

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE ENROLLED ACT No. 535

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 8-1.5-6-2, AS ADDED BY P.L.213-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. As used in this chapter, "regulated territory" means the area outside the corporate boundaries of a municipality described in:

- (1) IC 36-9-2-18;
- (2) ~~IC 36-9-2-19~~; or
- (3) (2) IC 36-9-23-36.

SECTION 2. IC 8-22-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) The board of an eligible entity:

- (1) may exercise the power of eminent domain for the purpose of carrying out this chapter;
- (2) may award damages to landowners for real property rights appropriated; and
- (3) if the board cannot agree with the owners, lessees, or occupants of real property selected by the board for the purposes in this chapter, may procure the condemnation of the property.

The board may proceed under IC 32-24-1. IC 32-24-1 applies to airports, landing fields, and restricted zones adjoining them to the extent that it is not inconsistent with this chapter.

(b) This subsection applies only to a municipality. A board may exercise the power of eminent domain under this section within



four (4) miles outside of the municipality's corporate boundaries. However, with regard to an airport in existence on January 1, 2019, the board may exercise the power of eminent domain to acquire land contiguous to the airport that is located more than four (4) miles from the corporate boundaries of the municipality.

(b) (c) If the land on or across which it is necessary to establish and fix a restricted zone is already in use for another public purpose or has been condemned or appropriated for a use authorized by statute, and is being used for that purpose by the corporation so appropriating it, the public use or prior condemnation does not bar the right of the board to condemn the use of the ground for aviation purposes. Use by the board does not permanently prevent the use of the land for the prior public use or by the corporation condemning or appropriating it.

(e) (d) In a proceeding prosecuted by the board to condemn the use of land for purposes permitted by this chapter, the burden is upon the board to show that its use will not permanently or seriously interfere with the continued public use of the land or by the corporation condemning it, or its successors. However, in the proceeding, the board may require the removal or the burying beneath the surface of the ground of wires, cables, power lines, or other structures within a restricted zone established under this chapter. In a proceeding prosecuted by the board to condemn or appropriate land, the use of land, or rights in land for purposes permitted by this chapter:

(1) the board and all owners and holders of property or rights in property sought to be taken are governed by and have the same rights to procedure, notices, hearings, assessments, and payments of benefits and awards as are prescribed by statute for the appropriation and condemnation of real property; and

(2) the property owners have like powers and rights of remonstrance and of appeals to the circuit or superior court in the county in which the entity is located.

Appeals affect only the amount of the assessment of awards of the person appealing and must conform to all laws relating to appeals. The payment of all damages awarded for all lands, property, or rights in them appropriated under this chapter shall be paid entirely out of the funds under the control of the board.

(f) (e) Notwithstanding this or any other statute or any charter, the eligible entity may take possession of the property to be acquired at any time after the filing of the petition describing the property in condemnation proceedings. It is not precluded from abandoning the condemnation of the property in any case where possession has not been taken. The board:

(1) may acquire and use any land reasonably necessary for the purposes of this chapter; and



(2) may not acquire or use land that is still being used and is necessary for the purposes for which it was previously condemned.

SECTION 3. IC 8-22-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. (a) The board:

- (1) may exercise the power of eminent domain to carry out this chapter;
- (2) may award damages to landowners for real estate and property rights appropriated; and
- (3) if the board cannot agree with the owners, lessees, or occupants of real estate selected by the board for the purposes in this chapter, may procure the condemnation of the property.

The board may proceed under IC 32-24-1. IC 32-24-1 applies to airports, landing fields, and restricted zones adjoining them to the extent that it is not inconsistent with this chapter.

(b) This subsection applies only to a municipality. A board may exercise the power of eminent domain under this section within four (4) miles outside of the municipality's corporate boundaries. However, with regard to an airport in existence on January 1, 2019, the board may exercise the power of eminent domain to acquire land contiguous to the airport that is located more than four (4) miles from the corporate boundaries of the municipality.

