~
 22 ~~more than four hundred thousand (400,000) but less than seven~~
 23 ~~hundred thousand (700,000)~~; a member of the board is entitled to
 24 reimbursement for traveling expenses and other expenses actually
 25 incurred in connection with the member's duties as provided:

26 (1) in the procedures established by the department of
 27 administration and approved by the budget agency for state
 28 employee travel; or

29 (2) by ordinance of the county fiscal body.

30 SECTION 599. IC 36-9-4-13.5, AS AMENDED BY P.L.119-2012,
 31 SECTION 228, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE APRIL 1, 2022]: Sec. 13.5. (a) This section applies to a
 33 **St. Joseph** County, ~~having a population of more than two hundred fifty~~
 34 ~~thousand (250,000) but less than two hundred seventy thousand~~
 35 ~~(270,000)~~;

36 (b) The taxing district of a public transportation corporation under
 37 this section includes all the territory inside the corporate boundaries of
 38 the two (2) cities in the county having the largest populations and such
 39 suburban territory as provided in section 13 of this chapter.

40 (c) This section applies upon the adoption of substantially identical
 41 ordinances approving subsection (b) by both:

42 (1) the public transportation corporation incorporating the



1 additional territory; and

2 (2) the legislative body of the city being added to the taxing
3 district of the public transportation corporation.

4 (d) Whenever the city in the county having the second largest
5 population becomes a part of the public transportation corporation,
6 then two (2) additional directors representing that city shall be
7 appointed to the board of directors of the corporation. The directors
8 must be residents of that city and are entitled to all of the rights,
9 privileges, powers, and duties of directors under this chapter. The
10 executive and the legislative body of that city shall each appoint one
11 (1) director. These two (2) directors must not be of the same political
12 party. The director appointed by the legislative body shall serve for a
13 term of one (1) year, and the director appointed by the executive shall
14 serve for a term of two (2) years. Upon the expiration of the respective
15 terms, successors shall be appointed in accordance with section 18 of
16 this chapter.

17 (e) If the city in the county having the second largest population
18 appropriates money to support the public transportation corporation in
19 a particular year, and if the territory of that city subsequently becomes
20 a part of the taxing district of the public transportation corporation in
21 that year and is subject to a separate property tax levy for transportation
22 services, the maximum permissible levy of that city for the year
23 following the particular year used to compute the property tax levy
24 limit under IC 6-1.1-18.5 is decreased, and the maximum permissible
25 levy of the public transportation corporation for the particular year used
26 to compute the property tax levy limit under IC 6-1.1-18.5 is increased,
27 by an amount equivalent to the current contract amount to be paid by
28 that city to the public transportation corporation for transportation
29 services provided to that city in the particular year.

30 (f) The public transportation corporation shall establish a single
31 property tax rate applicable to the taxing district of the public
32 transportation corporation, including the territory of the city in the
33 county having the second largest population that is included in the
34 public transportation corporation under this section. The initial
35 permissible levy to be raised by this rate equals the sum of the amount
36 raised by the levy of the public transportation corporation in the
37 previous taxable year plus an amount equivalent to the current contract
38 amount to be paid in the calendar year 1982 by the city in the county
39 having the second largest population to the public transportation
40 corporation. The permissible levy for the subsequent years shall be
41 computed in accordance with IC 6-1.1-18.5.

42 (g) If the city in the county having the second largest population is



1 excluded from the public transportation corporation in a subsequent
 2 year, and that city is no longer subject to a separate property tax levy
 3 for transportation services, the maximum permissible levy of the public
 4 transportation corporation for that subsequent year used to compute the
 5 property tax levy limit under IC 6-1.1-18.5 is decreased, and the
 6 maximum permissible levy of that city for that subsequent year used to
 7 compute the property tax levy limit under IC 6-1.1-18.5 is increased,
 8 by the amount of the product of the public transportation property tax
 9 rate for that subsequent year multiplied by the assessed value in that
 10 subsequent year of all taxable property in that city that is excluded from
 11 the public transportation corporation.

12 SECTION 600. IC 36-9-4-29.4, AS AMENDED BY
 13 P.L.182-2009(ss), SECTION 452, IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 29.4. (a) This section
 15 does not apply to a public transportation corporation located in a
 16 **Marion** County. ~~having a consolidated city.~~

17 (b) A public transportation corporation may provide regularly
 18 scheduled passenger service to specifically designated locations outside
 19 the system's operational boundaries as described in IC 36-9-1-9 if all
 20 of the following conditions are met:

21 (1) The legislative body of the municipality approves any
 22 expansion of the service outside the municipality's corporate
 23 boundaries.

24 (2) The expanded service is reasonably required to do any of the
 25 following:

26 (A) Enhance employment opportunities in the new service area
 27 or the existing service area.

28 (B) Serve persons who are elderly, persons with a disability, or
 29 other persons who are in need of public transportation.

30 (3) Except as provided in subsection (e), the expanded service
 31 does not extend beyond the boundary of the county in which the
 32 corporation is located.

33 (c) Notwithstanding section 39 of this chapter, a public
 34 transportation corporation may provide demand responsive service
 35 outside of the system's operational boundaries as described in
 36 IC 36-9-1-9 if the conditions listed in subsection (b) are met.

37 (d) The board may contract with a private operator for the operation
 38 of an expanded service under this section.

39 (e) Subsection (b)(3) does not apply to a special purpose bus (as
 40 defined in IC 20-27-2-10) or a school bus (as defined in IC 20-27-2-8)
 41 that provides expanded service for a purpose permitted under
 42 IC 20-27-9.



1 SECTION 601. IC 36-9-4-42, AS AMENDED BY P.L.197-2016,
 2 SECTION 148, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE APRIL 1, 2022]: Sec. 42. (a) A municipality or a public
 4 transportation corporation that expends money for the establishment or
 5 maintenance of an urban mass transportation system under this chapter
 6 may acquire the money for these expenditures:

7 (1) by issuing bonds under section 43 or 44 of this chapter;

8 (2) by borrowing money made available for such purposes by any
 9 source;

10 (3) by accepting grants or contributions made available for such
 11 purposes by any source;

12 (4) in the case of a municipality, by appropriation from the
 13 general fund of the municipality, or from a special fund that the
 14 municipal legislative body includes in the municipality's budget;
 15 or

16 (5) in the case of a public transportation corporation, by levying
 17 a tax under section 49 of this chapter or by recommending an
 18 election to use revenue from the local income tax, as provided in
 19 subsection (c).

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

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

24 (2) grants in aid;

25 (3) the purchase of buses or real property by a municipality for
 26 lease to an urban mass transportation system, including the
 27 payment of any amount outstanding under a mortgage, contract of
 28 sale, or other security device that may attach to the buses or real
 29 property;

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

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

37 (6) the retirement of bonds issued and outstanding under this
 38 chapter.

39 (c) This subsection applies only to a public transportation
 40 corporation located in a **Marion** County. ~~having a consolidated city.~~ In
 41 order to provide revenue to a public transportation corporation during
 42 a year, the public transportation corporation board may recommend and



1 the county fiscal body may elect to provide revenue to the corporation
 2 from part of the certified distribution, if any, that the county is to
 3 receive during that same year under IC 6-3.6-9. To make the election,
 4 the county fiscal body must adopt an ordinance before November 1 of
 5 the preceding year. The county fiscal body must specify in the
 6 ordinance the amount of the certified distribution that is to be used to
 7 provide revenue to the corporation. If such an ordinance is adopted, the
 8 county fiscal body shall immediately send a copy of the ordinance to
 9 the county auditor.

10 SECTION 602. IC 36-9-6.5-1 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 12 to ~~each Marion~~ County. ~~having a consolidated city.~~

13 SECTION 603. IC 36-9-11.1-1 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 15 to ~~each Marion~~ County. ~~having a consolidated city.~~

16 SECTION 604. IC 36-9-13-2, AS AMENDED BY P.L.22-2021,
 17 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 APRIL 1, 2022]: Sec. 2. For purposes of this chapter, the following are
 19 considered the governing bodies of their respective eligible entities:

- 20 (1) Board of commissioners, for a county not subject to
- 21 IC 36-2-3.5 or IC 36-3-1.
- 22 (2) County council, for a county subject to IC 36-2-3.5.
- 23 (3) City-county council, for ~~a the~~ consolidated city or **Marion**
- 24 County. ~~having a consolidated city.~~
- 25 (4) Common council, for a city other than ~~a the~~ consolidated city.
- 26 (5) Town council, for a town.
- 27 (6) Trustee and township board, for a civil township.
- 28 (7) Board of school trustees, board of school commissioners, or
- 29 school board, for a school corporation.
- 30 (8) Board of trustees, for a health and hospital corporation.

31 SECTION 605. IC 36-9-13-22, AS AMENDED BY P.L.84-2016,
 32 SECTION 186, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE APRIL 1, 2022]: Sec. 22. (a) Except as provided in
 34 subsection (b), the board of directors of a building authority, acting in
 35 the name of the authority, may:

- 36 (1) finance, improve, construct, reconstruct, renovate, purchase,
- 37 lease, acquire, equip, operate, maintain, and manage land,
- 38 government buildings, or systems for the joint or separate use of
- 39 one (1) or more eligible entities;
- 40 (2) lease all or part of land, government buildings, or systems to
- 41 eligible entities;
- 42 (3) govern, manage, regulate, operate, improve, reconstruct,



- 1 renovate, repair, and maintain any land, government building, or
- 2 system acquired or financed under this chapter;
- 3 (4) sue, be sued, plead, and be impleaded, but all actions against
- 4 the authority must be brought in the circuit court, superior court,
- 5 or probate court for the county in which the authority is located;
- 6 (5) condemn, appropriate, lease, rent, purchase, and hold any real
- 7 or personal property needed or considered useful in connection
- 8 with government buildings or systems regardless of whether that
- 9 property is then held for a governmental or public use;
- 10 (6) acquire real or personal property by gift, devise, or bequest
- 11 and hold, use, or dispose of that property for the purposes
- 12 authorized by this chapter;
- 13 (7) enter upon any lots or lands for the purpose of surveying or
- 14 examining them to determine the location of a government
- 15 building;
- 16 (8) design, order, contract for, and construct, reconstruct,
- 17 renovate, and maintain land, government buildings, or systems
- 18 and perform any work that is necessary or desirable to improve
- 19 the grounds, premises, and systems under its control;
- 20 (9) determine, allocate, and adjust space in government buildings
- 21 to be used by any eligible entity;
- 22 (10) construct, reconstruct, renovate, maintain, and operate
- 23 auditoriums, public meeting places, and parking facilities in
- 24 conjunction with or as a part of government buildings;
- 25 (11) collect all money that is due on account of the operation,
- 26 maintenance, or management of, or otherwise related to, land,
- 27 government buildings, or systems, and expend that money for
- 28 proper purposes;
- 29 (12) let concessions for the operation of restaurants, cafeterias,
- 30 public telephones, news and cigar stands, and vending machines;
- 31 (13) employ the managers, superintendents, architects, engineers,
- 32 consultants, attorneys, auditors, clerks, foremen, custodians, and
- 33 other employees or independent contractors necessary for the
- 34 proper operation of land, government buildings, or systems and
- 35 fix the compensation of those employees or independent
- 36 contractors, but a contract of employment may not be made for a
- 37 period of more than four (4) years although it may be extended or
- 38 renewed from time to time;
- 39 (14) make and enter into all contracts and agreements necessary
- 40 or incidental to the performance of its duties and the execution of
- 41 its powers under this chapter;
- 42 (15) provide coverage for its employees under IC 22-3 and



1 IC 22-4; and
 2 (16) accept grants and contributions for any purpose specified in
 3 this subsection.

4 (b) The building authority in a **Marion** County ~~having a~~
 5 ~~consolidated city~~ may not purchase, construct, acquire, finance, or lease
 6 any land, government building, or system for use by an eligible entity
 7 other than the consolidated city or **Marion** County, unless that action
 8 is first approved by:

- 9 (1) the city-county legislative body; and
 10 (2) the governing body of the eligible entity involved.

