

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 2017 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 269

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AN ACT to amend the Indiana Code concerning state and local government.

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

SECTION 1. IC 8-6-7.7-3.3, AS AMENDED BY P.L.198-2016, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3.3. ~~(a)~~ If a unit denies a petition to close a crossing under section 3.2 of this chapter, the Indiana department of transportation ~~may~~ **shall** schedule an appeal on the denial of the petition as set forth in ~~this section: IC 4-21.5~~ **If the Indiana department of transportation does not schedule an appeal on the denial of a petition within sixty (60) days after the petition is denied. the Indiana department of transportation is considered to have decided not to schedule an appeal on the denial of the petition. The decision to schedule or not schedule an appeal is subject to review under IC 4-21.5.**

(b) If the Indiana department of transportation after reviewing the findings of the local unit on the petition determines that:

- (1) the crossing meets the criteria for closure; opening; or denial of a closure; adopted by the Indiana department of transportation under section 3.1 of this chapter; and
- (2) a compelling reason has been shown for the crossing to remain open;

~~the Indiana department of transportation shall issue written findings that the crossing may remain open.~~



(c) If the Indiana department of transportation after reviewing the findings of the local unit on the petition determines that:

- (1) the crossing meets the criteria for closure adopted by the Indiana department of transportation under section 3.1 of this chapter; and
- (2) a compelling reason has not been shown for the crossing to remain open;

the Indiana department of transportation shall issue an order abolishing the crossing under section 3 of this chapter.

SECTION 2. IC 8-23-31 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:

**Chapter 31. Notice of Department Actions**

**Sec. 1. (a) As used in this chapter, "department action" means one (1) or more of the following:**

- (1) Detour creation or implementation.**
- (2) Planned bridge repair.**
- (3) Planned road repair.**

**(b) As used in this chapter, "local news media organization" means any entity or organization that:**

- (1) broadcasts local news on television, radio, or the Internet;**  
or
- (2) distributes, prints, or publishes written local news.**

**(c) Beginning on January 1 of every year, the department shall release a contract let list to at least one (1) local news media organization every one hundred eighty (180) days. The contract let list described in this subsection must list all of the department's scheduled construction projects in the local transportation district for the one hundred eighty (180) day period and the projected letting date for each of the listed construction projects.**

**Sec. 2. The department shall consider the following when determining when to let a contract involving a department action:**

- (1) The impact of the scheduled department action on local commerce.**
- (2) The impact of the scheduled department action on local residents.**
- (3) The impact of the scheduled department action on local tourism.**

**Sec. 3. Notwithstanding any other law or provision, the department shall make a good faith effort to:**

- (1) use the least disruptive timing when determining when to let a contract involving a department action; and**



**(2) use the least restrictive means when implementing or performing a scheduled department action.**

SECTION 3. IC 13-11-2-90, AS AMENDED BY P.L.78-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 90. (a) "Governmental entity", for purposes of IC 13-18-3 and IC 13-25-6, means the state or a political subdivision.

**(b) "Governmental entity", as used in IC 13-26, means a political subdivision (as defined in IC 36-1-2-13).**

SECTION 4. IC 13-26-2-6, AS AMENDED BY P.L.263-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) Except as provided in section 9 of this chapter, the hearing officer shall fix a time and place inside or within ten (10) miles of the proposed district for the hearing on any matter for which a hearing is authorized under this chapter.

(b) The hearing officer shall make a reasonable effort to provide notice of the hearing as follows:

(1) By publication of notice two (2) times each week for two (2) consecutive weeks in at least two (2) newspapers of general circulation in each of the counties, in whole or in part, in the district. The publication of notice must, at a minimum, include a legal notice and a prominently displayed three (3) inches by five (5) inches advertisement.

(2) By United States mail sent at least two (2) weeks before the hearing to the following:

(A) The fiscal and executive bodies of each county with territory in the proposed district.

(B) The executive of all other eligible entities with territory in the proposed district, **including the executive of a city or town that has:**

**(i) a municipal sewage works under IC 36-9-23; or**

**(ii) a public sanitation department under IC 36-9-25; having extraterritorial jurisdiction within the boundaries of the area to be included in the proposed district.**

(C) The state and any of its agencies owning, controlling, or leasing land within the proposed district, excluding highways and public thoroughfares owned or controlled by the Indiana department of transportation.

(D) Each sewage disposal company holding a certificate of territorial authority under IC 8-1-2-89 respecting territory in the proposed district.

(3) By making a reasonable effort to provide notice of the hearing by regular United States mail, postage prepaid, mailed at least two



(2) weeks before the hearing to each freeholder within the proposed district.

(4) By including the date on which the hearing is to be held and a brief description of:

(A) the subject of the petition, including a description of the general boundaries of the area to be included in the proposed district; and

(B) the locations where copies of the petition are available for viewing.

SECTION 5. IC 13-26-8-4, AS AMENDED BY P.L.292-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) This section applies to the addition of territory to a regional sewage or solid waste district other than at the request of an eligible entity described in section 1 of this chapter. This section does not apply to a regional water district.

(b) To add territory to a district already established, the board **of the district** must file with the department a motion adopted by the board requesting the addition of territory to the district. **If the motion is for the addition of territory to a regional sewage district, the board, not later than ten (10) days after filing the motion with the department, must also file a copy of the motion in the office of:**

**(1) the executive of each governmental entity having territory within the territory proposed to be added to the regional sewage district; and**

**(2) the executive of a city or town having:**

**(A) a municipal sewage works under IC 36-9-23; or**

**(B) a public sanitation department under IC 36-9-25;**

**if the territory proposed to be added to the regional sewage district includes territory within the extraterritorial jurisdiction of the municipal sewage works or public sanitation department.**

(c) Except as provided under subsections (d) and (e), if a motion is filed with the department under subsection (b):

(1) the same procedure must be used to add territory to the district as is provided for the establishment of a district under IC 13-26-2; and

(2) the department shall proceed in the same manner that is set forth in IC 13-26-2, IC 13-26-4, IC 13-26-6, and IC 13-26-7.

(d) Not more than one hundred eighty (180) days after the date a motion is filed with the department under subsection (b) to add territory to a district already established, if a petition is filed with the department that is signed by a majority of the freeholders within the



area proposed to be added and indicating that the freeholders are opposed to the addition of the area by the district:

- (1) the department may not proceed under subsection (c); and
- (2) the territory may not be added to the district.

(e) For purposes of subsection (c):

(1) the commissioner is not required to appoint a hearing officer under IC 13-26-2-5;

(2) the board shall:

(A) provide the notice of; and

(B) conduct;

the hearing required under IC 13-26-2-6; and

(3) instead of making findings and recommendations under IC 13-26-2-8, the board shall submit documentary evidence to the commissioner to prove the:

(A) notice was provided; and

(B) hearing was conducted;

by the board as required under subdivision (2).



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

