



Reprinted
February 25, 2010

ENGROSSED HOUSE BILL No. 1030

DIGEST OF HB 1030 (Updated February 24, 2010 3:03 pm - DI 102)

Citations Affected: IC 2-1; IC 2-5.5; IC 3-5; IC 3-8; IC 3-10; IC 3-11; IC 6-1.1; IC 13-11; IC 20-23; IC 20-25; IC 33-33; IC 33-34; IC 36-1; IC 36-1.5; IC 36-2; IC 36-3; IC 36-4; IC 36-5; IC 36-6; IC 36-8; IC 36-9; IC 36-12.

Synopsis: Local government reorganization. Specifies that a reorganization committee acting under the local government reorganization statutes must include in its reorganization plan submitted to a political subdivision after June 30, 2010, a statement regarding: (1) whether a fiscal impact analysis concerning the proposed reorganization has been prepared by or on behalf of the reorganization committee; and (2) whether a fiscal impact analysis concerning the
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Effective: Upon passage; January 1, 2010 (retroactive); July 1, 2010; January 1, 2011.

Riecken, Barnes, Steuerwald

(SENATE SPONSORS — LAWSON C, DEIG, LANANE, RANDOLPH,
YOUNG R)

January 5, 2010, read first time and referred to Committee on Government and Regulatory Reform.

January 12, 2010, amended, reported — Do Pass.

January 14, 2010, read second time, ordered engrossed. Engrossed.

January 19, 2010, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 1, 2010, read first time and referred to Committee on Local Government.

February 11, 2010, amended, reported favorably — Do Pass.

February 18, 2010, read second time, amended, ordered engrossed.

February 19, 2010, engrossed.

February 22, 2010, returned to second reading.

February 24, 2010, re-read second time, amended, ordered engrossed.

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proposed reorganization has been made available to the public. Provides that in the case of a plan of reorganization submitted to a political subdivision after June 30, 2010, the political subdivision shall post a copy of the plan of reorganization on an Internet web site maintained or authorized by the political subdivision not more than 30 days after receiving the plan of reorganization. Provides that officers for a reorganized political subdivision that results from a reorganization including a county and at least one municipality shall be elected at the next general election after the voters approve the reorganization. Specifies that the public question on a proposed reorganization shall be placed on the ballot on the first regularly scheduled general election or municipal election (excluding any primary elections) that will occur in all of the precincts of the reorganizing political subdivisions. Provides that if a statute is enacted allowing a county to reorganize the county executive body, county legislative body, or county fiscal body and if: (1) a plan of reorganization is not prepared, notice must be published that includes a statement indicating whether a fiscal impact analysis has been prepared or not prepared and whether the fiscal impact analysis has been made available or has not been made available to the public; or (2) a plan of reorganization is prepared, the plan of reorganization must include a statement indicating whether a fiscal impact analysis has been prepared or not prepared and whether the fiscal impact analysis has been made available or has not been made available to the public. Provides that in counties other than Marion County, the county executive may adopt an ordinance providing that the voters of the county shall elect a single county chief executive officer to serve as the county executive and a county council that has the legislative and fiscal powers and duties of the county. Provides that such an ordinance to change the structure of county government may be adopted only during an odd-numbered year or before July 1 of an even-numbered year. Specifies that an ordinance providing for a single elected county executive officer must be approved by a unanimous vote of all the elected members of the county executive. Provides that in a county with a single county chief executive officer: (1) the initial county chief executive officer is elected in the second general election after the ordinance to change the structure of county government is approved; (2) the board of county commissioners is abolished; and (3) the membership of the county council continues under existing law. Provides that in a county that has a chief executive officer, the number of registered voters equal to 2% of the votes cast in the last election for secretary of state in the county may petition the county council to adopt an ordinance requiring the election of a board of commissioners (instead of a single county chief executive officer) to serve as the: (1) county executive if the county is Lake or St. Joseph County; or (2) the county executive and legislative body in any other county (except Marion County). Places city offices on the primary and general election ballots before (rather than after) township offices. Provides that an employee of a political subdivision is considered to have resigned from employment with the political subdivision if the employee assumes the elected executive office of the political subdivision or becomes an elected member of the political subdivision's legislative or fiscal body. Specifies that the restriction applies to an employee of a political subdivision who assumes an elected office after January 1, 2011, but provides that the restriction does not apply to an employee of a political subdivision who holds elective office on January 1, 2011, as long as the individual continues to hold or be reelected to that office. Provides that the restriction does not prohibit an employee of a political subdivision from holding an elected office of a political subdivision other than the political subdivision that employs the government employee. Prohibits a relative of an officer or employee of a political subdivision from being employed by the political subdivision in a position that would put the relative in a direct supervisory or subordinate relationship with the

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officer or employee. Specifies that an employee of a political subdivision is not required by these provisions to be terminated or reassigned from any position held by that individual before July 1, 2010, but provides that this grandfathering provision expires January 1, 2015. Provides that a political subdivision may not enter into or renew certain contracts. Provides for the adjustment of maximum property tax levies after the consolidation of fire departments in Marion County. Provides that the property tax levy limits do not apply to property taxes imposed by the consolidated city to pay indebtedness assumed or paid under a consolidation of fire departments in Marion County. Specifies that not more than four years after the consolidation of a fire department in Marion County, the consolidated city may levy a tax above the tax rate set for the consolidated fire department in the township as necessary to phase out that township's borrowing for fire and emergency services and any other emergency or temporary loans by the township for fire and emergency services. Requires constables and deputy constables to file an annual statement of economic interests with the commission on judicial qualifications. Provides that a building authority in Marion County must submit its operating and maintenance budget and tax levy to the city-county council for approval. Establishes the use of vote centers as an option for all counties. Requires the county election board (board) to adopt an order designating a county a vote center county, adopt a plan to administer the vote centers, and file the order and the plan with the election division. Requires the board to accept and consider public comment before adopting an order designating the county as a vote center county. Provides that designation of a county as a vote center county remains in effect until the board rescinds the order designating the county as a vote center county and files a copy of the rescission with the election division. Provides that an electronic poll list must be programmed so that access to the list requires the coordinated action of two precinct election officials who are not members of the same political party. Allows an electronic poll list used at a vote center to include an electronic image of the voter's signature, if available. Authorizes a precinct election board administering an election at a vote center to report the vote totals by precinct on election night. Redesignates automatically as a vote center county a county previously designated a vote center pilot county. Provides that school board members selected by election must be elected at general elections beginning in 2012. Repeals the expiration date of the vote center program and provisions that: (1) require the secretary of state's approval of the vote center designation; and (2) allow the secretary of state to revoke the vote center designation. Repeals other obsolete and superseded statutes. Provides that in the case of a public library that: (1) is outside Marion County; (2) has assessed valuation inside and outside a city or town but was originally established by the city or town; and (3) has a nonelected board; any required approval of the public library's budget, property tax levy, or bond issues beginning December 31, 2010, must be made by the county council (rather than the city or town that originally established the public library, as required under current law) if more than 50% of the parcels of real property within the jurisdiction of the public library are located outside the city or town. Provides that an appointee to a Class 1 public library board who serves four consecutive terms may be reappointed to the board at least four years after the date the appointee's most recent term ended. Allows a Class 1 or Class 2 public library board to issue local library cards without charge to a nonresident of the library district who is: (1) a library employee of the district; or (2) a teacher employed by a school corporation or nonpublic school located in the district; if the library board adopts a resolution that is approved by an affirmative vote of a majority of the members appointed to the library board. Allows a Class 1 or Class 2 public library board to designate a third party to collect money for the library regardless of the