11 SECTION 606. IC 36-9-13-34 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 34. (a) Except as
 13 provided by subsection (d), an eligible entity that executes a lease
 14 under this chapter shall annually levy a tax sufficient to produce each
 15 year the necessary money with which to pay the lease rental required
 16 by the lease. These levies may be reviewed by other bodies vested by
 17 law with that authority, in order to determine that the levies are
 18 sufficient to raise the amount required to meet the rental under the
 19 lease.

20 (b) The first tax levy shall be made at the first annual tax levy period
 21 following the date of the execution of the lease. However, if the lease
 22 was entered into in anticipation of the purchase of land, construction
 23 or purchase of a government building, or acquisition of a system, the
 24 first tax levy shall be made at the first annual tax levy period
 25 immediately before the date fixed in the lease for the beginning of the
 26 lease rental. The first annual levy shall be made in an amount sufficient
 27 to pay the estimated amount of the first annual lease rental to be made
 28 under the lease.

29 (c) The annual lease rental shall be paid to the authority
 30 ~~semiannually~~; **semiannually**, following settlements for tax collections.

31 (d) If ~~a~~ **the** consolidated city executes a lease agreement for all or
 32 part of any land, government building, or system, and its use and
 33 benefit is for a certain special service district within the consolidated
 34 city, the authority may determine that the annual tax required under
 35 subsection (a) shall be levied by the special service district benefited
 36 by the lease agreement.

37 SECTION 607. IC 36-9-13-41 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 41. (a) This section
 39 does not apply to a **Marion** County. ~~having a consolidated city~~.

40 (b) The county fiscal body and the municipal fiscal body of the
 41 county seat may by concurrent resolution dissolve a building authority.
 42 They may consider dissolving the building authority at any time, but



1 they shall consider dissolving the building authority when they are
 2 presented with a petition signed by twenty percent (20%) of the
 3 registered voters residing in the county or thirty-five percent (35%) of
 4 the registered voters residing in the county seat.

5 (c) The concurrent resolution must provide a plan for paying any
 6 obligations, including bonds, of the building authority and for the
 7 disposition of the funds and property of the building authority.

8 SECTION 608. IC 36-9-14-2, AS AMENDED BY P.L.119-2012,
 9 SECTION 229, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) A cumulative building fund
 11 to provide money for the construction, remodeling, and repair of
 12 courthouses may be established by the county legislative body under
 13 IC 6-1.1-41.

14 (b) As used in this section, "courthouse" includes a historical
 15 complex consisting of a former county courthouse, jail, and sheriff's
 16 residence which is open to the general public for educational or
 17 community purposes in a **Vanderburgh** County. ~~having a population~~
 18 ~~of more than one hundred seventy-five thousand (175,000) but less~~
 19 ~~than one hundred eighty-five thousand (185,000).~~

20 SECTION 609. IC 36-9-14.5-8 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 8. (a) The tax money
 22 collected under this chapter shall be held in a special fund to be known
 23 as the cumulative capital development fund.

24 (b) In a **Marion** County, ~~having a consolidated city~~, money may be
 25 transferred from the fund to the fund of a department of the
 26 consolidated city responsible for carrying out a purpose for which the
 27 cumulative capital development fund was created. The department may
 28 not expend any money so transferred until an appropriation is made and
 29 the department may not expend any money so transferred for operating
 30 costs of the department.

31 (c) Money held in the cumulative capital development fund may be
 32 spent for purposes other than the purposes stated in section 2 of this
 33 chapter, if the purpose is to protect the public health, welfare, or safety
 34 in an emergency situation that demands immediate action or to
 35 contribute to an authority established under IC 36-7-23. Money may be
 36 spent under the authority of this subsection only after the county
 37 executive:

- 38 (1) issues a declaration that the public health, welfare, or safety
 39 is in immediate danger that requires the expenditure of money in
 40 the fund; or
 41 (2) certifies in the minutes of the county executive that the money
 42 is contributed to the authority for capital development purposes.



1 SECTION 610. IC 36-9-15-2, AS AMENDED BY P.L.67-2012,
 2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 APRIL 1, 2022]: Sec. 2. (a) A county fiscal body may establish
 4 cumulative building funds under IC 6-1.1-41 or sinking funds in the
 5 same manner as cumulative funds are established under IC 6-1.1-41 for
 6 the:

7 (1) construction, repair, remodeling, enlarging, and equipment of:

8 (A) a county jail; or

9 (B) a juvenile detention center to be operated under IC 31-31-9;

10 (2) purchase, lease, or payment of all or part of the purchase price
 11 of motor vehicles for the use of a community corrections program;
 12 or

13 (3) in a **Marion** County, ~~having a consolidated city~~, purchase,
 14 lease, or payment of all or part of the purchase price of motor
 15 vehicles for the use of the sheriff's department.

16 (b) The county fiscal body may levy taxes to provide money for:

17 (1) cumulative building funds established under this chapter in
 18 compliance with IC 6-1.1-41; or

19 (2) sinking funds established under this chapter in the same
 20 manner a tax is levied for a cumulative fund under IC 6-1.1-41.

21 (c) IC 6-1.1-41 applies to a sinking fund under this chapter to the
 22 same extent as if the sinking fund was a cumulative fund.

23 SECTION 611. IC 36-9-15.5-8 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 8. (a) The tax money
 25 collected under this chapter shall be held in a special fund to be known
 26 as the cumulative capital development fund.

27 (b) In ~~a the~~ consolidated city, money may be transferred from the
 28 fund to the fund of a department of the consolidated city responsible for
 29 carrying out a purpose for which the cumulative capital development
 30 fund was created. The department may not expend any money so
 31 transferred until an appropriation is made and the department may not
 32 expend any money so transferred for operating costs of the department.

33 (c) Money held in the cumulative capital development fund may be
 34 spent for purposes other than the purposes stated in section 2 of this
 35 chapter, if the purpose is to protect the public health, welfare, or safety
 36 in an emergency situation that demands immediate action or to make
 37 a contribution to an authority established under IC 36-7-23. Money
 38 may be spent under the authority of this subsection only after the
 39 executive of the municipality:

40 (1) issues a declaration that the public health, welfare, or safety
 41 is in immediate danger that requires the expenditure of money in
 42 the fund; or



- 1 (2) certifies in the minutes of the municipal legislative body that
 2 the contribution is made to the authority for capital development
 3 purposes.
 4 SECTION 612. IC 36-9-16-3, AS AMENDED BY P.L.124-2019,
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 APRIL 1, 2022]: Sec. 3. A unit may establish cumulative capital
 7 improvement funds to provide money for one (1) or more of the
 8 following purposes:
 9 (1) To acquire land or rights-of-way to be used for public ways or
 10 sidewalks.
 11 (2) To construct and maintain public ways or sidewalks.
 12 (3) To acquire land or rights-of-way for the construction of
 13 sanitary or storm sewers, or both.
 14 (4) To construct and maintain sanitary or storm sewers, or both.
 15 (5) To acquire, by purchase or lease, or to pay all or part of the
 16 purchase price of a utility.
 17 (6) To purchase or lease land, buildings, or rights-of-way for the
 18 use of any utility that is acquired or operated by the unit.
 19 (7) To purchase or acquire land, with or without buildings, for
 20 park or recreation purposes.
 21 (8) To purchase, lease, or pay all or part of the purchase price of
 22 motor vehicles for the use of any combination of the police, a
 23 community corrections program, or the fire department, including
 24 ambulances and firefighting vehicles with the necessary
 25 equipment, ladders, and hoses.
 26 (9) To purchase, lease, or pay all or part of the cost of electronic
 27 monitoring equipment used by a state or local community
 28 corrections program.
 29 (10) To retire in whole or in part any general obligation bonds of
 30 the unit that were issued for the purpose of acquiring or
 31 constructing improvements or properties that would qualify for
 32 the use of cumulative capital improvement funds.
 33 (11) To purchase or lease equipment and other nonconsumable
 34 personal property needed by the unit for any public transportation
 35 use.
 36 (12) In a county or ~~a~~ **the** consolidated city, to purchase or lease
 37 equipment to be used to illuminate a public way or sidewalk.
 38 (13) The fund may be used for any of the following purposes:
 39 (A) To purchase, lease, upgrade, maintain, or repair one (1) or
 40 more of the following:
 41 (i) Computer hardware.
 42 (ii) Computer software.



- 1 (iii) Wiring and computer networks.
 2 (iv) Communication access systems used to connect with
 3 computer networks or electronic gateways.
 4 (B) To pay for the services of full-time or part-time computer
 5 maintenance employees.
 6 (C) To conduct nonrecurring inservice technology training of
 7 unit employees.
 8 (14) To purchase body armor (as defined in IC 35-47-5-13(a)) for
 9 active members of a police department under:
 10 (A) IC 36-5-7-7;
 11 (B) IC 36-8-4-4.5;
 12 (C) IC 36-8-9-9; and
 13 (D) IC 36-8-10-4.5.
- 14 SECTION 613. IC 36-9-23-33, AS AMENDED BY P.L.21-2017,
 15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 APRIL 1, 2022]: Sec. 33. (a) Subsections (c) through (l) do not apply
 17 to unpaid fees and penalties assessed against property occupied by
 18 someone other than the property owner if:
 19 (1) the municipal legislative body has adopted an ordinance
 20 provision described in section 25(f) of this chapter concerning
 21 property occupied by someone other than the property owner;
 22 (2) the ordinance provision described in section 25(f) of this
 23 chapter provides that fees assessed against the property for
 24 services rendered by the sewage works to the property do not
 25 constitute a lien against the property, as described in section
 26 25(f)(3) of this chapter; and
 27 (3) any requirements or conditions:
 28 (A) described in section 25(f)(1) or 25(f)(2) of this chapter; and
 29 (B) included in the ordinance;
 30 have been satisfied.
 31 (b) An officer described in subsection (c) may defer enforcing the
 32 collection of unpaid fees and penalties assessed under this chapter until
 33 the unpaid fees and penalties have been due and unpaid for at least
 34 ninety (90) days. However, in the case of property that is occupied by
 35 someone other than the owner, this subsection does not relieve the
 36 utility of its duty under section 32(c) of this chapter to notify the owner
 37 not later than twenty (20) days after the time user fees become sixty
 38 (60) days delinquent.
 39 (c) Except as provided in subsection (m), the officer charged with
 40 the collection of fees and penalties assessed under this chapter shall
 41 enforce their payment. As often as the officer determines is necessary
 42 in a calendar year, the officer shall prepare either of the following:



- 1 (1) A list of the delinquent fees and penalties that are enforceable
 2 under this section, which must include the following:
 3 (A) The name or names of the owner or owners of each lot or
 4 parcel of real property on which fees are delinquent.
 5 (B) A description of the premises, as shown by the records of
 6 the county auditor.
 7 (C) The amount of the delinquent fees, together with the
 8 penalty.
 9 (2) An individual instrument for each lot or parcel of real property
 10 on which the fees are delinquent.
 11 (d) The officer shall record a copy of each list or each individual
 12 instrument with the county recorder who shall charge a fee for
 13 recording the list or each individual instrument in accordance with the
 14 fee schedule established in IC 36-2-7-10. The officer shall then mail to
 15 each property owner on the list or on an individual instrument a notice
 16 stating that a lien against the owner's property has been recorded.
 17 Except for a **Marion** County, ~~having a consolidated city~~, a service
 18 charge of five dollars (\$5), which is in addition to the recording fee
 19 charged under this subsection and under subsection (g), shall be added
 20 to each delinquent fee that is recorded.
 21 (e) This subsection applies only to a **Marion** County. ~~containing a~~
 22 ~~consolidated city~~. Using the lists and instruments prepared under
 23 subsection (c) and recorded under subsection (d), the officer shall
 24 certify to the county auditor, according to a schedule agreed upon by
 25 the county treasurer and the officer, a list of the unpaid liens for
 26 collection with the next cycle's property tax installment. The county
 27 and its officers and employees are not liable for any material error in
 28 the information on the list.
 29 (f) This subsection applies to a county not described in subsection
 30 (e). Using the lists and instruments prepared under subsection (c) and
 31 recorded under subsection (d), the officer shall, not later than ten (10)
 32 days after the list or each individual instrument is recorded under
 33 subsection (d), certify to the county auditor a list of the unpaid liens for
 34 collection with the next May installment of property taxes. The county
 35 and its officers and employees are not liable for any material error in
 36 the information on this list.
 37 (g) The officer shall release any recorded lien when the delinquent
 38 fees, penalties, service charges, and recording fees have been fully
 39 paid. The county recorder shall charge a fee for releasing the lien in
 40 accordance with IC 36-2-7-10.
 41 (h) On receipt of the list under subsection (e) or (f), the county
 42 auditor of each county shall add a fifteen dollar (\$15) certification fee



1 for each lot or parcel of real property on which fees are delinquent,
 2 which fee is in addition to all other fees and charges. The county
 3 auditor shall immediately enter on the tax duplicate for the
 4 municipality the delinquent fees, penalties, service charges, recording
 5 fees, and certification fees, which are due not later than the due date of
 6 the next cycle's installment of property taxes. The county treasurer shall
 7 then include any unpaid charges for the delinquent fee, penalty, service
 8 charge, recording fee, and certification fee to the owner or owners of
 9 each lot or parcel of property, at the time the next cycle's property tax
 10 installment is billed.

11 (i) After certification of liens under subsection (f), the officer may
 12 not collect or accept delinquent fees, penalties, service charges,
 13 recording fees, or certification fees from property owners whose
 14 property has been certified to the county auditor. This subsection does
 15 not apply to a **Marion County**. ~~containing a consolidated city.~~

16 (j) If a delinquent fee, penalty, service charge, recording fee, and
 17 certification fee are not paid, they shall be collected by the county
 18 treasurer in the same way that delinquent property taxes are collected.

19 (k) At the time of each semiannual tax settlement, the county
 20 treasurer shall certify to the county auditor all fees, charges, and
 21 penalties that have been collected. The county auditor shall deduct the
 22 service charges and certification fees collected by the county treasurer
 23 and pay over to the officer the remaining fees and penalties due the
 24 municipality. The county treasurer shall retain the service charges and
 25 certification fees that have been collected, and shall deposit them in the
 26 county general fund.

27 (l) Fees, penalties, and service charges that were not recorded before
 28 a recorded conveyance shall be removed from the tax roll for a
 29 purchaser who, in the manner prescribed by section 32(d) of this
 30 chapter, files a verified demand with the county auditor.

31 (m) A board may write off a fee or penalty under subsection (b) that
 32 is for less than two hundred dollars (\$200).

33 SECTION 614. IC 36-9-25-1, AS AMENDED BY P.L.119-2012,
 34 SECTION 230, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) This chapter applies to the
 36 following:

37 (1) A second class city located in a **LaPorte County**. ~~having a~~
 38 ~~population of more than one hundred eleven thousand (111,000)~~
 39 ~~but less than one hundred fifteen thousand (115,000).~~

40 (2) Each municipality in a **Lake County** ~~having a population of~~
 41 ~~more than four hundred thousand (400,000) but less than seven~~
 42 ~~hundred thousand (700,000) in which the legislative body has~~



1 adopted this chapter by ordinance.

2 (b) This chapter also applies to each second class city not in ~~such~~ a
3 county **described in subsection (a)(1) or (a)(2)**, in which the
4 legislative body has adopted this chapter by ordinance.

5 (c) In addition, in ~~a~~ **the** consolidated city, sections 9 through 38 of
6 this chapter apply to the department of public works and the board of
7 public works, subject to IC 36-3-4-23.

8 SECTION 615. IC 36-9-25-2 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. As used in this
10 chapter:

11 "Board" refers to a board of sanitary commissioners, or board of
12 public works of ~~a~~ **the** consolidated city.

13 "Department" refers to a department of public sanitation, or
14 department of public works of ~~a~~ **the** consolidated city.

15 "District" means the area within the jurisdiction of a department.

16 SECTION 616. IC 36-9-25-3, AS AMENDED BY P.L.127-2017,
17 SECTION 316, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE APRIL 1, 2022]: Sec. 3. (a) A department of public
19 sanitation is established as an executive department of the
20 municipality. However, in the case of a district described in subsection
21 (b)(2), the department is established as an executive department of
22 each municipality in the district.

23 (b) The department is under the control of a board of sanitary
24 commissioners, which is composed as follows:

25 (1) If the department is established under section 1(a) of this
26 chapter, the board consists of not less than three (3) but not more
27 than five (5) commissioners. All of the commissioners shall be
28 appointed by the municipal executive, unless one (1)
29 commissioner is the municipal engineer. Not more than two (2)
30 of the commissioners may be of the same political party, unless
31 the board consists of five (5) commissioners, in which case not
32 more than three (3) may be of the same political party.

33 (2) Notwithstanding subdivision (1), if the department is
34 established under section 1(a) of this chapter and the district
35 contains at least one (1) city having a population of less than one
36 hundred thousand (100,000) and at least one (1) town, the board
37 consists of one (1) commissioner from each municipality in the
38 district. The executive of each of those municipalities shall
39 appoint one (1) commissioner. If after all appointments are made
40 the board has fewer than five (5) commissioners, the executive of
41 the municipality with the largest population shall appoint the
42 number of additional commissioners needed to bring the total to



1 five (5). Not more than three (3) of the commissioners may be of
2 the same political party.

3 (3) If the department is established under section 1(b) of this
4 chapter, the board consists of not less than three (3)
5 commissioners but not more than five (5) commissioners. One (1)
6 commissioner is the city civil engineer. All other commissioners
7 shall be appointed by the city executive. Not more than two (2) of
8 the commissioners may be of the same political party, unless the
9 board consists of five (5) commissioners, in which case not more
10 than three (3) of the commissioners may be of the same political
11 party. However, if the department is located in: ~~a county having~~
12 ~~a population of:~~

13 (A) ~~more than one hundred five thousand (105,000) but less~~
14 ~~than one hundred ten thousand (110,000); **Vigo County;**~~

15 (B) ~~more than one hundred eleven thousand (111,000) but less~~
16 ~~than one hundred fifteen thousand (115,000); **LaPorte County;**~~

17 (C) ~~more than one hundred seventy thousand (170,000) but less~~
18 ~~than one hundred seventy-five thousand (175,000); **Tippecanoe**~~
19 ~~**County;** or~~

20 (D) ~~more than one hundred twenty-five thousand (125,000) but~~
21 ~~less than one hundred thirty-five thousand (135,000); **Madison**~~
22 ~~**County;**~~

23 and the city does not have a city civil engineer, one (1) of the
24 commissioners must be a licensed engineer, appointed by the
25 executive, with at least five (5) years experience in civil or
26 sanitary engineering. In addition, in such a city the commissioners
27 may not hold another public office. Not more than two (2) of the
28 commissioners may be of the same political party, unless the
29 board consists of five (5) commissioners, in which case not more
30 than three (3) of the commissioners may be of the same political
31 party.

32 (c) Before beginning the commissioner's duties, each commissioner
33 shall take and subscribe the usual oath of office. The oath shall be
34 endorsed upon the certificate of appointment and filed with the
35 municipal clerk.

36 (d) Each commissioner shall also execute a bond in the penal sum
37 of five thousand dollars (\$5,000) payable to the state and conditioned
38 upon the faithful performance of the commissioner's duties and the
39 faithful accounting for all money and property that comes under the
40 commissioner's control. The bond must be approved by the municipal
41 executive.

42 (e) The appointed commissioners are entitled to a salary of not less



1 than three thousand six hundred dollars (\$3,600) a year during actual
 2 construction and not less than six hundred dollars (\$600) a year in
 3 other years.

4 (f) Notwithstanding IC 36-1-8-10, whenever this section requires
 5 that the membership of the board of sanitary commissioners not exceed
 6 a stated number of members from the same political party, at the time
 7 of appointment the appointee must:

8 (1) have voted in the two (2) most recent primary elections held
 9 by the party with which the appointee claims affiliation; or

10 (2) if the appointee did not vote in the two (2) most recent
 11 primary elections or only voted in one (1) of those elections, be
 12 certified as a member of the party with which the appointee
 13 claims affiliation by that party's county chair for the county in
 14 which the appointee resides.

15 SECTION 617. IC 36-9-25-8, AS AMENDED BY P.L.119-2012,
 16 SECTION 232, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE APRIL 1, 2022]: Sec. 8. (a) This section applies to cities
 18 in a **Madison** County. ~~having a population of more than one hundred~~
 19 ~~twenty-five thousand (+25,000) but less than one hundred thirty-five~~
 20 ~~thousand (+35,000):~~

21 (b) The ordinance adopting this chapter must specify the purpose or
 22 purposes for which the district is established, which must be one (1) or
 23 more of the following:

24 (1) To provide for the collection, treatment, and disposal of
 25 sanitary sewage and other water-carried wastes of the district.

26 (2) To provide for the drainage of storm and surface water to
 27 relieve sanitary sewers of that water.

28 (3) To reduce the pollution of watercourses in the district.

29 (4) To provide for the collection and disposal of trash, garbage,
 30 and solid waste.

31 If not all of these purposes are listed in the ordinance, one (1) or more
 32 of the remaining purposes may, by subsequent ordinance, be added to
 33 the purposes of the district.

34 (c) After adoption of the ordinance, three (3) interim members of the
 35 board shall be appointed for terms until the January 1 following the
 36 adoption. On the January 1 following the adoption, members shall be
 37 appointed as provided in sections 3 and 4 of this chapter.

38 (d) Bonds of the district may not be sold without the prior approval
 39 of the city legislative body. In addition, the legislative body must
 40 approve all budgets and tax levies of the district.

41 SECTION 618. IC 36-9-25-11.1 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 11.1. In a **the**



1 consolidated city, the board may also require the users of the sewage
 2 service to make a reasonable deposit in advance of a connection or
 3 reconnection to the sewerage system to secure payment of the fees. The
 4 deposit may not exceed thirty-three percent (33%) of the estimated
 5 annual cost of the service for a particular user.