(c) If the land on and across which it is necessary to establish and fix a restricted zone is already in use for another public purpose or has been condemned or appropriated for a use authorized by statute, and is being used for that purpose by the corporation so appropriating it, the public use or prior condemnation does not bar the right of the board to condemn the use of ground for aviation purposes. Use by the board does not permanently prevent the use of the land for the prior public use or by the corporation condemning or appropriating it.

(d) In a proceeding prosecuted by the board to condemn the use of land for purposes permitted by this chapter, the burden is upon the board to show that its use will not permanently or seriously interfere with the continued public use of the land or by the corporation condemning it, or its successors. However, in the proceeding the board may require the removal or the burying beneath the surface of the ground of wires, cables, power lines, or other structures within a restricted zone established under this chapter.

(e) The board may not take or disturb property or facilities belonging to a public utility or common carrier engaged in interstate commerce if the property or facilities are required for the proper and convenient operation of the utility or carrier, unless provision is made for the restoration, relocation, or duplication of the property or facilities elsewhere, at the sole cost of the board.



SECTION 4. IC 36-1-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A unit may acquire by eminent domain or other means, and own interests in real and personal property.

(b) **A municipality may exercise the powers in subsection (a), except for the power of eminent domain, within four (4) miles outside of its corporate boundaries. A municipality may not exercise the power of eminent domain outside of its corporate boundaries, unless a statute expressly provides otherwise.**

SECTION 5. IC 36-1-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. A unit may use, improve, develop, insure, protect, maintain, lease, and dispose of its interests in property. **A municipality may exercise the powers granted in this section within four (4) miles outside of its corporate boundaries.**

SECTION 6. IC 36-1-4-18 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 18. **A municipality may exercise powers granted by sections 5 and 6 of this chapter in areas within four (4) miles outside its corporate boundaries.**

SECTION 7. IC 36-7-4-205, AS AMENDED BY P.L.207-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 205. (a) ADVISORY. A municipal plan commission shall adopt a comprehensive plan, as provided for under the 500 series of the advisory planning law, for the development of the municipality.

(b) **ADVISORY. For comprehensive plans that were initially adopted before July 1, 2019, if the municipal plan commission provided in its comprehensive plan for the development of a contiguous unincorporated area that is outside the corporate boundaries of the municipality, the municipal plan commission may continue to exercise territorial jurisdiction over that area unless the jurisdiction of the municipal plan commission is terminated by the affected county as provided in subsection (i).**

(c) **ADVISORY. For comprehensive plans that are initially adopted after July 1, 1999, June 30, 2019, the following provisions apply:**

(1) **If the municipality is located in a county that has not adopted a comprehensive plan and ordinance covering the contiguous unincorporated area and (f) the municipality provides is providing municipal services to the contiguous unincorporated area, or the municipal plan commission may exercise territorial jurisdiction over that area by filing the notices required by subsections (f) and (j).**

(2) **If the municipality is located in a county that has adopted a comprehensive plan and ordinance covering the contiguous**



unincorporated area, the municipal plan commission **may exercise territorial jurisdiction over that area only if it obtains the approval of the county legislative body of each affected county under subsection (h).**

(d) ADVISORY. To exercise territorial jurisdiction outside the corporate boundaries of the municipality, the municipal plan commission **may** **must** provide in the comprehensive plan **(regardless of the date the plan is adopted)** for the development of the contiguous unincorporated area, designated by the commission, **that is outside the corporate boundaries of the municipality; and** that, in the judgment of the commission, bears reasonable relation to the development of the municipality. For purposes of this section, participation of a municipality in a fire protection territory established under IC 36-8-19 that includes unincorporated areas contiguous to the municipality may not be treated as providing municipal services to the contiguous unincorporated areas.