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amount of money owed. (Current law allows a Class 1 library board to designate a third party to collect amounts over ten dollars.) Allows a Class 1 or Class 2 library district to dissolve if identical resolutions are adopted by a majority of the appointed members of the: (1) legislative bodies of the municipalities, townships, and counties that are a part of the district; and (2) the library board. Requires that copies of the resolutions must be filed not later than ten days after the resolution is adopted with the state library and the county recorder of each county in which the library district is located. Provides that a dissolution is not effective until: (1) all legal and fiscal obligations of the library district have been satisfied; (2) the assets of the district have been distributed; and (3) a notice is filed with the county recorder and the state library that the dissolution is final. Allows a Class 1 or Class 2 public library to pay claims by electronic funds transfer if the library board authorizes the payment method by adopting a resolution. Provides that annexations, governmental reorganizations, municipal mergers, town incorporations, municipal dissolutions, governmental name changes, or boundary alterations that would otherwise become effective under current law on January 2 of the year in which a federal decennial census is conducted shall instead become effective on January 1 of the year in which the federal decennial census is conducted. Provides that any action that was effective January 2, 2010, under current law is instead effective on January 1, 2010, without the adoption of an amended ordinance or reorganization plan or any additional action. Allows the legislative body of a third class city having a population of less than 10,000 to adopt an ordinance, after June 30, 2010, and during a year in which an election of the city legislative body will not occur, to redistrict or reduce the number of members of the legislative body. Provides that the legislative body districts created by the ordinance apply to the first election of the legislative body held after the date the ordinance is adopted. Establishes standards for drawing legislative districts. Establishes the redistricting study committee. Requires the committee to: (1) study the topic of redistricting and make recommendations on ways to improve the redistricting process, including a review of computer programs that are available to assist in the redistricting process and methods that are available to include the public in the redistricting process; (2) study proposals to amend the Constitution of the State of Indiana to establish an independent commission to draw legislative and congressional district boundaries, beginning with the 2021 redistricting; (3) prepare draft legislation to create a redistricting commission if the voters of Indiana adopt an amendment to the Constitution of the State of Indiana; (4) examine the successes and failures of redistricting commissions in other states and analyze the results of the 2010 election in Indiana and other states to make recommendations to the general assembly; and (5) consider certain standards for drawing legislative and congressional districts.

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Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

ENGROSSED HOUSE BILL No. 1030

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

- 1 SECTION 1. IC 2-1-9-13 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2010]: **Sec. 13. (a) Legislative and congressional districts**
4 **established under this article must satisfy the following standards:**
5 (1) **Districts must preserve traditional neighborhoods.**
6 (2) **Districts must preserve local communities of interest based**
7 **upon cultural, ethnic, geographic, and socioeconomic**
8 **similarities.**
9 (3) **Districts must protect minority voting rights consistent**
10 **with Indiana and federal law, as interpreted by the Indiana**
11 **and federal courts.**
12 (4) **Districts must be compact, particularly where population**
13 **density is greatest, to avoid dividing communities of interest.**
14 (5) **Districts must have simple shapes. However, rational and**
15 **logical deviations may occur in a district's boundaries to**
16 **follow a political subdivision's boundaries or to follow natural**
17 **geographic boundaries.**

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1 **(6) Districts must respect county boundary lines. However, a**
 2 **district boundary may cross a county boundary to preserve**
 3 **economic, social, and geographic populations and to**
 4 **approximate the ideal population of the district as closely as**
 5 **possible. The number of counties used to comprise a district**
 6 **should be kept to a minimum, and the counties within a**
 7 **district should be as contiguous as possible.**
 8 **(7) To prevent division of communities of interest, prevent**
 9 **voter confusion, and minimize administrative costs of**
 10 **elections, districts must, when practicable, not divide**
 11 **precincts.**
 12 **(b) Districts may deviate from the standards stated in subsection**
 13 **(a) and may satisfy other factors when appropriate.**
 14 SECTION 2. IC 2-5.5-5.6 IS ADDED TO THE INDIANA CODE
 15 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2010]:
 17 **Chapter 5.6. Redistricting Study Committee**
 18 **Sec. 1. The redistricting study committee is established.**
 19 **Sec. 2. The committee consists of the following members:**
 20 **(1) Four (4) members of the senate appointed by the president**
 21 **pro tempore of the senate. Not more than two (2) members of**
 22 **the committee appointed under this subdivision may be**
 23 **members of the same political party.**
 24 **(2) Four (4) members of the house of representatives**
 25 **appointed by the speaker of the house of representatives. Not**
 26 **more than two (2) members of the committee appointed under**
 27 **this subdivision may be members of the same political party.**
 28 **(3) The following members:**
 29 **(A) Two (2) citizens of Indiana appointed by the president**
 30 **pro tempore of the senate.**
 31 **(B) Two (2) citizens of Indiana appointed by the speaker of**
 32 **the house of representatives.**
 33 **(C) Two (2) citizens of Indiana appointed by the minority**
 34 **leader of the senate.**
 35 **(D) Two (2) citizens of Indiana appointed by the minority**
 36 **leader of the house of representatives.**
 37 **(4) The chief justice of the supreme court.**
 38 **Sec. 3. The chief justice of the supreme court is the chair of the**
 39 **committee.**
 40 **Sec. 4. The committee shall do the following:**
 41 **(1) Study the topic of redistricting and make**
 42 **recommendations on ways to improve the redistricting**

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- process, including a review of:
- (A) computer programs that are available to assist in the redistricting process; and
 - (B) methods that are available to include the public in the redistricting process.
- (2) Study proposals to amend the Constitution of the State of Indiana to establish an independent commission to draw legislative and congressional district boundaries, beginning with the 2021 redistricting.
- (3) Prepare draft legislation to create a redistricting commission if the voters of Indiana adopt an amendment to the Constitution of the State of Indiana described in subdivision (2).
- (4) Examine the successes and failures of redistricting commissions in other states and analyze the results of the 2010 election in Indiana and other states to make recommendations to the general assembly.
- (5) Consider the following standards for drawing legislative and congressional districts:
- (A) The first principle for redistricting should be that populations of House districts and Senate districts, respectively, should be as nearly equal as practicable.
 - (B) Because the protection of the representation and interests of the people of Indiana is of paramount importance, districts should not be drawn to improperly favor any person or political party.
 - (C) Traditional neighborhoods should be preserved.
 - (D) Local communities of interest based upon cultural, ethnic, geographic, and socioeconomic similarities should be preserved.
 - (E) Minority voting rights must be protected consistent with the Constitution of the United States and the Constitution of the State of Indiana, as interpreted by federal and Indiana courts.
 - (F) Districts should be compact, particularly where population density is greatest, to avoid dividing communities of interest.
 - (G) Districts should have simple shapes. However, rational and logical deviations may occur in a district's boundaries to follow a political subdivision's boundaries or to follow natural geographic boundaries.
 - (H) Districts must respect county boundary lines.

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However, a district boundary may cross a county boundary to preserve economic, social, and geographic populations and to approximate the ideal population of the district as closely as possible. The number of counties used to comprise a district should be kept to a minimum, and the counties within a district should be as contiguous as possible.

(I) To prevent division of communities of interest, prevent voter confusion, and minimize administrative costs of elections, districts must, when practicable, not divide precincts.

SECTION 3. IC 3-5-2-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1.7. "Active voter" refers to a voter who satisfies ~~either~~ **both** of the following:

(1) The voter has registered or voted in any election during the preceding four ~~(4)~~ years at the address indicated on the voter's registration record **on the computerized list maintained under IC 3-7-26.3 indicates that the voter is a legally registered voter.**

(2) The voter has not voted in any election during the preceding four ~~(4)~~ years at the address indicated on the voter's registration record and has responded in writing to an address confirmation notice sent under ~~IC 3-7~~ not later than thirty ~~(30)~~ days after the notice was sent: **not been identified on the computerized list maintained under IC 3-7-26.3 as inactive or canceled in accordance with federal or state law.**

SECTION 4. IC 3-5-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. "Executive" means **the:**

(1) board of county commissioners, for a county ~~not having that:~~

- (A) does not have a consolidated city; and**
- (B) is not subject to IC 36-2-2.5;**

(2) chief executive officer elected under IC 36-2-2.5, for a county that:

- (A) does not have a consolidated city; and**
- (B) is subject to IC 36-2-2.5;**

~~(2)~~ **(3) mayor of the consolidated city, for a county having a consolidated city;**

~~(3)~~ **(4) mayor, for a city;**

~~(4)~~ **(5) president of the town council, for a town; or**

~~(5)~~ **(6) trustee, for a township.**

SECTION 5. IC 3-5-2-49.9, AS AMENDED BY P.L.108-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2010]: Sec. 49.9. ~~(a)~~ "Vote center" means a polling place
2 where a voter who resides in the county in which the vote center is
3 located may vote without regard to the precinct in which the voter
4 resides.

5 ~~(b) This section expires December 31, 2010.~~

6 SECTION 6. IC 3-5-4-11 IS ADDED TO THE INDIANA CODE
7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2010]: **Sec. 11. (a) As used in this section, "governing body"**
9 **refers to the governing body of a school corporation that is subject**
10 **to any of the following:**

- 11 (1) IC 20-23-4-30.
- 12 (2) IC 20-23-7-8 (before its repeal on July 1, 2010) and
- 13 IC 20-23-7-8.1 (after June 30, 2010).
- 14 (3) IC 20-23-8-8.
- 15 (4) IC 20-23-10-8.
- 16 (5) IC 20-23-12.
- 17 (6) IC 20-23-13.
- 18 (7) IC 20-23-14.
- 19 (8) IC 20-25-3-4.