6 SECTION 619. IC 36-9-25-39, AS AMENDED BY P.L.119-2012,
 7 SECTION 233, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE APRIL 1, 2022]: Sec. 39. (a) This section applies only
 9 to departments in: ~~a county having a population of:~~

10 (1) ~~more than four hundred thousand (400,000) but less than~~
 11 ~~seven hundred thousand (700,000); Lake County; or~~

12 (2) ~~more than two hundred fifty thousand (250,000) but less than~~
 13 ~~two hundred seventy thousand (270,000). St. Joseph County.~~

14 (b) The board may secure temporary loans in anticipation of
 15 revenues of the district actually levied and in the course of collection
 16 for the fiscal year in which loans are made. The loans must be
 17 authorized by a resolution of the board, and the securities evidencing
 18 them shall be issued and sold in the same manner as tax anticipation
 19 warrants by second class cities in anticipation of property tax revenues
 20 as provided in IC 36-4-6-20. The temporary loans shall be evidenced
 21 by time warrants of the district in terms designating the nature of the
 22 consideration, the time or times payable, the funds and revenues in
 23 anticipation of which the warrants are issued and out of which they are
 24 payable, and the place where they are payable upon presentation on or
 25 after the date of maturity. The interest accruing on the warrants to date
 26 of maturity shall be included in their face value. The resolution
 27 authorizing the issue of the temporary loans must appropriate and
 28 pledge a sufficient amount of the current revenues in anticipation of
 29 which the warrants are issued for their payment.

30 SECTION 620. IC 36-9-25-41 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 41. (a) This section
 32 applies to ~~each the~~ consolidated city.

33 (b) To raise money to pay the costs of acquiring, constructing, and
 34 improving sewage works and property necessary for sewage works, the
 35 board may have issued, in the name of the municipality, revenue bonds
 36 payable solely from the revenues of the sewage works for which they
 37 are issued. Revenue bonds issued under this section are not a corporate
 38 indebtedness of the district or the municipality.

39 (c) The revenue bonds bear interest at a rate not to exceed the
 40 maximum rate per annum specified by the board and will be payable
 41 and mature at the time or times determined by the board in the
 42 resolution.



1 (d) The revenue bonds may be made redeemable before maturity at
2 the option of the board, to be exercised by the board, at not more than
3 their par value plus a premium of five percent (5%), under the terms
4 and conditions fixed by the resolution authorizing the issuance of the
5 bonds.

6 (e) The principal and interest of the revenue bonds may be made
7 payable in any lawful medium.

8 (f) The resolution authorizing the issuance of the revenue bonds
9 must determine the form of the bonds and must fix the denomination
10 or denominations of the bonds and the place or places of payment of
11 their principal and interest, which may be at any bank or trust company
12 in Indiana or another state.

13 (g) The revenue bonds must contain a statement on their face that
14 neither the district nor the municipality is obligated to pay the principal
15 or interest on them, except from the net revenue of the sewage works
16 that are deposited in the sinking fund established by subsection (t).

17 (h) The revenue bonds are negotiable instruments.

18 (i) Provision may be made for the registration of any of the revenue
19 bonds in the name of the owner as to principal alone or as to both
20 principal and interest.

21 (j) The revenue bonds shall be executed in the same manner as other
22 bonds issued under section 27 of this chapter.

23 (k) The revenue bonds shall be sold by the district and the municipal
24 fiscal officer in the manner that is determined to be in the best interests
25 of the district, but only at public sale in accordance with the statutes
26 concerning the sale of municipal bonds.

27 (l) Before the preparation of the definite revenue bonds, temporary
28 revenue bonds may be issued with or without coupons. The temporary
29 revenue bonds, which shall be issued in the manner prescribed by this
30 section, may be exchanged for the definite revenue bonds when they
31 are issued.

32 (m) If the proceeds of the revenue bonds are less than the cost of the
33 sewage works, additional revenue bonds may be issued under this
34 section to provide the amount of the deficit. Unless otherwise provided
35 in the resolution authorizing the first issue, the additional revenue
36 bonds are considered part of the first issue and are entitled to payment
37 from the same fund, without priority for the first issue.

38 (n) Subject to the provisions and limitations of any resolution or
39 trust indenture pertaining to any outstanding revenue bonds, additional
40 bonds payable from the revenues of the sewage works may be
41 authorized and issued in the manner prescribed by this section for the
42 purpose of improving any works acquired or constructed under this



- 1 chapter without priority of one (1) issue over another.
- 2 (o) Revenue bonds issued under this section are exempt from
3 taxation for all purposes.
- 4 (p) Any action to contest the validity of revenue bonds issued under
5 this section must be brought at least five (5) days before the advertised
6 date for the sale of the bonds.
- 7 (q) The first proceeds of any revenue bonds issued under this
8 section shall be used to repay all amounts advanced for preliminary
9 expenses. The remaining proceeds of the bond issue shall be applied to
10 the cost of acquiring, constructing, or improving the sewage works.
- 11 (r) After the payments required by subsection (q) have been made,
12 any proceeds of the bond issue that have not been spent shall be
13 deposited in the sinking fund established by subsection (t).
- 14 (s) The holders of the revenue bonds have a lien on the bond
15 proceeds until they are applied under this section.
- 16 (t) At or before the time of issuance of revenue bonds under this
17 section, the board, by resolution, shall:
- 18 (1) establish a sinking fund for the payment of:
- 19 (A) the principal of and interest on the revenue bonds; and
20 (B) the charges of banks or trust companies for making
21 payment of the principal or interest on the revenue bonds; and
22 (2) pledge the net revenues of the sewage works, after the
23 payment of the reasonable expense of operation, repair, and
24 maintenance of the works, to the payment of the expenses
25 described in subdivision (1).
- 26 The resolution may also provide for the accumulation of reasonable
27 reserves in the sinking fund as a protection against default, and for the
28 payment of premiums on bonds retired by call or purchase under this
29 section.
- 30 (u) The rights granted by this section are subject to any restrictions
31 contained in the resolution authorizing the issuance of revenue bonds
32 or in any trust indenture securing the bonds. The holder of any revenue
33 bonds or any coupons attached to them, and the trustee, if any, may,
34 either at law or in equity, protect and enforce all rights granted by this
35 section or under the resolution or trust indenture, including the making
36 and collecting of reasonable and sufficient fees for services rendered
37 by the sewage works. If the principal or interest of any of the revenue
38 bonds is not paid on the date named in the bonds for payment, any
39 court having jurisdiction of the action may appoint a receiver to
40 administer the sewage works on behalf of the district, municipality, the
41 bondholders, and the trustee, if any. The receiver may:
- 42 (1) charge and collect fees sufficient to provide for the payment



1 of the expenses of operation, repair, and maintenance of the
2 works;

3 (2) pay any revenue bonds and interest outstanding; and

4 (3) apply the revenues in conformity with this chapter, the
5 resolution authorizing the bond issue, and the trust indenture, if
6 any.

7 (v) Bonds issued under this section are subject to the requirements
8 of IC 36-3-5-8.

9 SECTION 621. IC 36-9-27-1 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
11 to all counties. However, sections 6, 7, 9, 10, 30, 31, and 32 of this
12 chapter do not apply to a **Marion** County. ~~having a consolidated city.~~

13 SECTION 622. IC 36-9-27-5, AS AMENDED BY P.L.278-2019,
14 SECTION 194, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) Except in a **Marion** County
16 ~~having a consolidated city~~ or as provided in subsection (d), the
17 drainage board consists of either:

18 (1) the county executive; or

19 (2) three (3) or five (5) persons, at least one (1) of whom must be
20 a member of the executive, appointed by the executive;
21 at the option of the executive. Appointees under subdivision (2) must
22 be resident freeholders of the county who are knowledgeable in
23 drainage matters. Freeholders appointed to the board serve for terms of
24 three (3) years, with their initial appointments made so as to provide for
25 staggering of terms on an annual basis. In addition, the county surveyor
26 serves on the board as an ex officio, nonvoting member.

27 (b) In a **Marion** County, ~~having a consolidated city~~, the board of
28 public works of the consolidated city comprises the drainage board,
29 subject to IC 36-3-4-23.

30 (c) In a **Marion** County, ~~having a consolidated city~~, the department
31 of public works of the consolidated city has all the powers, duties, and
32 responsibilities of the county surveyor under this chapter, subject to
33 IC 36-3-4-23.

34 SECTION 623. IC 36-9-27-13, AS AMENDED BY P.L.127-2017,
35 SECTION 328, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE APRIL 1, 2022]: Sec. 13. (a) This section applies to a
37 **Lake** County. ~~having a population of more than four hundred thousand~~
38 ~~(400,000) but less than seven hundred thousand (700,000).~~

39 (b) There is established a county drainage advisory committee. The
40 executive of each township in the county shall appoint one (1) resident
41 of the executive's township to serve on the committee. Committee
42 members serve for four (4) year terms. Members may not receive per



1 diem or mileage for service on the committee.
 2 (c) The county drainage advisory committee shall advise and assist
 3 the board in the performance of its powers, duties, and functions. The
 4 board or the county legislative body may assign responsibilities to the
 5 committee concerning drainage. The committee may select one (1) of
 6 its members as chair and may meet at the chair's call or at the call of
 7 any three (3) of its members.
 8 SECTION 624. IC 36-9-27-74 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 74. (a) This section
 10 applies to a **Lake** County, ~~having a population of more than four~~
 11 ~~hundred thousand (400,000) but less than seven hundred thousand~~
 12 ~~(700,000)~~.
 13 (b) Each year, the county shall levy the tax authorized by section 73
 14 of this chapter at a rate on each one hundred dollars (\$100) of assessed
 15 valuation that will yield three hundred thousand dollars (\$300,000) per
 16 year.
 17 (c) The county auditor shall determine a particular watershed's part
 18 of the receipts from the tax authorized by this section by multiplying
 19 the total tax receipts by a fraction determined by the county surveyor.
 20 The numerator of the fraction is the number of acres in the particular
 21 watershed, and the denominator is the total number of acres in all of the
 22 watersheds in the county. The auditor shall annually distribute these
 23 amounts to the watersheds in the county.
 24 (d) The county legislative body shall annually appropriate, for use
 25 in the county in each of these watersheds, at least eighty percent (80%)
 26 of the watershed's part of the tax receipts.
 27 SECTION 625. IC 36-9-27.4-2 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. As used in this
 29 chapter, "drainage board" means the following:
 30 (1) Except as provided in subdivision (2):
 31 (A) the county board of commissioners, as provided in
 32 IC 36-9-27-5(a)(1); or
 33 (B) the drainage board appointed by the board of
 34 commissioners under IC 36-9-27-5(a)(2).
 35 (2) In a **Marion** County, ~~having a consolidated city~~, the board of
 36 public works of the consolidated city, as provided in
 37 IC 36-9-27-5(b).
 38 SECTION 626. IC 36-9-27.8-1, AS ADDED BY P.L.139-2018,
 39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 APRIL 1, 2022]: Sec. 1. As used in this chapter, "executive" means:
 41 (1) the board of county commissioners, in the case of Johnson
 42 County; or