(e) ADVISORY. Except as limited by the boundaries of unincorporated areas subject to the jurisdiction of other municipal plan commissions, an area designated under this section may include any part of the contiguous unincorporated area within two (2) miles from the corporate boundaries of the municipality. However, the following applies to the designation of an area under this section:

(1) If the corporate boundaries of the municipality or the boundaries of that contiguous unincorporated area include any part of the public waters or shoreline of a lake (which lies wholly within Indiana), the designated area may also include:

- (A) any part of those public waters and shoreline of the lake; and
- (B) any land area within two thousand five hundred (2,500) feet from that shoreline.

(2) This subdivision applies to a municipality that annexes noncontiguous territory under IC 36-4-3-4(a)(2) or IC 36-4-3-4(a)(3). The boundaries of the noncontiguous territory (including territory that is enlarged under ~~subdivision~~ IC 36-4-3-4(a)(2)(B) for the use of the wastewater treatment facility or water treatment facility) may not be considered a part of the corporate boundaries of the municipality for purposes of designating an area under this section.

(f) ADVISORY. Before exercising their rights, powers, and duties of the advisory planning law with respect to an area designated under this section, a municipal plan commission must file, with the recorder of the county in which the municipality is located, a description or map defining the limits of that area. If the commission revises the limits, it shall file, with the recorder, a revised description



or map defining those revised limits.

(d) (g) ADVISORY. If any part of the contiguous unincorporated area within the potential jurisdiction of a municipal plan commission is also within the potential jurisdiction of another municipal plan commission, the first municipal plan commission may exercise territorial jurisdiction over that part of the area within the potential jurisdiction of both municipal plan commissions that equals the product obtained by multiplying a fraction, the numerator of which is the area within the corporate boundaries of that municipality and the denominator of which is the total area within the corporate boundaries of both municipalities times the area within the potential jurisdiction of both municipal plan commissions. Furthermore, this commission may exercise territorial jurisdiction within those boundaries, enclosing an area reasonably compact and regular in shape, that the municipal plan commission first acting designates.

(e) (h) ADVISORY. If the legislative body of a county adopts a comprehensive plan and ordinance **after June 30, 2019**, covering the unincorporated areas of the county, a municipal plan commission may not exercise jurisdiction, as provided in this section, over any part of that unincorporated area unless it is authorized by ordinance of the legislative body of the county. This ordinance may be initiated by the county legislative body or by petition duly signed and presented to the county auditor by:

- (1) not less than fifty (50) property owners residing in the area involved in the petition;
- (2) the county plan commission; or
- (3) the municipal plan commission.

Before final action on the ordinance by the county legislative body, the county plan commission must hold an advertised public hearing as required for other actions of the county plan commission under the advisory planning law. Upon the passage of the ordinance by the county legislative body and the subsequent acceptance of jurisdiction by the municipal plan commission, the municipal plan commission shall exercise the same rights, powers, and duties conferred in this section exclusively with respect to the contiguous unincorporated area.

(i) ADVISORY. The jurisdiction of a municipal plan commission, as authorized under this ~~subsection, section~~, may be terminated by ordinance at the discretion of the legislative body of the county, but only if the county has adopted a comprehensive plan for that area that is as comprehensive in scope and subject matter as that in effect by municipal ordinance.

(f) (j) ADVISORY. Each municipal plan commission in a municipality located in a county ~~having~~:

- (1) a population of less than ninety-five thousand (95,000); and



(2) a county plan commission

that has **not** adopted, in accord with the advisory planning law, a comprehensive plan and ordinance covering the unincorporated areas of the county may, at any time, after filing notice with the county recorder and the county plan commission, **legislative body**, exercise or reject territorial jurisdiction over any part of the area within two (2) miles of the corporate boundaries of that municipality and within that county, whether or not that commission has previously exercised that jurisdiction, if the municipality is providing municipal services to the area. ~~Within sixty (60) days after receipt of that notice, the county plan commission and the county legislative body shall have the county comprehensive plan and ordinance revised to reflect the decision of the municipal plan commission exercising the option provided for in this subsection. If the municipality is not providing municipal services to the area, the municipal plan commission must obtain the approval of the county legislative body of each affected county before exercising jurisdiction.~~

(g) (k) AREA. Wherever in the area planning law authority is conferred to establish a comprehensive plan or an ordinance for its enforcement, the authority applies everywhere:

- (1) within the county that is outside the municipalities; and
- (2) within each participating municipality.