20 (b) This subsection applies to a member of a governing body
21 elected at the 2008 primary election. The successor of such a
22 member shall:

- 23 (1) be elected at the 2012 general election; and
- 24 (2) take office January 1, 2013.

25 (c) This subsection applies to a member of a governing body
26 elected at the 2010 primary election. The successor of such a
27 member shall:

- 28 (1) be elected at the 2014 general election; and
- 29 (2) take office January 1, 2015.

30 (d) This section expires July 1, 2015.

31 SECTION 7. IC 3-5-9 IS ADDED TO THE INDIANA CODE AS
32 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
33 1, 2010]:

34 **Chapter 9. Government Employees Holding Office**

35 **Sec. 1. (a) Except as provided in subsection (b), this chapter**
36 **applies to a government employee who, after January 1, 2011,**
37 **assumes an elected office of the political subdivision that employs**
38 **the individual.**

39 (b) This chapter does not apply to a government employee who,
40 on January 1, 2011, holds an elected office of the political
41 subdivision that employs the individual, as long as the individual
42 continues to:

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(1) hold; or
 (2) be reelected to;
 the elected office the individual held on January 1, 2011.

Sec. 2. This chapter does not prohibit a government employee from holding an elected office of a political subdivision other than the political subdivision that employs the government employee.

Sec. 3. As used in this chapter, "elected office" refers only to the following:

(1) The elected executive of a political subdivision.
 (2) An elected member of the legislative body or fiscal body of a political subdivision.

Sec. 4. As used in this chapter, "government employee" refers to an employee of a political subdivision. The term does not include an individual who holds an elected office.

Sec. 5. An individual is considered to have resigned as a government employee when the individual assumes an elected office of the political subdivision that employs the individual.

SECTION 8. IC 3-8-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) A candidate for the office of county commissioner must:

(1) have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana; and
 (2) have resided in the district in which seeking election, if applicable, for at least six (6) months before the election.

(b) This subsection applies to elections in a county in which a county chief executive officer is elected under IC 36-2-2.5. A candidate for the office of county chief executive officer must have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana.

SECTION 9. IC 3-8-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 15. (a) A person who files a declaration of candidacy for an elected office for which a per diem or salary is provided for by law is disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

(b) A person may file both:

(1) a declaration of candidacy under this chapter for nomination to a federal or state office; and
 (2) a written request under IC 3-8-3-1 that the person's name be placed on the ballot in a primary election as a candidate for

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1 nomination for the office of President of the United States.

2 ~~(c) A person may not file:~~

3 ~~(1) a declaration of candidacy for a nomination; and~~

4 ~~(2) a petition of nomination or declaration of intent to be a~~
 5 ~~write-in candidate for a school board office that is elected at the~~
 6 ~~same time as the primary election.~~

7 If a person files both a declaration of candidacy and a petition of
 8 nomination described in this subsection, the matter shall be referred to
 9 the county election board under section 18 of this chapter. The board
 10 shall determine which document was most recently filed and shall
 11 consider the previously filed document to have been withdrawn.

12 SECTION 10. IC 3-8-2-19 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 19. (a) Upon receipt of
 14 the certified list under section 17 of this chapter, a county election
 15 board shall immediately compile under the proper political party
 16 designation the following:

17 (1) The title of each office.

18 (2) The name of each individual who has filed a request to be
 19 placed on the presidential primary ballot.

20 (3) The names and addresses of all persons for whom declarations
 21 of candidacy have been filed for nomination to an office on the
 22 primary election ballot.

23 ~~(4) The names and addresses of all persons who have filed a~~
 24 ~~petition of nomination for election to a school board office to be~~
 25 ~~chosen at the same time as the primary election.~~

26 ~~(5) (4) The text of any public question to be placed on the ballot.~~

27 ~~(6) (5) The date of the primary election.~~

28 ~~(7) (6) The hours during which the polls will be open.~~

29 (b) The county election board shall do the following:

30 (1) Publish the information described in subsection (a) before the
 31 primary election in accordance with IC 5-3-1.

32 (2) File a copy of the information described in subsection (a):

33 (A) with the election division; and

34 (B) in the minutes of the county election board.

35 (c) The county election board shall file the copies required under
 36 subsection (b)(2) not later than noon ten (10) days before election day.

37 (d) An election is not invalidated by the failure of the board to
 38 comply with this section.

39 (e) If the county election board receives an amendment from the
 40 election division under section 17 of this chapter after:

41 (1) compilation of the information described in subsection (a) has
 42 occurred; or

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1 (2) the board determines that it is impractical to recompile
2 completely revised information;
3 the board is only required to file a copy of the amendment with the
4 minutes of the board.

5 SECTION 11. IC 3-8-2.5 IS ADDED TO THE INDIANA CODE
6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2010]:

8 **Chapter 2.5. Nomination for School Board Office**

9 **Sec. 1. This chapter applies to a candidate for a school board
10 office.**

11 **Sec. 2. A candidate for a school board office must file a petition
12 of nomination in accordance with IC 3-8-6 and as required under
13 IC 20-23 or IC 20-25. The petition of nomination, once filed, serves
14 as the candidate's declaration of candidacy for a school board
15 office.**

16 **Sec. 3. A candidate for a school board office is not required to
17 file a statement of organization for the candidate's principal
18 committee unless the candidate has received contributions or made
19 expenditures requiring the filing of a statement under IC 3-9-1-5.5.
20 If a candidate for a school board office is required to file a
21 statement of organization for the candidate's principal committee,
22 the statement of organization must be filed by noon seven (7) days
23 after the final date for filing a petition of nomination or declaration
24 of intent to be a write-in candidate.**

25 **Sec. 4. (a) A petition of nomination for a school board office
26 must be filed:**

- 27 (1) not earlier than one hundred four (104) days; and
 - 28 (2) not later than noon seventy-four (74) days;
- 29 before the general election. The petition must be subscribed and
30 sworn to before a person authorized to administer oaths.

31 **(b) A declaration of intent to be a write-in candidate for a school
32 board office must be filed:**

- 33 (1) not earlier than ninety (90) days before the general
34 election; and
- 35 (2) not later than noon five (5) days before the final date for
36 the delivery of absentee ballots under IC 3-11-4-15.

37 **The declaration must be subscribed and sworn to before a person
38 authorized to administer oaths.**

39 SECTION 12. IC 3-10-1-19, AS AMENDED BY P.L.146-2008,
40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2010]: Sec. 19. (a) The ballot for a primary election shall be
42 printed in substantially the following form for all the offices for which

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1 candidates have qualified under IC 3-8:

2 OFFICIAL PRIMARY BALLOT

3 _____ Party

4 For paper ballots, print: To vote for a person, make a voting mark
5 (X or ✓) on or in the box before the person's name in the proper
6 column. For optical scan ballots, print: To vote for a person, darken or
7 shade in the circle, oval, or square (or draw a line to connect the arrow)
8 that precedes the person's name in the proper column. For optical scan
9 ballots that do not contain a candidate's name, print: To vote for a
10 person, darken or shade in the oval that precedes the number assigned
11 to the person's name in the proper column. For electronic voting
12 systems, print: To vote for a person, touch the screen (or press the
13 button) in the location indicated.

14 Vote for one (1) only

15 Representative in Congress

16 (1) AB _____

17 (2) CD _____

18 (3) EF _____

19 (4) GH _____

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

22 (1) Federal and state offices:

23 (A) President of the United States.

24 (B) United States Senator.

25 (C) Governor.

26 (D) United States Representative.

27 (2) Legislative offices:

28 (A) State senator.

29 (B) State representative.

30 (3) Circuit offices and county judicial offices:

31 (A) Judge of the circuit court, and unless otherwise specified
32 under IC 33, with each division separate if there is more than
33 one (1) judge of the circuit court.

34 (B) Judge of the superior court, and unless otherwise specified
35 under IC 33, with each division separate if there is more than
36 one (1) judge of the superior court.

37 (C) Judge of the probate court.

38 (D) Judge of the county court, with each division separate, as
39 required by IC 33-30-3-3.

40 (E) Prosecuting attorney.

41 (F) Circuit court clerk.