1 (2) the mayor, in the case of ~~a~~ **the** consolidated city.
2 SECTION 627. IC 36-9-27.8-2, AS ADDED BY P.L.139-2018,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 APRIL 1, 2022]: Sec. 2. As used in this chapter, "fiscal officer" means:
5 (1) the county auditor, in the case of Johnson County; or
6 (2) the controller, in the case of ~~a~~ **the** consolidated city.
7 SECTION 628. IC 36-9-27.8-8, AS ADDED BY P.L.139-2018,
8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 APRIL 1, 2022]: Sec. 8. This chapter applies to the following:
10 (1) A subdivision located in an unincorporated area of Johnson
11 County.
12 (2) A subdivision located within ~~a~~ **the** consolidated city. This
13 chapter does not apply to a subdivision located within the
14 boundaries of an excluded city (as defined in IC 36-3-1-7).
15 SECTION 629. IC 36-9-27.8-17, AS ADDED BY P.L.139-2018,
16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 APRIL 1, 2022]: Sec. 17. If the balance in the account created for a
18 subdivision under section 15(a)(2) of this chapter is insufficient to pay
19 the cost of repairing a subdivision drain in the subdivision, the unit
20 may:
21 (1) pay the expenses of the repair initially from:
22 (A) the county general fund, in the case of Johnson County; or
23 (B) the stormwater fund, in the case of ~~a~~ **the** consolidated city;
24 and
25 (2) later deposit in the fund from which the expenses were paid
26 under subdivision (1), from funds obtained through assessments
27 imposed under this chapter on owners of property in the
28 subdivision in which the subdivision drain is located, an amount
29 equal to the amount paid under subdivision (1).
30 SECTION 630. IC 36-9-28-1 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
32 to all municipalities other than ~~a~~ **the** consolidated city.
33 SECTION 631. IC 36-9-29.1-1 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
35 to ~~each Marion County. having a consolidated city.~~
36 SECTION 632. IC 36-9-30-21, AS AMENDED BY P.L.119-2012,
37 SECTION 234, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE APRIL 1, 2022]: Sec. 21. (a) Except as provided in
39 subsection (l), the fiscal body of the unit owning, operating, and
40 maintaining facilities for the collection or disposal of solid waste may,
41 by ordinance, establish and maintain just and equitable fees for the use
42 of and the service rendered by the facilities.



1 (b) Except as provided in subsection (m), if the fiscal body of a unit
2 has authorized the issuance of revenue bonds under this chapter, it
3 shall, as long as the bonds are outstanding, establish and maintain fees
4 with respect to the facilities for which the bonds are issued.

5 (c) The aggregate amount of the required fees must be sufficient to
6 pay the cost of operation, repair, depreciation, and maintenance of the
7 facilities, and to pay the sums required to be paid into the bond fund
8 under this chapter.

9 (d) The ordinance may provide that the fees are payable:

10 (1) by either the users of the facilities, the owners of the property
11 served by the facilities, or the unit; or

12 (2) by the users, owners, and the unit in the proportions fixed by
13 the ordinance.

14 (e) Revenues collected under this section are considered revenues
15 of the facilities.

16 (f) The fees may not be established until after a public hearing at
17 which the users of the facilities, the owners of property served or to be
18 served by the facilities, and other interested parties have an opportunity
19 to be heard concerning the proposed fees and the provisions concerning
20 payment of the fees.

21 (g) After introduction of the ordinance fixing the fees and providing
22 for their payment, and before the ordinance is finally adopted, notice
23 of the hearing, setting forth the proposed schedule of fees and the
24 provisions concerning payment, shall be published in accordance with
25 IC 5-3-1.

26 (h) After the hearing, which may be adjourned from time to time,
27 the ordinance, as originally introduced or as amended, shall be passed
28 and put into effect. A copy of the schedule of fees established shall be
29 kept on file in the office of the board and in the office of the fiscal
30 officer of the unit. The fee schedule is a public record.

31 (i) The fees or the provisions for their payment may be changed or
32 readjusted in the manner by which they were originally established.
33 However, if the change or readjustment is made substantially pro rata
34 as to all classes of use or service, no hearing or notice is required.

35 (j) If:

36 (1) a user of the facilities; or

37 (2) an owner of property served by the facilities;

38 does not pay a fee within thirty (30) days after it is due, the amount of
39 the fee, together with a penalty of ten percent (10%) and a reasonable
40 attorney's fee, may be recovered by the unit in a civil action in the name
41 of the unit.

42 (k) The unit is subject to the fees established under this chapter. The



1 unit shall pay the fees when due. The payments are considered part of
2 the revenues of the facilities.

3 (l) This subsection applies to a **Warrick County** ~~having a~~
4 ~~population of more than fifty-seven thousand (57,000) but less than~~
5 ~~sixty thousand (60,000)~~. The county executive owning, operating, and
6 maintaining facilities for the collection or disposal of solid waste may,
7 by ordinance, establish and maintain just and equitable fees for the use
8 of and the service rendered by the facilities.

9 (m) If the fiscal body of a county that is subject to subsection (l) has
10 authorized the issuance of revenue bonds under this chapter, the county
11 executive shall, as long as the bonds are outstanding, establish and
12 maintain fees with respect to the facilities for which the bonds are
13 issued.

14 SECTION 633. IC 36-9-31-1 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
16 to ~~each the~~ consolidated city.

17 SECTION 634. IC 36-9-31-25 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 25. This chapter is
19 supplemental to all other statutes covering the acquisition,
20 construction, modification, use, and maintenance of facilities for waste
21 disposal by a ~~the~~ consolidated city. As to facilities acquired,
22 constructed, modified, operated, or leased under this chapter, and the
23 collection of wastes under this chapter, it is not necessary to comply
24 with other statutes concerning the acquisition, construction,
25 modification, use, and maintenance of facilities or the collection of
26 waste by cities, except as specifically required by this chapter.

27 SECTION 635. IC 36-9-33-1 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
29 to all units (except townships and ~~counties having a consolidated city~~)
30 **Marion County** that adopt ordinances under section 3 of this chapter
31 after March 31, 1987.

32 SECTION 636. IC 36-9-35-1 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
34 to each city in a **Lake County** ~~having a population of more than four~~
35 ~~hundred thousand (400,000) but less than seven hundred thousand~~
36 ~~(700,000)~~, in which the legislative body has, by ordinance, established
37 a water department as a municipal utility or a department of
38 waterworks.

39 SECTION 637. IC 36-9-38-30 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 30. (a) For the
41 purposes of anticipating the collection of assessments under this
42 chapter, the municipality shall issue bonds payable out of the



1 assessments. However, a **the** consolidated city is not required to issue
2 bonds under this section.

3 (b) The terms of the bonds may allow early retirement of the bonds
4 for and to the extent of prepayment of assessments in anticipation of
5 which the bonds were issued.

6 (c) The bonds bear interest at a rate or rates determined by the
7 legislative body of the municipality and shall be executed, sold, and
8 delivered in denominations determined to be appropriate by the
9 municipal fiscal officer as bonds of a municipality are executed, sold,
10 and delivered.

11 (d) If the bonds are sold at a public sale, the advertisement of the
12 sale of the bonds shall be published in accordance with IC 5-3-1. The
13 municipality may also sell the bonds by negotiated private sale to a
14 financial institution.

15 (e) Unless the municipality chooses to sell the bonds by a negotiated
16 private sale to a financial institution, the sale shall be made to the
17 highest and best bidder, as provided in IC 36-9-36. However, the sale
18 may not be for less than the face value of the bonds, plus interest from
19 the date of the bonds to the date of delivery.

20 (f) The bonds and interest on the bonds are exempt from taxation to
21 the extent provided by IC 6-8-5-1.

22 (g) The bonds are not a corporate obligation or an indebtedness of
23 the municipality and are payable only out of money actually paid and
24 collected under this chapter (or under IC 36-9-20 before its repeal in
25 1993). The bonds must state this fact on the bonds' face.

26 SECTION 638. IC 36-10-3-4, AS AMENDED BY P.L.75-2019,
27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 APRIL 1, 2022]: Sec. 4. (a) This subsection applies only in a third class
29 city. A city board consists of four (4) members to be appointed by the
30 city executive. The members shall be appointed on the basis of their
31 interest in and knowledge of parks and recreation. In addition, the
32 creating ordinance may provide for one (1) or two (2) additional
33 members, those being:

34 (1) either:

35 (A) a member of the governing body of the school corporation,
36 serving ex officio, selected by the governing body of the school
37 corporation; or

38 (B) an individual who resides in the school corporation,
39 selected by the governing body of the school corporation;

40 (2) a member of the governing body of the library district, serving
41 ex officio, selected by that body; or

42 (3) both subdivisions (1) and (2).



1 (b) This subsection applies in a **Marion** County ~~containing a~~
 2 ~~consolidated city~~ and in a second class city. A city board consists of
 3 four (4) members to be appointed by the city executive. The members
 4 shall be appointed on the basis of their interest in and knowledge of
 5 parks and recreation, but no more than two (2) members may be
 6 affiliated with the same political party. In addition, the creating
 7 ordinance may provide for one (1) or two (2) additional members, those
 8 being:

9 (1) either:

10 (A) a member of the governing body of the school corporation,
 11 serving ex officio, selected by the governing body of the school
 12 corporation; or

13 (B) an individual who resides in the school corporation,
 14 selected by the governing body of the school corporation;

15 (2) a member of the governing body of the library district, serving
 16 ex officio, selected by that body; or

17 (3) individuals described in both subdivisions (1) and (2).

18 (c) A town board consists of four (4) members to be appointed by
 19 the town legislative body. The members shall be appointed on the basis
 20 of their interest in and knowledge of parks and recreation. Except as
 21 provided in section 4.1 of this chapter, not more than two (2) members
 22 may be affiliated with the same political party. Members of the board
 23 must be residents of the district. In addition, the creating ordinance
 24 may provide for one (1) or two (2) additional members, those being:

25 (1) a member:

26 (A) of the governing body of the school corporation, serving ex
 27 officio, selected by that body; or

28 (B) designated by the governing body of the school corporation;

29 (2) a member of the governing body of the library district, serving
 30 ex officio, selected by that body; or

31 (3) both subdivisions (1) and (2).

32 (d) A county board shall be appointed as follows:

33 (1) Two (2) members shall be appointed by the judge of the
 34 circuit court.

35 (2) One (1) member shall be appointed by the county executive.

36 (3) Two (2) members shall be appointed by the county fiscal
 37 body.

38 The members appointed under subdivisions (1), (2), and (3) shall be
 39 appointed on the basis of their interest in and knowledge of parks and
 40 recreation, but no more than one (1) member appointed under
 41 subdivisions (1) and (3) may be affiliated with the same political party.
 42 In a county having at least one (1) first or second class city, the creating



1 ordinance must provide for one (1) ex officio board member to be
 2 appointed by the executive of that city. The member appointed by the
 3 city executive must be affiliated with a different political party than the
 4 member appointed by the county executive. However, if a county has
 5 more than one (1) such city, the executives of those cities shall agree
 6 on the member. The member serves for a term coterminous with the
 7 term of the appointing executive or executives.

8 (e) Ex officio members have all the rights of regular members,
 9 including the right to vote. A vacancy in an ex officio position shall be
 10 filled by the appointing authority. All members serving on a county,
 11 city, or town board have the same rights, including the right to vote. A
 12 vacancy in the seat of a member shall be filled by the appointing
 13 authority.

14 (f) A municipal executive, a member of a county fiscal body, a
 15 member of the county executive, or a member of the municipal fiscal
 16 body may not serve on a board.