(h) (l) ADVISORY—AREA. Whenever a new town is incorporated in a county having a county plan commission or an area plan commission, that plan commission and its board of zoning appeals shall continue to exercise territorial jurisdiction within the town until the effective date of a town ordinance:

- (1) establishing an advisory plan commission under section 202(a) of this chapter; or
- (2) adopting the area planning law under section 202(b) or 204 of this chapter.

Beginning on that effective date, the planning and zoning functions of the town shall be exercised under the advisory planning law or area planning law, as the case may be.

SECTION 8. IC 36-8-2-5 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A unit may **do the following**:

- (1) Provide medical care or other health and community services to persons. ~~and may~~
- (2) Impose restrictions upon persons or animals that might cause other persons or animals to be injured or contract diseases.
- (3) ~~A unit may also~~ Establish, aid, maintain, and operate hospitals.

(b) A municipality may exercise powers granted by subsection (a)(1) and (a)(3) in areas within four (4) miles outside its corporate



boundaries.

SECTION 9. IC 36-8-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. **(a)** A unit may:

- (1)** capture and destroy animals if necessary; and ~~may~~
- (2)** establish, maintain, and operate animal shelters.

(b) A municipality may exercise the powers in subsection (a)(2) within four (4) miles outside its corporate boundaries.

SECTION 10. IC 36-8-2-13 IS REPEALED [EFFECTIVE JULY 1, 2019]. See. ~~13~~. A municipality may exercise powers granted by sections 4, 5 and 6 of this chapter in areas within four (4) miles outside its corporate boundaries.

SECTION 11. IC 36-8-2-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 14. (a) The repeal of section 13 of this chapter does not operate to void an ordinance or resolution adopted by a municipality before January 1, 2019, that exercises a power:**

- (1) under the sole authority of section 4 of this chapter; and**
- (2) within the four (4) mile area outside the municipality's boundaries under the authority of section 13 of this chapter (before its repeal).**

(b) The validity of an ordinance or resolution described in subsection (a) may be challenged in a legal proceeding by an aggrieved party.

(c) The repeal of section 13 of this chapter operates to void an ordinance or resolution adopted by a municipality after December 31, 2018, that exercises a power under the sole authority of section 4 of this chapter.

SECTION 12. IC 36-8-2-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 15. The repeal of section 13 of this chapter operates to void an ordinance or resolution adopted by a municipality before July 1, 2019, that exercises a power:**

- (1) under the sole authority of:**
 - (A) section 5(a)(2) of this chapter;**
 - (B) section 6(a)(1) of this chapter; or**
 - (C) both section 5(a)(2) of this chapter and section 6(a)(1) of this chapter; and**
- (2) within the four (4) mile area outside the municipality's boundaries under the authority of section 13 of this chapter (before its repeal).**

SECTION 13. IC 36-9-2-19 IS REPEALED [EFFECTIVE JULY 1, 2019]. See. ~~19~~. A municipality may exercise powers granted by sections 9, 10, 11, 12, and ~~13~~ of this chapter in areas within ten (10) miles outside its corporate boundaries.

SECTION 14. IC 36-9-2-20 IS ADDED TO THE INDIANA CODE



AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 20. (a) Except as provided in subsection (c), the repeal of section 19 of this chapter operates to void an ordinance or resolution adopted by a municipality before July 1, 2019, that exercises a power:

- (1) under the sole authority of:
 - (A) section 9 of this chapter;
 - (B) section 10 of this chapter;
 - (C) section 11 of this chapter;
 - (D) section 12 of this chapter;
 - (E) section 13 of this chapter; or
 - (F) any combination of the statutes listed in clauses (A) through (E); and
- (2) within the ten (10) mile area outside the municipality's boundaries under the authority of section 19 of this chapter (before its repeal).