42 (4) County offices:

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- 1 (A) County auditor.
- 2 (B) County recorder.
- 3 (C) County treasurer.
- 4 (D) County sheriff.
- 5 (E) County coroner.
- 6 (F) County surveyor.
- 7 (G) County assessor.
- 8 (H) County commissioner, **except in a county that is subject**
- 9 **to IC 36-2-2.5.**
- 10 **(I) County chief executive officer, in a county that is**
- 11 **subject to IC 36-2-2.5.**
- 12 ~~(J)~~ (J) County council member.
- 13 **(5) City offices:**
- 14 **(A) Mayor.**
- 15 **(B) Clerk or clerk-treasurer.**
- 16 **(C) Judge of the city court.**
- 17 **(D) City-county council member or common council**
- 18 **member.**
- 19 ~~(6)~~ (6) Township offices:
- 20 (A) Township assessor (only in a township referred to in
- 21 IC 36-6-5-1(d)).
- 22 (B) Township trustee.
- 23 (C) Township board member.
- 24 (D) Judge of the small claims court.
- 25 (E) Constable of the small claims court.
- 26 ~~(6)~~ City offices:
- 27 ~~(A)~~ Mayor.
- 28 ~~(B)~~ Clerk or clerk-treasurer.
- 29 ~~(C)~~ Judge of the city court.
- 30 ~~(D)~~ City-county council member or common council member.
- 31 (7) Town offices:
- 32 (A) Clerk-treasurer.
- 33 (B) Judge of the town court.
- 34 (C) Town council member.
- 35 (c) The political party offices with candidates for election shall be
- 36 placed on the primary election ballot in the following order after the
- 37 offices described in subsection (b):
- 38 (1) Precinct committeeman.
- 39 (2) State convention delegate.
- 40 (d) The following offices and public questions shall be placed on the
- 41 primary election ballot in the following order after the offices described
- 42 in subsection (c):

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1 ~~(1) School board offices to be elected at the primary election.~~
2 ~~(2) Other (1) Local offices to be elected at the primary election.~~
3 ~~(3) (2) Local public questions.~~
4 (e) The offices and public questions described in subsection (d)
5 shall be placed:
6 (1) in a separate column on the ballot if voting is by paper ballot;
7 (2) after the offices described in subsection (c) in the form
8 specified in IC 3-11-13-11 if voting is by ballot card; or
9 (3) either:
10 (A) on a separate screen for each office or public question; or
11 (B) after the offices described in subsection (c) in the form
12 specified in IC 3-11-14-3.5;
13 if voting is by an electronic voting system.
14 (f) A public question shall be placed on the primary election ballot
15 in the following form:
16 (The explanatory text for the public question,
17 if required by law.)
18 "Shall (insert public question)?"
19 YES
20 NO
21 SECTION 13. IC 3-10-1-19.2 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 19.2. (a) Whenever
23 candidates are to be nominated for an office that includes more than
24 one (1) district, the districts shall be placed on the ballot in alphabetical
25 or numerical order, according to the designation given to the district.
26 (b) Whenever candidates are to be nominated for an office that
27 includes both an at-large member and a member representing a district,
28 the candidates seeking nomination as an at-large member shall be
29 placed on the ballot before candidates seeking nomination to represent
30 a district.
31 (c) ~~This subsection applies to a school board office or political~~
32 ~~office to be elected at the primary election ballot.~~ Candidates for a
33 ~~school board office~~ or a political party office shall be placed on the
34 ballot in accordance with the rules applicable to candidates for
35 nomination to an office under subsections (a) and (b).
36 SECTION 14. IC 3-10-1-32 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 32. Primary election
38 returns must contain the whole number of votes cast for **each of the**
39 **following:**
40 (1) Each candidate of each political party.
41 (2) Each public question voted on at the primary election. ~~and~~
42 (3) Each candidate for election to a ~~school board office~~ or

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1 political party office.
2 SECTION 15. IC 3-10-2-13, AS AMENDED BY P.L.146-2008,
3 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 13. The following public officials shall be
5 elected at the general election before their terms of office expire and
6 every four (4) years thereafter:

- 7 (1) Clerk of the circuit court.
- 8 (2) County auditor.
- 9 (3) County recorder.
- 10 (4) County treasurer.
- 11 (5) County sheriff.
- 12 (6) County coroner.
- 13 (7) County surveyor.
- 14 (8) County assessor.
- 15 (9) County commissioner, **except in a county that is subject to**
- 16 **IC 36-2-2.5.**
- 17 **(10) County chief executive officer, in a county that is subject**
- 18 **to IC 36-2-2.5.**
- 19 ~~(10)~~ **(11)** County council member.
- 20 ~~(11)~~ **(12)** Township trustee.
- 21 ~~(12)~~ **(13)** Township board member.
- 22 ~~(13)~~ **(14)** Township assessor (only in a township referred to in
- 23 IC 36-6-5-1(d)).
- 24 ~~(14)~~ **(15)** Judge of a small claims court.
- 25 ~~(15)~~ **(16)** Constable of a small claims court.

26 SECTION 16. IC 3-11-2-12, AS AMENDED BY P.L.146-2008,
27 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2010]: Sec. 12. The following offices shall be placed on the
29 general election ballot in the following order:

- 30 (1) Federal and state offices:
 - 31 (A) President and Vice President of the United States.
 - 32 (B) United States Senator.
 - 33 (C) Governor and lieutenant governor.
 - 34 (D) Secretary of state.
 - 35 (E) Auditor of state.
 - 36 (F) Treasurer of state.
 - 37 (G) Attorney general.
 - 38 (H) Superintendent of public instruction.
 - 39 (I) United States Representative.
- 40 (2) Legislative offices:
 - 41 (A) State senator.
 - 42 (B) State representative.

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- 1 (3) Circuit offices and county judicial offices:
- 2 (A) Judge of the circuit court, and unless otherwise specified
- 3 under IC 33, with each division separate if there is more than
- 4 one (1) judge of the circuit court.
- 5 (B) Judge of the superior court, and unless otherwise specified
- 6 under IC 33, with each division separate if there is more than
- 7 one (1) judge of the superior court.
- 8 (C) Judge of the probate court.
- 9 (D) Judge of the county court, with each division separate, as
- 10 required by IC 33-30-3-3.
- 11 (E) Prosecuting attorney.
- 12 (F) Clerk of the circuit court.
- 13 (4) County offices:
- 14 (A) County auditor.
- 15 (B) County recorder.
- 16 (C) County treasurer.
- 17 (D) County sheriff.
- 18 (E) County coroner.
- 19 (F) County surveyor.
- 20 (G) County assessor.
- 21 (H) County commissioner, **except in a county that is subject**
- 22 **to IC 36-2-2.5.**
- 23 **(I) County chief executive officer, in a county that is**
- 24 **subject to IC 36-2-2.5.**
- 25 ~~(J)~~ (J) County council member.
- 26 (5) City offices:
- 27 (A) **Mayor.**
- 28 (B) **Clerk or clerk-treasurer.**
- 29 (C) **Judge of the city court.**
- 30 (D) **City-county council member or common council**
- 31 **member.**
- 32 ~~(6)~~ (6) Township offices:
- 33 (A) Township assessor (only in a township referred to in
- 34 IC 36-6-5-1(d)).
- 35 (B) Township trustee.
- 36 (C) Township board member.
- 37 (D) Judge of the small claims court.
- 38 (E) Constable of the small claims court.
- 39 ~~(6)~~ City offices:
- 40 ~~(A)~~ Mayor.
- 41 ~~(B)~~ Clerk or clerk-treasurer.
- 42 ~~(C)~~ Judge of the city court.

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- 1 ~~(D) City-county council member or common council member.~~
- 2 (7) Town offices:
- 3 (A) Clerk-treasurer.
- 4 (B) Judge of the town court.
- 5 (C) Town council member.