17 (g) The creating ordinance in any county may provide for:

- 18 (1) the county cooperative extension coordinator;
- 19 (2) the county extension educator; or
- 20 (3) a member of the county extension committee selected by the
 21 committee;

22 to serve as an ex officio member of the county board, in addition to the
 23 members provided for under subsection (d).

24 (h) The creating ordinance in a county having no first or second
 25 class cities may provide for a member of the county board to be
 26 selected by the board of supervisors of a soil and water conservation
 27 district in which a facility of the county board is located. The member
 28 selected under this subsection is in addition to the members provided
 29 for under subsections (d) and (g).

30 SECTION 639. IC 36-10-3-38, AS AMENDED BY
 31 P.L.212-2018(ss), SECTION 33, IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 38. (a) This section
 33 applies in a **Allen** County. ~~having a population of more than three~~
 34 ~~hundred thousand (300,000) but less than four hundred thousand~~
 35 ~~(400,000).~~

36 (b) This section applies only if a municipality annexes or has
 37 annexed territory that is part of a district under this chapter after June
 38 1, 1976.

39 (c) Any annexed territory that is in the district before the effective
 40 date of the annexation ordinance remains a part of the district, and the
 41 property in the annexed territory is subject to the same levy for park
 42 and recreational purposes as other property within the district. The



1 annexing municipality may not impose an additional levy on the
2 property in the annexed territory for park and recreational purposes.

3 (d) Notwithstanding subsection (c), the district's fiscal officer shall
4 semiannually transfer to the annexing municipality's department
5 one-half (1/2) of the property tax revenue attributable to property taxes
6 imposed by the district on property that is within the annexed territory
7 and that was annexed after June 1, 1976, and before March 4, 1988.

8 (e) The fiscal officer for a district shall make the transfer required
9 under subsection (d) on June 1 and December 1 of each calendar year
10 beginning after December 31, 2018.

11 SECTION 640. IC 36-10-4-1 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) This chapter
13 applies to each second class city in which the legislative body has
14 adopted all or part of this chapter by ordinance.

15 (b) This chapter applies to each third class city in which the
16 legislative body has adopted all or part of this chapter by ordinance.

17 (c) In addition, in ~~a~~ **the** consolidated city sections 9(a) and 12
18 through 40 of this chapter apply to the department of parks and
19 recreation and the board of parks and recreation, subject to
20 IC 36-3-4-23.

21 SECTION 641. IC 36-10-4-2 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. As used in this
23 chapter:

24 "Board" refers to a board of park commissioners, or board of parks
25 and recreation of ~~a~~ **the** consolidated city.

26 "Department" refers to a department of public parks, or department
27 of parks and recreation of ~~a~~ **the** consolidated city.

28 "District" means the area within the jurisdiction of a department.

29 SECTION 642. IC 36-10-4-6, AS AMENDED BY P.L.119-2012,
30 SECTION 236, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE APRIL 1, 2022]: Sec. 6. (a) This section applies
32 whenever a district is extended under section 5 of this chapter and ~~such~~
33 **the** district is not located in a **Vanderburgh** County. ~~having a~~
34 ~~population of more than one hundred seventy-five thousand (175,000)~~
35 ~~but less than one hundred eighty-five thousand (185,000).~~

36 (b) After the district is extended under section 5 of this chapter, the
37 board consists of five (5) commissioners. Two (2) commissioners shall
38 be appointed by the city executive, two (2) commissioners shall be
39 appointed by the county executive of the county in which the city is
40 located, and one (1) commissioner shall be appointed by a majority
41 vote of the presidents of the school boards of the school corporations
42 in the county in which the city is located. The commissioners appointed



1 by the county executive must be residents of the area of the district
 2 outside the corporate boundaries of the city. The commissioners
 3 appointed by the county executive may not be members of the same
 4 political party, and the commissioners appointed by the city executive
 5 may not be members of the same political party.

6 (c) A commissioner of an extended district may hold office for an
 7 unlimited number of terms.

8 (d) After the initial terms have expired, all of the commissioners
 9 after the extension of the district shall be appointed for terms of four
 10 (4) years, beginning on January 1. The terms of office of the three (3)
 11 commissioners in office at the time of the extension terminate January
 12 1, and the terms of office of the new commissioners begin January 1.
 13 The city executive shall appoint one (1) commissioner for an initial
 14 term of two (2) years and one (1) for an initial term of four (4) years.
 15 The county executive shall appoint two (2) commissioners, one (1)
 16 commissioner for an initial term of two (2) years and the other
 17 commissioner for an initial term of four (4) years. The presidents of the
 18 school boards shall appoint one (1) commissioner for an initial term of
 19 four (4) years.

20 (e) A vacancy in the office of a commissioner shall be filled for the
 21 remainder of the term by the appointing authority.

22 SECTION 643. IC 36-10-4-6.1, AS AMENDED BY P.L.119-2012,
 23 SECTION 237, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE APRIL 1, 2022]: Sec. 6.1. (a) This section applies
 25 whenever a district is extended under section 5 of this chapter and ~~such~~
 26 **the** district is located in a **Vanderburgh** County. ~~having a population~~
 27 ~~of more than one hundred seventy-five thousand (175,000) but less~~
 28 ~~than one hundred eighty-five thousand (185,000).~~

29 (b) After the district is extended under section 5 of this chapter, the
 30 board consists of five (5) commissioners. Three (3) commissioners
 31 shall be appointed by the city executive, and two (2) commissioners
 32 shall be appointed by the county executive of the county in which the
 33 city is located. The commissioners appointed by the county executive
 34 must be residents of the areas of the district outside the corporate
 35 boundaries of the city. No more than two (2) of the three (3)
 36 commissioners appointed by the city executive may be members of the
 37 same political party, and the commissioners appointed by the county
 38 executive may not be members of the same political party.

39 (c) A commissioner of an extended district may hold office for an
 40 unlimited number of terms.

41 (d) All commissioners after the extension of the district shall be
 42 appointed for terms of four (4) years, beginning on January 1. The three



1 (3) commissioners whose terms of office have not expired continue in
 2 office and are considered appointees of the city executive until the
 3 expiration of the four (4) year terms for which they each were
 4 originally appointed. The county executive shall appoint two (2)
 5 commissioners, one for a term of two (2) years and the other for a term
 6 of four (4) years. As the term of each commissioner expires, a new
 7 commissioner shall be appointed for a term of four (4) years so that at
 8 all times the board consists of three (3) commissioners appointed by
 9 the city executive and two (2) commissioners appointed by the county
 10 executive.

11 (e) A vacancy in the office of a commissioner shall be filled for the
 12 remainder of the term by the appointing authority.

13 SECTION 644. IC 36-10-5-5, AS AMENDED BY P.L.119-2012,
 14 SECTION 239, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) This section applies to a
 16 municipality that:

17 (1) has a population of more than twenty-five thousand (25,000);
 18 and

19 (2) is located in a **Hamilton** County. ~~having a population of more~~
 20 ~~than two hundred seventy thousand (270,000) but less than three~~
 21 ~~hundred thousand (300,000):~~

22 (b) A municipal board consists of four (4) members appointed by
 23 the executive of the municipality. A member shall be appointed on the
 24 basis of the member's interest in and knowledge of parks and
 25 recreation. The members may include the executive of the municipality
 26 and one (1) or more members of the municipal fiscal body. The
 27 ordinance creating a municipal board governed by this section may
 28 provide for one (1) or two (2) ex officio members.

29 SECTION 645. IC 36-10-7-2 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 2. (a) This section
 31 applies to all townships except those in a **Marion** County. ~~having a~~
 32 ~~consolidated city:~~

33 (b) The township executive may, upon petition of at least
 34 twenty-five (25) resident freeholders and approval of the township
 35 legislative body, purchase or improve suitable land or purchase,
 36 construct, reconstruct, renovate, remodel, or improve room space,
 37 buildings, or equipment for:

38 (1) a township community center for civic, social, recreation, or
 39 other township purposes; or

40 (2) a township recreational land area.

41 (c) A township may issue general obligation bonds for the purposes
 42 set forth in subsection (b) in the manner provided by IC 36-10-3 for the



1 issue of bonds under that chapter.

2 (d) Money for the purposes set forth in subsection (b) must be
3 appropriated as provided by statute from funds belonging to the
4 township or from the proceeds of a general obligation bond.

5 (e) The executive may operate and maintain the community center
6 or recreational land area. A property tax levy may be imposed as
7 provided by statute for the cost of all or part of the operation and
8 maintenance expense incurred under this section.

9 (f) The executive may rent to others all or part of the community
10 center or recreational land area when it is not needed for township
11 purposes. The money received for rent shall be used to pay
12 maintenance and utility expenses of the community center or
13 recreational land area.

14 SECTION 646. IC 36-10-7-4 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 4. (a) This section
16 applies to each township:

17 (1) in a **Marion** County; ~~having a consolidated city~~; or

18 (2) containing a second class city within its boundaries that is not
19 a county seat.

20 (b) If there is a public park or playground in the township under the
21 jurisdiction of the township, the township executive shall manage the
22 park or playground. The executive shall keep complete records of the
23 management and all related transactions, including receipts such as
24 fees, concessions, licenses, permits, and sales. The receipts shall be
25 credited to the general fund of the township.

26 (c) An executive who violates this section commits a Class C
27 infraction.

28 SECTION 647. IC 36-10-7-5, AS AMENDED BY P.L.127-2017,
29 SECTION 386, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE APRIL 1, 2022]: Sec. 5. (a) This section applies to a
31 **North** Township ~~having a population of more than one hundred fifty~~
32 ~~thousand (150,000) located in a Lake County. having a population of~~
33 ~~more than four hundred thousand (400,000) but less than seven~~
34 ~~hundred thousand (700,000).~~

35 (b) The township executive may purchase, accept by grant, devise,
36 bequest, or other conveyance, or otherwise acquire land for park
37 purposes within the township, either inside or outside the corporate
38 boundaries of a municipality, and may make necessary improvements.

39 (c) If the executive does not purchase, accept, or acquire land within
40 the township for park purposes or make necessary improvements, two
41 hundred (200) resident taxpayers and voters of the township may
42 petition the executive and the legislative body in writing to:

HB 1401—LS 7204/DI 75



1 (1) purchase, accept, or otherwise acquire the land described in
 2 the petition so that a township park may be established under this
 3 section; or

4 (2) make the improvements designated in the petition.

5 The petition must be addressed to the executive and legislative body
 6 and bear the signatures and addresses of the petitioners in ink,
 7 acknowledged before a notary public. After the petition is filed in the
 8 office of the executive, the executive shall have notice of the filing
 9 published in accordance with IC 5-3-1. The notice must name a date at
 10 least sixty (60) days after the date of the last publication on which the
 11 executive and legislative body will hear and consider the petition. The
 12 notice constitutes notice of the proceedings to all taxpayers within the
 13 township, whether resident or nonresident.

14 (d) At the hearing the executive and legislative body shall hear and
 15 consider all remonstrances, whether written and signed in ink or from
 16 a resident of the township upon the question of whether the land should
 17 be purchased, accepted, or acquired by the township and a township
 18 park established, maintained, and improved. After the hearing, the
 19 executive and legislative body shall approve the petition unless twenty
 20 percent (20%) of the resident taxpayers of the township remonstrate in
 21 writing by filing their remonstrance on or before the day fixed for the
 22 hearing. In that case the executive and legislative body shall dismiss
 23 the petition.