(b) The repeal of section 19 of this chapter does not prohibit a municipality's ability to take water from a watercourse within the ten (10) mile area outside the municipality's corporate boundaries.

(c) The repeal of section 19 of this chapter does not:

- (1) prohibit or affect a municipality's authority to exercise a power under section 9, 10, 11, 12, or 13 of this chapter with regard to a watercourse within a municipal park:
 - (A) located within the ten (10) mile area outside the municipality's boundaries; and
 - (B) that is owned or operated by the municipality pursuant to a lease agreement in effect on June 30, 2019; or
- (2) void an ordinance or resolution adopted under the authority of section 9, 10, 11, 12, or 13 of this chapter with regard to a watercourse described in subdivision (1).

SECTION 15. IC 36-10-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) Except as provided in subsection (b), a municipality may exercise powers granted by sections 2, 4, and 5 of this chapter in areas within four (4) miles outside its corporate boundaries.

(b) A municipality may exercise the powers granted under sections 2 and 3 of this chapter with regard to a municipal park:

- (1) located within the ten (10) mile area outside the municipality's boundaries; and
- (2) that is owned or operated by the municipality pursuant to a lease agreement in effect on June 30, 2019.

SECTION 16. IC 36-10-4-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 21. (a) The board may exercise the power of eminent domain for the purposes of this chapter:



- (1) within the corporate boundaries of the city; and
- (2) **before July 1, 2019**, outside of the city within:
 - (A) ten (10) miles; or
 - (B) five (5) miles if the city adopted this chapter by ordinance under IC 19-7-9 (before its repeal on September 1, 1981);

of the corporate boundaries of the city and within the county in which the city is located. ~~for the purposes of this chapter~~: The board may award damages to landowners for real property and property rights appropriated or injuriously affected and assess benefits to property beneficially affected. If the board cannot agree with the owners, lessees, or occupants of any real property selected by the board for the purposes of this chapter, the board may condemn the property as provided in this chapter, and, when not inconsistent with this chapter, may proceed under statutes governing the condemnation of land and rights-of-way for other public purposes.

(b) If the land or surface of the ground on, over, or across which it is necessary or advisable to establish, construct, or improve a boulevard, parkway, or pleasure driveway is already in use for another public purpose or has been condemned or appropriated for a use authorized by statute and is being used for that purpose by the entity appropriating it, the public use or prior condemnation does not bar the board from condemning the use of the ground for park purposes. However, the use by the board does not permanently prevent the use of the land or the surface of the ground for the prior public use or by the entity condemning or appropriating it. In a proceeding prosecuted by the board to condemn the use of land or the surface of the ground for purposes permitted by this chapter, the board must show that its proposed use will not permanently or seriously interfere with the continued use of the land or the surface of the ground.

SECTION 17. IC 36-10-5-2, AS AMENDED BY P.L.119-2012, SECTION 238, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) This section applies to:

- (1) third class cities and towns, unless otherwise provided by law; and
- (2) each second class city that:
 - (A) adopted second class city status by ordinance under IC 36-4-1-1.1, as a result of the 2010 federal decennial census; and
 - (B) has adopted all or part of this section by ordinance or resolution.

(b) As used in this section, "park authority" means:

- (1) the municipal legislative body; or
- (2) any of the following designated by the legislative body as the park authority:



- (A) The governing body of the school corporation.
- (B) A recreation board.
- (C) The municipal works board.
- (D) Any other appropriate board or commission.

(c) If a recreation board is established under subsection (b)(2)(B), it must consist of five (5) resident freeholders appointed by the city executive or the town legislative body. At least one (1) member must be a member of the governing body of the school corporation and no members may serve on the municipal legislative body. All members must be qualified by an interest in and knowledge of the social and educational value of recreation. The members serve without compensation. The members shall be appointed for four (4) year terms from January 1 of the year of their appointment or until their successors are appointed. The initial terms of board members, however, are as follows:

- (1) One (1) for a term of one (1) year.
- (2) One (1) for a term of two (2) years.
- (3) One (1) for a term of three (3) years.
- (4) Two (2) for terms of four (4) years.