6 SECTION 17. IC 3-11-8-10.3 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2010]: **Sec. 10.3. (a) As used in this section,**
 9 **"electronic poll list" refers to a poll list that is maintained in a**
 10 **computer data base.**

- 11 **(b) An electronic poll list must satisfy all of the following:**
- 12 **(1) An electronic poll list must be programmed so that the**
 13 **coordinated action of two (2) precinct election officers who**
 14 **are not members of the same political party is necessary to**
 15 **obtain access to the electronic poll list.**
- 16 **(2) An electronic poll list may not be connected to a voting**
 17 **system.**
- 18 **(3) An electronic poll list may not permit access to voter**
 19 **information other than information provided on the certified**
 20 **list of voters prepared under IC 3-7-29-1.**

21 SECTION 18. IC 3-11-18-1, AS ADDED BY P.L.164-2006,
 22 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2010]: **Sec. 1. (a) This chapter applies to a**
 24 **county designated as a vote center pilot county under this chapter.**

- 25 **(b) On July 1, 2010, a county designated as a vote center pilot**
 26 **county under:**
- 27 **(1) P.L.164-2006, SECTION 148 (before its expiration); or**
- 28 **(2) P.L.108-2008, SECTION 4;**
- 29 **is automatically redesignated as a vote center county under this**
 30 **chapter.**

31 SECTION 19. IC 3-11-18-3, AS ADDED BY P.L.164-2006,
 32 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2010]: **Sec. 3. (a) For A county must comply**
 34 **with this section to be designated become a vote center pilot county.**

- 35 **(b) As used in this section, "board" refers to either of the**
 36 **following:**
- 37 **(1) The county election board. or**
- 38 **(2) The board of elections and registration established under**
 39 **IC 3-6-5.2 or IC 3-6-5.4.**
- 40 **(c) The board shall hold a public hearing to present a draft plan**
 41 **for administration of vote centers in the county.**
- 42 **(d) After presentation of the draft plan under subsection (c), the**

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board shall accept written public comments on the draft plan.

(e) At least thirty (30) days after the hearing held under subsection (c), the board shall hold a public hearing to consider the draft plan, the written public comments, and any other public comment that the board may permit on the draft plan.

(f) After consideration of the draft plan and the public comments, the board may do the following:

- (1) Adopt an order approving the draft plan.**
- (2) Amend the draft plan and adopt an order approving the amended draft plan.**

The board may adopt the order to approve a plan only by unanimous vote of the entire membership of the board. must approve the filing of an application to be designated a vote center pilot county;

~~(2)~~ **(g) All members of the board must sign the application; and order adopting the plan.**

~~(3)~~ **(h) The application order and the adopted plan must be filed with the secretary of state. (b) The application election division and must include a copy of:**

- (1) a resolution adopted by the county executive; and**
- (2) a resolution adopted by the county fiscal body;**

approving the submission designation of the application: county as a vote center county.

SECTION 20. IC 3-11-18-4, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. The application must include a plan for the administration of vote centers in the county. The plan required by section 3 of this chapter must include at least the following:

- (1) The total number of vote centers to be established.**
- (2) The location of each vote center. and the municipality; if any, in which the vote center is located.**
- ~~(3) A list of each municipality within the county that is entitled to conduct a municipal primary or municipal election; as of the date of the application.~~
- (3) The effective date of the order.**
- (4) The following information according to the computerized list (as defined in IC 3-7-26.3-2) as of the date of the order:**
 - (A) The total number of voters within each municipality; as of the date of the application; and the county.**
 - (B) The number of those active voters within each municipality designated as "active" and the county.**
 - (C) The number of inactive according to voters within the**

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- 1 county. ~~voter registration office.~~
- 2 (5) For each vote center designated under subdivision (2), a list
- 3 of the precincts whose polls will be located at the vote center.
- 4 (6) For each vote center designated under subdivision (2), the
- 5 number of precinct election boards that will be appointed to
- 6 administer an election at the vote center.
- 7 (7) For each precinct election board designated under subdivision
- 8 (6), the number and name of each precinct the precinct election
- 9 board will administer.
- 10 (8) For each vote center designated under subdivision (2), the
- 11 number and title of the precinct election officers who will be
- 12 appointed to serve at the vote center.
- 13 (9) For each vote center designated under subdivision (2):
- 14 (A) the number and type of ballot variations that will be
- 15 provided at the vote center; and
- 16 (B) whether these ballots will be:
- 17 (i) delivered to the vote center before the opening of the
- 18 polls; or
- 19 (ii) printed on demand for a voter's use.
- 20 (10) A detailed description of any hardware, firmware, or
- 21 software used:
- 22 (A) to create an electronic poll list for each precinct whose
- 23 polls are to be located at a vote center; or
- 24 (B) to establish a secure electronic connection between the
- 25 county election board and the precinct election officials
- 26 administering a vote center.
- 27 (11) A description of the equipment and procedures to be used to
- 28 ensure that information concerning a voter entered into any
- 29 electronic poll list used by precinct election officers at a vote
- 30 center is immediately accessible to:
- 31 (A) the county election board; and
- 32 (B) the electronic poll lists used by precinct election officers
- 33 at all other vote centers in the county.
- 34 (12) For each precinct designated under subdivision (5), the
- 35 number of electronic poll lists to be provided for the precinct.
- 36 (13) The security and contingency plans to be implemented by the
- 37 county to **do all of the following:**
- 38 (A) Prevent a disruption of the vote center process. ~~and~~
- 39 (B) Ensure that the election is properly conducted if a
- 40 disruption occurs.
- 41 (C) **Prevent access to an electronic poll list without the**
- 42 **coordinated action of two (2) precinct election officers who**

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are not members of the same political party.
(14) A certification that the vote center complies with the accessibility requirements applicable to polling places under IC 3-11-8.

(15) A sketch depicting the planned layout of the vote center, indicating the location of:

- (A) equipment; and
 - (B) precinct election officers;
- within the vote center.

(16) The total number of vote centers to be established at satellite offices that are established under IC 3-11-10-26.3 to allow voters to cast absentee ballots in accordance with IC 3-11.

(17) The method and timing of providing voter data to persons who are entitled to receive the data under this title. Data must be provided to all persons entitled to the data without unreasonable delay.

SECTION 21. IC 3-11-18-5, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. ~~(a) Except for a municipality described in subsection (b);~~ A plan must provide a vote center for use by voters residing in each municipality within the county conducting a municipal primary or a municipal election for use in a primary, general, or special election conducted on or after the effective date of the county election board's order.

~~(b) A vote center may not be used in a municipal primary or municipal election conducted within a municipality that is partially located in a county that has not been designated a vote center pilot county.~~

SECTION 22. IC 3-11-18-6, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. When the total number of active voters in the county designated under section 4(4) of this chapter as "active" equals at least twenty-five thousand (25,000), in the municipalities listed in the plan, the following apply:

- (1) The plan must provide for at least one (1) vote center for each ten thousand (10,000) active voters.
- (2) In addition to the vote centers designated in subdivision (1), the plan must provide for a vote center for any fraction of ten thousand (10,000) voters.

SECTION 23. IC 3-11-18-7, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. Before approving an application

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1 ~~to designate~~ **adopting an order designating** a county as a vote center
2 ~~pilot~~ county under this chapter, the ~~secretary of state~~ **county election**
3 ~~board~~ must determine the following:

4 (1) That the secure electronic connection as described under
5 section 4(10)(B) of this chapter is sufficient to prevent:

- 6 (A) any voter from voting more than once; and
- 7 (B) unauthorized access by any person to:
 - 8 (i) the electronic poll lists for a precinct whose polls are to
 - 9 be located at the vote center; or
 - 10 (ii) the computerized list of voters of the county.

11 (2) That the planned design and location of the equipment and
12 precinct officers will provide the most efficient access for:

- 13 (A) voters to enter the polls, cast their ballots, and leave the
- 14 vote center; and
- 15 (B) precinct election officials, watchers, challengers, and
- 16 pollbook holders to exercise their rights and perform their
- 17 duties within the vote center.

18 SECTION 24. IC 3-11-18-8, AS ADDED BY P.L.164-2006,
19 SECTION 119, IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2010]: Sec. 8. **(a)** The designation of a county
21 as a vote center ~~pilot~~ county takes effect immediately **upon the filing**
22 **of the order with the election division**, unless otherwise specified by
23 the ~~secretary of state~~ **county election board**.

24 **(b) The designation of a county as a vote center county remains**
25 **in effect until the county election board, by unanimous vote of its**
26 **entire membership:**

- 27 **(1) rescinds the order designating the county as a vote center**
- 28 **county; and**
- 29 **(2) files a copy of the document rescinding the order with the**
- 30 **election division.**

31 SECTION 25. IC 3-11-18-11, AS ADDED BY P.L.164-2006,
32 SECTION 119, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2010]: Sec. 11. Except as otherwise provided
34 by this chapter, the county shall administer an election conducted at a
35 vote center in accordance with federal law, this title, and the plan
36 ~~submitted~~ **adopted** with the ~~application~~ **county election board's order**
37 under section 4 of this chapter.