24 (e) If land has been acquired for park purposes, the executive shall
 25 establish a park. After it is established, the executive shall provide for
 26 necessary improvements and construct facilities for the comfort and
 27 convenience of the public in the township park. Except as otherwise
 28 provided, all expenses incurred shall be paid out of the park and
 29 recreation fund of the township.

30 (f) If a park or parkland is acquired by a township under this section
 31 and the expense of the acquisition or of the development and
 32 improvement of the park is too great to be borne by the park and
 33 recreation fund of the township, the legislative body may authorize its
 34 chair to issue the bonds of the township to procure money for these
 35 purposes. However, the total bonded indebtedness of the township for
 36 park purposes may not exceed one million dollars (\$1,000,000). Upon
 37 special notice of the chair in writing to each member of the legislative
 38 body stating the time, place, and purpose of the meeting, the legislative
 39 body may determine whether to issue the bonds of the township to pay
 40 the cost of acquiring, developing, or improving the park or parkland.
 41 If the legislative body determines that it is of public benefit to issue the
 42 bonds of the township, the legislative body, by a special order entered



1 and signed upon the record, may authorize its chair to issue the bonds
2 of the township. The bonds may run for a period not to exceed ten (10)
3 years, may bear interest at any rate, and may be sold for not less than
4 their par value. Before issuing the bonds, the chair shall publish notice
5 of their sale in accordance with IC 5-3-1. The notice must state the
6 amount of bonds offered, the denomination, the period to run, the rate
7 of interest, and the date, place, and hour of sale. The legislative body
8 shall attend the sale and must concur before bonds are sold.

9 (g) The legislative body shall annually levy a sufficient tax to pay
10 at least one-tenth (1/10) of the amount of the bonds, together with the
11 accrued interest, each year, and the legislative body shall apply the
12 annual tax to the payment of the bonds and interest each year. The tax
13 levy is in addition to all other tax levies authorized by statute. A tax
14 levy authorized by this section shall be levied and collected on all
15 property within the boundaries of the township, including
16 municipalities.

17 (h) There is established a special nonreverting operating fund for
18 park purposes to be known as the park and recreation fund.
19 Appropriations may be made from the fund by the township's
20 legislative body for park purposes only. The cost of the maintenance
21 and improvement of the park shall be paid out of the park and
22 recreation fund of the township, and the legislative body shall increase
23 the levy of the fund each year by an amount sufficient to provide the
24 money to maintain the park.

25 (i) Money in the form of fees procured from golf courses, swimming
26 pools, skating rinks, clubhouses, social centers, or other similar
27 facilities requiring major expenditures for maintenance and
28 improvement shall be deposited in the park and recreation fund and
29 shall be appropriated by the township legislative body either in the
30 annual budget or by additional appropriation in the manner as set out
31 in IC 6-1.1-18-5.

32 (j) The executive shall appoint a superintendent of parks. Said
33 appointment shall be made within thirty (30) days of a vacancy in the
34 position of superintendent of parks. If the executive fails to make said
35 appointment within the prescribed period, the legislative body shall
36 have the power to make said appointment. Political affiliation may not
37 be considered in the selection of the superintendent. The
38 superintendent must:

- 39 (1) be qualified by training or experience in the field of parks and
40 recreation; and
41 (2) have a certificate or an advanced degree in the field of parks
42 and recreation.



- 1 (k) The superintendent must do the following:
- 2 (1) Propose annually to the executive a plan for the operation of
- 3 the park.
- 4 (2) Administer the plan as approved by the executive.
- 5 (3) Supervise the general maintenance of the park.
- 6 (4) Keep the records of the park and preserve all papers and
- 7 documents of the park.
- 8 (5) Keep accurate records of park income and expenditures in the
- 9 manner prescribed by the state board of accounts.
- 10 (6) Appoint and discharge employees of the park without regard
- 11 to political affiliation.
- 12 (7) Prepare and present to the executive an annual report.
- 13 (8) Perform other duties that the executive directs.

14 (l) The executive shall execute an employment contract with the
 15 superintendent that must contain the terms and conditions of the
 16 superintendent's employment.

17 SECTION 648. IC 36-10-7-9, AS AMENDED BY P.L.119-2012,
 18 SECTION 240, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE APRIL 1, 2022]: Sec. 9. (a) This section applies to the
 20 township having the largest population in a ~~county having a population~~
 21 ~~of: the following counties:~~

- 22 (1) ~~more than seventy thousand fifty (70,050) but less than~~
- 23 ~~seventy-one thousand (71,000); or Grant County.~~
- 24 (2) ~~more than two hundred seventy thousand (270,000) but less~~
- 25 ~~than three hundred thousand (300,000); Hamilton County.~~

26 (b) Notwithstanding IC 36-10-7.5-5, the department of parks and
 27 recreation of a township described in subsection (a) consists of four (4)
 28 members appointed by the township executive on the basis of the
 29 members' interest in and knowledge of parks and recreation. The
 30 members of a board governed by this section may include any of the
 31 following:

- 32 (1) The township executive.
- 33 (2) One (1) or more members of the township board.
- 34 (3) Any other persons residing in the township.

35 SECTION 649. IC 36-10-8-1 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 37 to all counties ~~not having a consolidated city: other than Marion~~
 38 ~~County.~~

39 SECTION 650. IC 36-10-9-1 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
 41 to ~~each Marion County. having a consolidated city.~~

42 SECTION 651. IC 36-10-9.1-1 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
2 to **each Marion County. having a consolidated city.**

3 SECTION 652. IC 36-10-9.2-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies
5 to **each Marion County. having a consolidated city.**

6 SECTION 653. IC 36-10-10-1, AS AMENDED BY P.L.119-2012,
7 SECTION 241, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to the two
9 (2) cities having the largest populations in a **St. Joseph County. having**
10 **a population of more than two hundred fifty thousand (250,000) but**
11 **less than two hundred seventy thousand (270,000).**

12 SECTION 654. IC 36-10-11-1, AS AMENDED BY P.L.119-2012,
13 SECTION 242, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE APRIL 1, 2022]: Sec. 1. This chapter applies to a city
15 **having a population of more than eighty thousand (80,000) but less**
16 **than eighty thousand four hundred (80,400): the city of Gary.**

17 SECTION 655. IC 36-10-12-2, AS ADDED BY P.L.1-2005,
18 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 APRIL 1, 2022]: Sec. 2. As used in this chapter, "children's museum"
20 means a museum located in a **Marion County, containing a**
21 **consolidated city**, if the museum is:

22 (1) incorporated under the Indiana law without stock and without
23 purpose of gain to the museum's members; and

24 (2) organized to maintain in the county a permanent museum
25 containing objects and items:

26 (A) of interest primarily to children; and

27 (B) for the encouragement and education of children.

28 SECTION 656. IC 36-10-12-3, AS ADDED BY P.L.1-2005,
29 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 APRIL 1, 2022]: Sec. 3. As used in this chapter, "incorporated town"
31 means an incorporated town located in a **Marion County. containing**
32 **a consolidated city.**

33 SECTION 657. IC 36-10-13-5, AS AMENDED BY P.L.140-2018,
34 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 APRIL 1, 2022]: Sec. 5. (a) This section applies only to a school
36 corporation in a county having a population of: **the following counties:**

37 (1) **more than two hundred fifty thousand (250,000) but less than**
38 **two hundred seventy thousand (270,000); or St. Joseph County.**

39 (2) **more than one hundred seventy-five thousand (175,000) but**
40 **less than one hundred eighty-five thousand (185,000).**

41 **Vanderburgh County.**

42 (b) Subject to section 6 of this chapter, the governing body of the



1 school corporation may annually appropriate the money in the
 2 operations fund to be paid in semiannual installments to a historical
 3 society having facilities in the county.

4 SECTION 658. IC 36-10-13-7, AS AMENDED BY P.L.244-2017,
 5 SECTION 132, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE APRIL 1, 2022]: Sec. 7. (a) This section applies to
 7 school corporations in a county containing ~~a city having a population~~
 8 **of: any of the following cities:**

9 (1) ~~more than one hundred fifty thousand (150,000) but less than~~
 10 ~~five hundred thousand (500,000);~~ **The city of Fort Wayne.**

11 (2) ~~more than one hundred ten thousand (110,000) but less than~~
 12 ~~one hundred fifty thousand (150,000);~~ **The city of Evansville.**

13 (3) ~~more than eighty thousand (80,000) but less than eighty~~
 14 ~~thousand four hundred (80,400);~~ **The city of Gary.**

15 (4) ~~more than one hundred thousand (100,000) but less than one~~
 16 ~~hundred ten thousand (110,000);~~ **or The city of South Bend.**

17 (5) ~~more than eighty thousand five hundred (80,500) but less than~~
 18 ~~one hundred thousand (100,000).~~ **The city of Hammond.**

19 (b) The governing body of the school corporation may annually
 20 appropriate money in the operations fund to be paid in semiannual
 21 installments to an art association having facilities in a city that is
 22 described in subsection (a), subject to subsection (c).

23 (c) Before an art association may receive payments under this
 24 section, the association's governing board must adopt a resolution that
 25 entitles:

26 (1) the governing body of the school corporation to appoint the
 27 school corporation's superintendent and director of art instruction
 28 as visitors who may attend all meetings of the association's
 29 governing board;

30 (2) the governing body of the school corporation to nominate
 31 individuals for membership on the association's governing board,
 32 with at least two (2) of the nominees to be elected;

33 (3) the school corporation to use the association's facilities and
 34 equipment for educational purposes consistent with the
 35 association's purposes;

36 (4) the students and teachers of the school corporation to tour the
 37 association's museum and galleries free of charge;

38 (5) the school corporation to borrow materials from the
 39 association for temporary exhibit in the schools;

40 (6) the teachers of the school corporation to receive normal
 41 instruction in the fine and applied arts at half the regular rates
 42 charged by the association; and



- 1 (7) the school corporation to expect exhibits in the association's
 2 museum that will supplement the work of the students and
 3 teachers of the corporation.
 4 A copy of the resolution, certified by the president and secretary of the
 5 association, must be filed in the office of the school corporation before
 6 payments may be received.
- 7 (d) A resolution filed under subsection (c) is not required to be
 8 renewed annually. The resolution continues in effect until rescinded.
 9 An art association that complies with this section is entitled to continue
 10 to receive payments under this section as long as the art association
 11 complies with the resolution.
- 12 (e) If more than one (1) art association in a city that is described in
 13 subsection (a) qualifies to receive payments under this section, the
 14 governing body of the school corporation shall select the one (1) art
 15 association best qualified to perform the services described in
 16 subsection (c). A school corporation may select only one (1) art
 17 association to receive payments under this section.
- 18 SECTION 659. IC 36-10-13-8, AS ADDED BY P.L.1-2005,
 19 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 APRIL 1, 2022]: Sec. 8. (a) This section applies to school corporations
 21 in a ~~county~~: **the following counties:**
- 22 (1) ~~containing a consolidated city~~; or **Marion County.**
 23 (2) ~~having a population of more than four hundred thousand~~
 24 ~~(400,000) but less than seven hundred thousand (700,000):~~ **Lake**
 25 **County.**
- 26 (b) Subject to subsection (c), the governing body of a school
 27 corporation may annually appropriate sums to be paid to cultural
 28 institutions that are reasonably commensurate with the educational and
 29 cultural contributions made by the institutions to the school corporation
 30 and the school corporation's students.
- 31 (c) Before a cultural institution may receive payments under this
 32 section, the president and secretary of the cultural institution must file
 33 with the school corporation an affidavit stating that the cultural
 34 institution meets the following requirements:
- 35 (1) The governing board has adopted a resolution that entitles a
 36 representative of the school corporation to attend and speak at all
 37 meetings of the governing body.
 38 (2) The cultural institution:
 39 (A) admits the public to galleries, museums, and facilities at
 40 reasonable times and allows public use of those facilities free
 41 of charge; or
 42 (B) provides alternative services free of charge to the public