A vacancy shall be filled by the appointing authority for the remainder of the unexpired term.

(d) The park authority shall manage all public parks, including approaches, that belong to the municipality.

(e) If a municipality decides, by ordinance, to establish, lay out, or improve a public park or grounds, or to make an extension of a park or grounds, it may locate the park or grounds, including appurtenances, and it may lay out and open the public ways necessary for the improvement. If it is necessary to acquire land, water rights, or easements, or a pool, lake, or natural stream of water, the park authority may condemn that property and take possession of it if it is located within **five (5) miles the corporate boundaries** of the municipality. Before the park authority condemns the property, it shall assess the damages to the owners of the property at a meeting of the authority. Additional condemnation proceedings are the same as those provided for the taking of property to open streets.

(f) The park authority may adopt rules concerning the laying out, improvement, preservation, ornamentation, and management of parks. The park authority shall allow monuments or buildings for libraries, works of art, or historical collections to be erected in a park, as long as they are under the control of the persons in charge of the park and no inclosure separates them from the rest of the park.

(g) The legislative body of the municipality may also levy a tax on all taxable property in the municipality to pay for park property and for its improvement. The legislative body may also borrow money and



issue the bonds of the municipality at any rate of interest payable annually or semiannually and may sell them for at least par value. The money derived from the sale of bonds may be used only for the purchase or improvement of parks. The legislative body shall annually levy a tax sufficient to pay the interest on the debt on all taxable property in the municipality to create a sinking fund for the liquidation of the principal of the debt.

(h) If the park authority of a city decides to lease any buildings or grounds belonging to the city and located in a public park when they are not required for public use, the proceeds shall be deposited with the city fiscal officer to the credit of park funds and devoted to the improvement of public parks.

(i) Any nonreverting fund that was created under IC 19-7-6 (before its repeal on September 1, 1981) continues until abolished by ordinance of the municipal legislative body. The legislative body may include in the park authority's annual budget an item and an appropriation for the specific purposes of a nonreverting capital fund. Money put in the fund may not be withdrawn except for the purposes for which the fund was created, unless the legislative body repeals the ordinance creating the fund. The repeal may not be made under suspension of the rules. Money procured from fees shall be deposited at least once each month with the municipal fiscal officer. The fiscal officer shall deposit the money either in a special nonreverting operating fund or in the nonreverting capital fund as directed by the park authority. The legislative body may provide by ordinance that expenditures may be made from the special nonreverting operating fund without appropriation. Money from fees procured from golf courses, swimming pools, skating rinks, or other similar facilities requiring major expenditures for management and maintenance may not be deposited in this fund. Money from either fund shall be disbursed only on approved claims that are allowed and signed in the same manner as other claims of the municipality are allowed and signed.

SECTION 18. [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)] (a) This SECTION applies only to a municipality that exercises the power of eminent domain in the area outside of its corporate boundaries under the sole authority of:

- (1) IC 36-1-4-5 (before its amendment July 1, 2019);
- (2) IC 36-1-4-18 (before its repeal July 1, 2019);
- (3) IC 36-10-4-21 (before its amendment July 1, 2019); or
- (4) IC 36-10-5-2 (before its amendment July 1, 2019).

(b) The repeal or amendment by this act of the statutes listed in subsection (a) does not affect a municipality's exercise of the power of eminent domain to acquire property outside its corporate



boundaries if:

- (1) the works board of the municipality has adopted a resolution under IC 32-24-2-6; or**
- (2) the municipality filed a complaint under IC 32-24-1 after the property owner rejected the municipality's acquisition offer and the court has appointed appraisers under IC 32-24-1-8;**

not later than January 1, 2019.

(c) This SECTION expires January 1, 2021.

SECTION 19. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 535 — CC 1