38 SECTION 26. IC 3-11-18-12, AS ADDED BY P.L.164-2006,
39 SECTION 119, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2010]: Sec. 12. Notwithstanding any other law,
41 a voter who resides in a vote center ~~pilot~~ county is entitled to cast an
42 absentee ballot at a vote center located at a satellite office of the county

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1 election board established under IC 3-11-10-26.3 in the same manner
 2 and subject to the same restrictions applicable to a voter wishing to cast
 3 an absentee ballot before an absentee board located in the office of the
 4 circuit court clerk or board of elections and registration.

5 SECTION 27. IC 3-11-18-13, AS ADDED BY P.L.164-2006,
 6 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2010]: Sec. 13. Notwithstanding any other law,
 8 the electronic poll list used at each vote center:

9 **(1) must comply with IC 3-11-8-10.3;**

10 ~~(1) must be capable of capturing~~ **(2) may include** an electronic
 11 image of the signature of a voter ~~on the list;~~ **taken from the**
 12 **voter's registration application, if available;** and

13 ~~(2) (3)~~ **(3)** may be in a format approved by the secretary of state.

14 SECTION 28. IC 3-11-18-14, AS ADDED BY P.L.164-2006,
 15 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2010]: Sec. 14. Notwithstanding any other law,
 17 including IC 3-11-8-2 and IC 3-14-2-11, a voter who resides in a vote
 18 center ~~pilot~~ county is entitled to cast a ballot at any vote center
 19 established in the county without regard to the precinct in which the
 20 voter resides.

21 SECTION 29. IC 3-11-18-16, AS ADDED BY P.L.164-2006,
 22 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2010]: Sec. 16. The precinct election board
 24 administering an election at a vote center shall keep the ballots cast in
 25 each precinct separate from the ballots cast in any other precinct whose
 26 election is administered at the vote center, so that the votes cast for
 27 each candidate and on each public question in each of the precincts
 28 administered by the board may be determined **and included on the**
 29 **statement required by IC 3-12-4-9.**

30 SECTION 30. IC 3-11-18-17, AS ADDED BY P.L.164-2006,
 31 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2010]: Sec. 17. (a) ~~The secretary of state may~~
 33 ~~permit~~ A county ~~to~~ **may** amend a plan ~~submitted~~ **adopted with a**
 34 **county election board's order** under section 4 of this chapter.

35 (b) For a county to amend its plan:

36 (1) the county election board (or board of elections and
 37 registration established under IC 3-6-5.2 or IC 3-6-5.4), by
 38 unanimous vote of the entire membership of the board, must
 39 approve the ~~filing of a request to amend the plan~~ **amendment;**

40 (2) all members of the board must sign the ~~request;~~ **amendment;**
 41 and

42 (3) the ~~request~~ **amendment** must be filed with the ~~secretary of~~

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~~state election division.~~
(c) The request for amendment must set forth the specific amendments proposed to be made to the plan.

(c) A plan amendment takes effect immediately upon filing with the election division, unless otherwise specified by the county election board.

SECTION 31. IC 6-1.1-17-20, AS AMENDED BY P.L.182-2009(ss), SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section applies to each governing body of a taxing unit that:

- (1) is not comprised of a majority of officials who are elected to serve on the governing body; and
- (2) either:
 - (A) is:
 - (i) a conservancy district subject to IC 14-33-9;
 - (ii) a solid waste management district subject to IC 13-21; or
 - (iii) a fire protection district subject to IC 36-8-11-18; or
 - (B) has a percentage increase in the proposed budget for the taxing unit for the ensuing calendar year that is more than the result of:
 - (i) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the ensuing calendar year; minus
 - (ii) one (1).

For purposes of this section, an individual who qualifies to be appointed to a governing body or serves on a governing body because of the individual's status as an elected official of another taxing unit shall be treated as an official who was not elected to serve on the governing body.

(b) As used in this section, "taxing unit" has the meaning set forth in IC 6-1.1-1-21, except that the term does not include:

- (1) a school corporation; or
- (2) an entity whose tax levies are subject to review and modification by a city-county legislative body under IC 36-3-6-9.

- (c) If:
- (1) the assessed valuation of a taxing unit is entirely contained within a city or town; or
 - (2) the assessed valuation of a taxing unit is not entirely contained within a city or town but the taxing unit was originally established by the city or town;

the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body. The proposed budget and levy shall

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1 be submitted at least thirty (30) days before the city or town fiscal body
 2 is required to hold budget approval hearings under this chapter.
 3 **However, in the case of a public library that is subject to this**
 4 **section and is described in subdivision (2), the public library shall**
 5 **submit its proposed budget and property tax levy to the county**
 6 **fiscal body in the manner provided in subsection (d), rather than**
 7 **to the city or town fiscal body, if more than fifty percent (50%) of**
 8 **the parcels of real property within the jurisdiction of the public**
 9 **library are located outside the city or town.**

10 (d) If subsection (c) does not apply, the governing body of the taxing
 11 unit shall submit its proposed budget and property tax levy to the
 12 county fiscal body in the county where the taxing unit has the most
 13 assessed valuation. The proposed budget and levy shall be submitted
 14 at least thirty (30) days before the county fiscal body is required to hold
 15 budget approval hearings under this chapter.

16 (e) The fiscal body of the city, town, or county (whichever applies)
 17 shall review each budget and proposed tax levy and adopt a final
 18 budget and tax levy for the taxing unit. The fiscal body may reduce or
 19 modify but not increase the proposed budget or tax levy.

20 (f) If a taxing unit fails to file the information required in subsection
 21 (c) or (d), whichever applies, with the appropriate fiscal body by the
 22 time prescribed by this section, the most recent annual appropriations
 23 and annual tax levy of that taxing unit are continued for the ensuing
 24 budget year.

25 (g) If the appropriate fiscal body fails to complete the requirements
 26 of subsection (e) before the adoption deadline in section 5 of this
 27 chapter for any taxing unit subject to this section, the most recent
 28 annual appropriations and annual tax levy of the city, town, or county,
 29 whichever applies, are continued for the ensuing budget year.

30 SECTION 32. IC 6-1.1-17-20.5, AS AMENDED BY
 31 P.L.182-2009(ss), SECTION 125, IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20.5. (a) This
 33 section applies to the governing body of a taxing unit unless a majority
 34 of the governing body is comprised of officials who are elected to serve
 35 on the governing body. For purposes of this section, an individual who
 36 qualifies to be appointed to a governing body or serves on a governing
 37 body because of the individual's status as an elected official of another
 38 taxing unit shall be treated as an official who was not elected to serve
 39 on the governing body.

40 (b) As used in this section, "taxing unit" has the meaning set forth
 41 in IC 6-1.1-1-21, except that the term does not include:

- 42 (1) a school corporation; or

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1 (2) an entity whose tax levies are subject to review and
2 modification by a city-county legislative body under IC 36-3-6-9.

3 (c) If:

4 (1) the assessed valuation of a taxing unit is entirely contained
5 within a city or town; or

6 (2) the assessed valuation of a taxing unit is not entirely contained
7 within a city or town but the taxing unit was originally established
8 by the city or town;

9 the governing body of the taxing unit may not issue bonds or enter into
10 a lease payable in whole or in part from property taxes unless it obtains
11 the approval of the city or town fiscal body.

12 **(d) However, in the case of a public library that is subject to this**
13 **section and is described in subsection (c), the public library may**
14 **not issue bonds or enter into a lease payable in whole or in part**
15 **from property taxes unless it obtains the approval of the county**
16 **fiscal body, rather than the city or town fiscal body, if more than**
17 **fifty percent (50%) of the parcels of real property within the**
18 **jurisdiction of the public library are located outside the city or**
19 **town. The requirement that the public library must obtain the**
20 **approval of the county fiscal body (rather than the city or town**
21 **fiscal body) if more than fifty percent (50%) of the parcels of real**
22 **property within the jurisdiction of the public library are located**
23 **outside the city or town does not apply to the issuance of bonds or**
24 **the execution of a lease:**

25 (1) for which a decision or preliminary determination was
26 made under IC 6-1.1-20 before December 31, 2010; or

27 (2) that is approved by the city or town fiscal body under
28 IC 6-1.1-17-20.5(c) or the county fiscal body under subsection
29 (e) before December 31, 2010.

30 ~~(d)~~ (f) This subsection applies to a taxing unit not described in
31 subsection (c) or (d). The governing body of the taxing unit may not
32 issue bonds or enter into a lease payable in whole or in part from
33 property taxes unless it obtains the approval of the county fiscal body
34 in the county where the taxing unit has the most net assessed valuation.