- 1 instead of admission to those facilities.
- 2 The governing body of the school corporation shall judge whether
- 3 the alternative services are conducive to the education or cultural
- 4 development of the public.
- 5 (3) The cultural institution has a permanent location in the
- 6 municipality where the cultural institution conducts the cultural
- 7 institution's principal educational or cultural purpose.
- 8 (4) The cultural institution has no general taxing authority.
- 9 The affidavit must be filed at least thirty (30) days before a request for
- 10 an appropriation under this section.
- 11 (d) A cultural institution that complies with this section may
- 12 continue to receive payments under this section as long as the school
- 13 corporation appropriates sums for that purpose.
- 14 SECTION 660. IC 36-11-9-1, AS AMENDED BY P.L.119-2012,
- 15 SECTION 246, IS AMENDED TO READ AS FOLLOWS
- 16 [EFFECTIVE APRIL 1, 2022]: Sec. 1. (a) Except as provided in
- 17 subsection (b), the governing body may determine and impose rates
- 18 and charges of the district based on the following:
- 19 (1) A flat charge for each system.
- 20 (2) Variable charges based on the capacity of a system.
- 21 (3) Other factors that the governing body determines are
- 22 necessary to establish just and equitable rates and charges.
- 23 (b) In:
- 24 (1) a county having a population of more than four hundred
- 25 thousand (400,000) but less than seven hundred thousand
- 26 (700,000); **Lake County**; and
- 27 (2) a county having a population of more than two hundred fifty
- 28 thousand (250,000) but less than two hundred seventy thousand
- 29 (270,000); **St. Joseph County**;
- 30 rates and charges may be imposed or changed under this chapter only
- 31 after approval by the county legislative body.
- 32 SECTION 661. IC 36-12-1-13, AS AMENDED BY P.L.119-2012,
- 33 SECTION 247, IS AMENDED TO READ AS FOLLOWS
- 34 [EFFECTIVE APRIL 1, 2022]: Sec. 13. A township trustee of a
- 35 township that is:
- 36 (1) located in a **Adams County**; ~~having a population of more than~~
- 37 ~~thirty-four thousand three hundred (34,300) but less than~~
- 38 ~~thirty-five thousand (35,000); and~~
- 39 (2) not served by a public library;
- 40 may pay the cost of a library card at the nearest library for a resident of
- 41 the township upon request of the resident.
- 42 SECTION 662. IC 36-12-2-11, AS AMENDED BY P.L.119-2012,



1 SECTION 248, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE APRIL 1, 2022]: Sec. 11. (a) This section applies to the
 3 appointment of members to the library board of a public library serving
 4 a library district that is located in one (1) county and:

- 5 (1) has been established by a county or merged into a county
 6 public library;
 7 (2) results from the merger of a public library into a county public
 8 library under IC 36-12-4;
 9 (3) is located in part or all of two (2) or more townships and is not
 10 entirely located within the boundaries of one (1) municipality; or
 11 (4) is located in part or all of two (2) or more municipalities.

12 (b) Subject to subsection (c), in a public library described in
 13 subsection (a), the appointments under section 9(4) and 9(5) of this
 14 chapter shall be made as follows:

- 15 (1) One (1) member appointed by the executive of the county in
 16 which the library district is located.
 17 (2) One (1) member appointed by the fiscal body of the county in
 18 which the library district is located.

19 (c) This subsection applies to a **Madison** County ~~containing only~~
 20 ~~two (2) Class 1 public libraries and having a population of more than~~
 21 ~~one hundred twenty-five thousand (125,000) but less than one hundred~~
 22 ~~thirty-five thousand (135,000); or and more than one hundred fifty~~
 23 ~~thousand (150,000) but less than one hundred seventy thousand~~
 24 ~~(170,000); and Porter County.~~ In a public library that is the result of
 25 a merger occurring after December 31, 1979, between a public library
 26 and a county contractual public library, the appointments under section
 27 9(4) and 9(5) of this chapter shall be made as follows:

- 28 (1) One (1) member appointed by the executive of the
 29 municipality in which the principal administrative offices of the
 30 public library are located.
 31 (2) One (1) member appointed by the legislative body of the
 32 municipality in which the principal administrative offices of the
 33 public library are located.

34 SECTION 663. IC 36-12-2-15, AS AMENDED BY P.L.119-2012,
 35 SECTION 249, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE APRIL 1, 2022]: Sec. 15. (a) This section applies to the
 37 library board of a library district:

- 38 (1) located in a **Hancock** County; ~~having a population of more~~
 39 ~~than seventy thousand (70,000) but less than seventy thousand~~
 40 ~~fifty (70,050); and~~
 41 (2) containing all or part of the territory of each school
 42 corporation in the county.



1 (b) Notwithstanding section 9 of this chapter, the library board has
2 the following members:

3 (1) One (1) member appointed by the executive of the county in
4 which the library district is located and who is not a member of
5 the county executive.

6 (2) One (1) member appointed by the fiscal body of the county in
7 which the library district is located and who is not a member of
8 the county fiscal body.

9 (3) One (1) member appointed by the legislative body of the most
10 populous city in the library district and who is not a member of
11 the city legislative body.

12 (4) One (1) member appointed by the school board of each school
13 corporation having territory in the library district and who is not
14 a member of a governing body of a school corporation.

15 (c) An individual who is appointed under subsection (b) to serve as
16 a member of a library board must, before March 1 of each year, report
17 to the member's appointing authority concerning the work of the library
18 board and finances of the library during the preceding calendar year,
19 including the rate of taxation determined under IC 36-12-3-12.

20 SECTION 664. IC 36-12-2-16, AS ADDED BY P.L.1-2005,
21 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 APRIL 1, 2022]: Sec. 16. (a) This section applies to the appointment
23 of members to a library board of a public library serving a library
24 district that is:

25 (1) partly or fully within the boundaries of ~~a~~ **the** consolidated city;
26 and

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

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

30 (1) One (1) member appointed by the board of county
31 commissioners of the county in which the library district is
32 located.

33 (2) One (1) member appointed by the fiscal body of the county in
34 which the library district is located.

35 (3) One (1) member appointed by the board of county
36 commissioners of the county in which the library district is
37 located.

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

41 (5) One (1) member appointed by the board of county
42 commissioners of the county in which the library district is



1 located.

2 (6) One (1) member appointed by the fiscal body of the county in

3 which the library district is located.

4 SECTION 665. IC 36-12-3-8, AS AMENDED BY P.L.119-2012,

5 SECTION 250, IS AMENDED TO READ AS FOLLOWS

6 [EFFECTIVE APRIL 1, 2022]: Sec. 8. (a) This section applies to

7 municipal corporations located in a **Miami** County. ~~having a~~

8 ~~population of more than thirty-five thousand (35,000) but less than~~

9 ~~thirty-seven thousand (37,000).~~

10 (b) A municipal corporation receiving library service under section

11 7 of this chapter shall:

12 (1) levy a tax sufficient to meet the amount of compensation

13 agreed on under the contract; or

14 (2) make the contract payments with revenue derived from a tax

15 being imposed before the contract is approved by the municipal

16 corporation, including the part of local income tax revenue that is

17 not required to be dedicated to providing property tax relief.

18 (c) A library board providing service shall expend all funds received

19 under a contract for library services chargeable to the contract.

20 SECTION 666. IC 36-12-7-8, AS AMENDED BY P.L.119-2012,

21 SECTION 251, IS AMENDED TO READ AS FOLLOWS

22 [EFFECTIVE APRIL 1, 2022]: Sec. 8. (a) As used in this section:

23 (1) "county fiscal body" means the fiscal body of a county in

24 which a private donation library is located;

25 (2) "library board" means a library board established under

26 IC 20-14 (before its repeal) or this article in a county in which a

27 private donation library is located; and

28 (3) "private donation library" means a public library:

29 (A) established by private donation;

30 (B) located in a ~~city having a population of more than one~~

31 ~~hundred ten thousand (110,000) but less than one hundred fifty~~

32 ~~thousand (150,000); the city of Evansville;~~

33 (C) that contains at least twenty-five thousand (25,000)

34 volumes;

35 (D) that has real property valued at at least one hundred

36 thousand dollars (\$100,000); and

37 (E) that is open and free to the residents of the city.

38 (b) The library board shall:

39 (1) levy a tax under IC 6-1.1 in an amount not less than

40 sixty-seven hundredths of one cent (\$0.0067) and not more than

41 one and sixty-seven hundredths cents (\$0.0167) on each one

42 hundred dollars (\$100) of the assessed valuation of all the real



- 1 and personal property in the county;
- 2 (2) keep the tax levied under subdivision (1) separate from all
- 3 other funds of the library board; and
- 4 (3) use the tax levied under subdivision (1):
- 5 (A) if the membership of the trustees of the private donation
- 6 library includes at least one (1) member or appointee of the
- 7 library board and at least one (1) appointee of the county fiscal
- 8 body, for distributions of the full amounts of the tax received to
- 9 the trustees of the private donation library at the time the tax is
- 10 received by the library board; or
- 11 (B) if the membership of the trustees of the private donation
- 12 library does not include at least one (1) member or appointee of
- 13 the library board and at least one (1) appointee of the county
- 14 fiscal body, at the discretion of the library board for:
- 15 (i) library board purposes; or
- 16 (ii) quarterly distributions to the trustees of the private
- 17 donation library.
- 18 (c) If requested by the trustees of the private donation library, the
- 19 library board shall designate a member of the library board or appoint
- 20 an individual to serve as a trustee of the private donation library. If
- 21 requested by the trustees of the private donation library, the county
- 22 fiscal body shall appoint an individual to serve as a trustee of the
- 23 private donation library.
- 24 (d) The trustees of the private donation library shall annually submit
- 25 a budget to the library board.
- 26 (e) The trustees of the private donation library shall expend amounts
- 27 received under subsection (b)(3)(A) or (b)(3)(B)(ii) for the support,
- 28 operation, and maintenance of the private donation library. The trustees
- 29 shall:
- 30 (1) keep the money separate from all other funds;
- 31 (2) record:
- 32 (A) the amount of money received;
- 33 (B) to whom and when the money is paid out; and
- 34 (C) for what purpose the money is used;
- 35 in a book kept by the trustees; and
- 36 (3) make an annual report of the matters referred to in subdivision
- 37 (2) to the library board.
- 38 (f) For purposes of the property tax levy limits under IC 6-1.1-18.5,
- 39 the tax levied by the library board under subsection (b)(1) is not
- 40 included in the calculation of the maximum permissible property tax
- 41 levy for the public library.
- 42 **SECTION 667. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1401, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1401 as introduced.)

TORR

Committee Vote: Yeas 7, Nays 4