35 SECTION 33. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA
36 CODE AS A NEW SECTION TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2010]: **Sec. 22. (a) The ad valorem property**
38 **tax levy limits imposed by this chapter do not apply to ad valorem**
39 **property taxes imposed by a consolidated city to pay or fund any**
40 **indebtedness assumed, defeased, paid, or refunded under**
41 **IC 36-3-1-6.1.**

42 (b) For purposes of this section:

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1 (1) "consolidating entity" means a township whose fire
2 department is consolidated into the fire department of a
3 consolidated city under IC 36-3-1-6.1; and

4 (2) "maximum levy" means the maximum permissible ad
5 valorem property tax levy under section 3 of this chapter.

6 (c) The maximum levy of a consolidated city for property taxes
7 first due and payable each year shall be increased by an amount
8 equal to the combined property tax levies of each consolidating
9 entity consolidated into the fire department of the consolidated city
10 for property taxes first due and payable in the preceding year for
11 fire protection and related services.

12 (d) Not more than four (4) years after the effective date of a
13 consolidation of a department consolidated into the fire
14 department of the consolidated city, the consolidated city may levy
15 a tax above the tax rate set for the consolidated fire department in
16 the township that is necessary to phase out that township's
17 borrowing for fire and emergency services under IC 36-6-6-14 and
18 any other emergency or temporary loans by the township for fire
19 and emergency services.

20 SECTION 34. IC 13-11-2-74 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 74. "Executive"
22 means the:

- 23 (1) board of commissioners of a county ~~not having that:~~
- 24 (A) does not have a consolidated city; and
- 25 (B) is not subject to IC 36-2-2.5;
- 26 (2) chief executive officer elected under IC 36-2-2.5, for a
- 27 county that:
- 28 (A) does not have a consolidated city; and
- 29 (B) is subject to IC 36-2-2.5;
- 30 ~~(2)~~ (3) mayor of the consolidated city, for a county having a
- 31 consolidated city;
- 32 ~~(3)~~ (4) mayor of a city; or
- 33 ~~(4)~~ (5) president of the town council of a town.

34 SECTION 35. IC 20-23-4-12, AS AMENDED BY P.L.2-2006,
35 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2010]: Sec. 12. (a) In formulating a preliminary reorganization
37 plan and with respect to each of the community school corporations
38 that are a part of the reorganization plan, the county committee shall
39 determine the following:

- 40 (1) The name of the community school corporation.
- 41 (2) Subject to subsection (e), a general description of the
- 42 boundaries of the community school corporation.

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- 1 (3) With respect to the board of school trustees, **the following:**
 2 (A) Whether the number of members is:
 3 (i) three (3);
 4 (ii) five (5); or
 5 (iii) seven (7).
 6 (B) Whether the members are elected or appointed.
 7 (C) If the members are appointed:
 8 (i) when the appointments are made; and
 9 (ii) who makes the appointments.
 10 (D) If the members are elected, ~~whether that~~ the election is at
 11 (i) ~~the primary election at which county officials are~~
 12 ~~nominated; or~~
 13 (ii) the general election at which county officials are elected.
 14 ~~and~~
 15 (E) Subject to sections 21 and 22 of this chapter, the manner
 16 in which members are elected or appointed.
 17 (4) The compensation, if any, of the members of the regular and
 18 interim board of school trustees, which may not exceed the
 19 amount provided in IC 20-26-4-7.
 20 (5) Subject to subsection (f), qualifications required of the
 21 members of the board of school trustees, including limitations on:
 22 (A) residence; and
 23 (B) term of office.
 24 (6) If an existing school corporation is divided in the
 25 reorganization, the disposition of assets and liabilities.
 26 (7) The disposition of school aid bonds, if any.
 27 (b) If existing school corporations are not divided in the
 28 reorganization, the:
 29 (1) assets;
 30 (2) liabilities; and
 31 (3) obligations;
 32 of the existing school corporations shall be transferred to and assumed
 33 by the new community school corporation of which they are a part,
 34 regardless of whether the plan provides for transfer and assumption.
 35 (c) The preliminary plan must be supported by a summary statement
 36 of **the following:**
 37 (1) The educational improvements the plan's adoption will make
 38 possible.
 39 (2) Data showing the:
 40 (A) assessed valuation;
 41 (B) number of resident students in ADA in grades 1 through
 42 12;

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1 (C) assessed valuation per student referred to in clause (B);
 2 and
 3 (D) property tax levies;
 4 of each existing school corporation to which the plan applies.
 5 (3) The:
 6 (A) assessed valuation;
 7 (B) resident ADA; and
 8 (C) assessed valuation per student;
 9 data referred to in subdivision 2(A) through 2(C) that would have
 10 applied for each proposed community school corporation if the
 11 corporation existed in the year the preliminary plan is prepared or
 12 notice of a hearing or hearings on the preliminary plan is given by
 13 the county committee. ~~and~~
 14 (4) Any other data or information the county committee considers
 15 appropriate or that may be required by the state board in its rules.
 16 (d) The county committee:
 17 (1) shall base the assessed valuations and tax levies referred to in
 18 subsection (c)(2) through (c)(3) on the valuations applying to
 19 taxes collected in:
 20 (A) the year the preliminary plan is prepared; or
 21 (B) the year notice of a hearing or hearings on the preliminary
 22 plan is given by the county committee;
 23 (2) may base the resident ADA figures on the calculation of the
 24 figures under the rules under which they are submitted to the state
 25 superintendent by existing school corporations; and
 26 (3) shall set out the resident ADA figures for:
 27 (A) the school year in progress if the figures are available for
 28 that year; or
 29 (B) the immediately preceding school year if the figures are
 30 not available for the school year in progress.
 31 The county committee may obtain the data and information referred to
 32 in this subsection from any source the committee considers reliable. If
 33 the county committee attempts in good faith to comply with this
 34 subsection, the summary statement referred to in subsection (c) is
 35 sufficient regardless of whether the statement is exactly accurate.
 36 (e) The general description referred to in subsection (a)(2) may
 37 consist of an identification of an existing school corporation that is to
 38 be included in its entirety in the community school corporation. If a
 39 boundary does not follow the boundary of an existing civil unit of
 40 government or school corporation, the description must set out the
 41 boundary:
 42 (1) as near as reasonably possible by:

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- 1 (A) streets;
 2 (B) rivers; and
 3 (C) other similar boundaries;
 4 that are known by common names; or
 5 (2) if descriptions as described in subdivision (1) are not possible,
 6 by section lines or other legal description.

7 The description is not defective if there is a good faith effort by the
 8 county committee to comply with this subsection or if the boundary
 9 may be ascertained with reasonable certainty by a person skilled in the
 10 area of real estate description. The county committee may require the
 11 services of the county surveyor in preparing a description of a boundary
 12 line.

- 13 (f) A member of the board of school trustees:
 14 (1) may not serve an appointive or elective term of more than four
 15 (4) years; and
 16 (2) may serve more than one (1) consecutive appointive or
 17 elective term.

18 SECTION 36. IC 20-23-4-29.1 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2010]: **Sec. 29.1. (a) This section applies to**
 21 **each school corporation.**

22 **(b) If a plan provides for election of members of the governing**
 23 **body, the members of the governing body shall be elected at a**
 24 **general election. Each candidate must, in accordance with**
 25 **IC 3-8-2.5, file a petition of nomination that is signed by the**
 26 **candidate and by ten (10) registered voters residing within the**
 27 **boundaries of the community school corporation. The filing must**
 28 **be made within the time specified by IC 3-8-2.5-4.**

29 **(c) All nominations shall be listed for each office in the form**
 30 **prescribed by IC 3-11-2, but without party designation. Voting and**
 31 **tabulation of votes shall be conducted in the same manner as voting**
 32 **and tabulation in general elections are conducted. The precinct**
 33 **election boards serving in each county shall conduct the election**
 34 **for members of the governing body. If a school corporation is**
 35 **located in more than one (1) county, each county election board**
 36 **shall print the ballots required for voters in that county to vote for**
 37 **candidates for members of the governing body.**

38 **(d) If the plan provides that the members of the governing body**
 39 **shall be elected by all the voters of the community school**
 40 **corporation, candidates shall be placed on the ballot in the form**
 41 **prescribed by IC 3-11-2, without party designation. The candidates**
 42 **who receive the most votes are elected.**

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1 **(e) If the plan provides that members of the governing body are**
 2 **to be elected from residence districts by all voters in the**
 3 **community school corporation, nominees for the governing body**
 4 **shall be placed on the ballot in the form prescribed by IC 3-11-2,**
 5 **by residence districts without party designation. The ballot must**
 6 **state the number of members to be voted on and the maximum**
 7 **number of members that may be elected from each residence**
 8 **district as provided in the plan. A ballot is not valid if more than**
 9 **the maximum number of members are voted on from a board**
 10 **member residence district. The candidates who receive the most**
 11 **votes are elected. However, if more than the maximum number**
 12 **that may be elected from a residence district are among those**
 13 **receiving the most votes, the candidates from the residence districts**
 14 **exceeding the maximum number who receive the fewest votes shall**
 15 **be eliminated in determining the candidates who are elected.**

16 **(f) If the plan provides that members of the governing body are**
 17 **to be elected from electoral districts solely by the voters of each**
 18 **district, nominees residing in each electoral district shall be placed**
 19 **on the ballot in the form prescribed by IC 3-11-2, without party**
 20 **designation. The ballot must state the number of members to be**
 21 **voted on from the electoral district. The candidates residing in the**
 22 **electoral district who receive the most votes are elected.**

23 SECTION 37. IC 20-23-4-30, AS ADDED BY P.L.230-2005,
 24 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2010]: Sec. 30. (a) This section applies to each school
 26 corporation.

27 **(b) If the governing body is to be elected at the primary election;**
 28 **each registered voter may vote in the governing body election without**
 29 **otherwise voting in the primary election:**

30 **(b) If a tie vote occurs among any of the candidates, the tie vote**
 31 **shall be resolved under IC 3-12-9-4.**

32 **(c) If after the first governing body takes office, there is a**
 33 **vacancy on the governing body for any reason, including the failure of**
 34 **the sufficient number of petitions for candidates being filed, whether**
 35 **the vacating member was elected or appointed, the remaining members**
 36 **of the governing body, whether or not a majority of the governing body,**
 37 **shall by a majority vote fill the vacancy by appointing a person from**
 38 **within the boundaries of the community school corporation to serve for**
 39 **the term or balance of the term. An individual appointed under this**
 40 **subsection must possess the qualifications provided for a regularly**
 41 **elected or appointed governing body member filling the office. If:**

42 (1) a tie vote occurs among the members of the governing body

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1 under this subsection or IC 3-12-9-4; or
2 (2) the governing body fails to act within thirty (30) days after any
3 vacancy occurs;
4 the judge of the circuit court in the county where the majority of
5 registered voters of the school corporation reside shall make the
6 appointment.

7 ~~(e)~~ (d) A vacancy in the governing body occurs if a member ceases
8 to be a resident of any community school corporation. A vacancy does
9 not occur when the member moves from a district of the school
10 corporation from which the member was elected or appointed if the
11 member continues to be a resident of the school corporation.

12 (f) (e) At the first ~~primary~~ or general election in which members of
13 the governing body are elected:

14 (1) a simple majority of the candidates elected as members of the
15 governing body who receive the ~~highest~~ **greatest** number of votes
16 shall be elected for four (4) year terms; and

17 (2) the balance of the candidates elected as members of the
18 governing body receiving the next ~~highest~~ **greatest** number of
19 votes shall be elected for two (2) year terms.

20 Thereafter, all school board members shall be elected for four (4) year
21 terms.

22 ~~(g)~~ (f) **Elected** governing body members ~~elected~~:

23 ~~(1) in November~~ take office and assume their duties on January
24 1 or July 1 after their election, as determined by the board of
25 school trustees before the election. ~~and~~

26 ~~(2) in May take office and assume their duties on July 1 after their~~
27 ~~election.~~

28 SECTION 38. IC 20-23-7-6, AS ADDED BY P.L.1-2005,
29 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2010]: Sec. 6. (a) The first metropolitan board of education
31 shall be composed of the:

32 (1) trustees; and
33 (2) members of school boards;
34 of the school corporations forming the metropolitan board of education.

35 (b) The members of the metropolitan board of education shall serve
36 ex officio as members subject to the laws concerning length of terms,
37 powers of election, or appointment and filling vacancies applicable to
38 their respective offices.

39 (c) If a metropolitan school district is comprised of only two (2)
40 board members, the two (2) members shall appoint a third board
41 member not more than ten (10) days after the creation of the
42 metropolitan school district. If the two (2) members are unable to agree

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1 on or do not make the appointment of a third board member within the
 2 ten (10) day period after the creation of the metropolitan school district,
 3 the third member shall be appointed not more than twenty (20) days
 4 after the creation of the metropolitan school district by the judge of the
 5 circuit court of the county in which the metropolitan school district is
 6 located. If the metropolitan school district is located in two (2) or more
 7 counties, the judge of the circuit court of the county containing that part
 8 of the metropolitan school district having more students than the part
 9 or parts located in another county or counties shall appoint the third
 10 member. The members of the metropolitan board of education serve
 11 until their successors are elected or appointed and qualified.

12 (d) The first meeting of the first metropolitan board of education
 13 shall be held not more than one (1) month after the creation of the
 14 metropolitan school district. The first meeting shall be called by the
 15 superintendent of schools, or township trustee of a school township, of
 16 the school corporation in the district having the largest number of
 17 students. At the first meeting, the board shall organize, and **each year**
 18 **during the first ten (10) days of each July after the board members**
 19 **that are elected or appointed to a new term take office**, the board
 20 shall reorganize, by electing a president, a vice president, a secretary,
 21 and a treasurer.

22 (e) The secretary of the board shall keep an accurate record of the
 23 minutes of the metropolitan board of education, and the minutes shall
 24 be kept in the superintendent's office. When a metropolitan school
 25 district is formed, the metropolitan superintendent shall act as
 26 administrator of the board and shall carry out the acts and duties as
 27 designated by the board. A quorum consists of a majority of the
 28 members of the board. A quorum is required for the transaction of
 29 business. The vote of a majority of those present is required for a:

- 30 (1) motion;
- 31 (2) ordinance; or
- 32 (3) resolution;

33 to pass.

34 (f) The board shall conduct its affairs in the manner described in this
 35 section. Except in unusual cases, the board shall hold its meetings at
 36 the office of the metropolitan superintendent or at a place mutually
 37 designated by the board and the superintendent. Board records are to
 38 be maintained and board business is to be conducted from the office of
 39 the metropolitan superintendent or a place designated by the board and
 40 the superintendent.

41 (g) The metropolitan board of education shall have the power to pay
 42 to a member of the board:

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- 1 (1) a reasonable per diem for service on the board not to exceed
- 2 one hundred twenty-five dollars (\$125) per year; and
- 3 (2) for travel to and from a member's home to the place of the
- 4 meeting within the district, a sum for mileage equal to the amount
- 5 per mile paid to state officers and employees. The rate per mile
- 6 shall change when the state government changes its rate per mile.

7 SECTION 39. IC 20-23-7-8.1 IS ADDED TO THE INDIANA
 8 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 9 [EFFECTIVE JULY 1, 2010]: **Sec. 8.1. (a) The registered voters of**
 10 **the metropolitan school district shall elect the members of the**
 11 **metropolitan board of education at general elections held**
 12 **biennially, beginning with the next general election that is held**
 13 **more than sixty (60) days after the creation of the metropolitan**
 14 **school district as provided in this chapter.**

15 (b) Each nominee for the board must file a petition of
 16 nomination signed by the nominee and by ten (10) registered voters
 17 residing in the same board member district as the nominee. The
 18 petition must be filed in accordance with IC 3-8-2.5 with the circuit
 19 court clerk of each county in which the metropolitan school district
 20 is located.

21 (c) Nominees for the board shall be listed on the general election
 22 ballot:

- 23 (1) in the form prescribed by IC 3-11-2;
- 24 (2) by board member districts; and
- 25 (3) without party designation.

26 The ballot must state the number of board members to be voted on
 27 and the maximum number of members that may be elected from
 28 each board member district as provided under section 5 of this
 29 chapter. A ballot that contains more votes than the maximum
 30 number allowed from a board member district is invalid.

31 (d) The precinct election boards in each county serving at the
 32 general election shall conduct the election for school board
 33 members.

34 (e) Voting and tabulation of votes shall be conducted in
 35 accordance with IC 3, and the candidates who receive the most
 36 votes are elected to the board.

37 (f) If there are more candidates from a particular board
 38 member district than may be elected from the board member
 39 district under section 5 of this chapter:

- 40 (1) the number of candidates elected is the greatest number
- 41 that may be elected from the board member district;
- 42 (2) the candidates elected are those who, among the

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1 candidates from the board member district, receive the most
 2 votes; and
 3 (3) the other candidates from the board member district are
 4 eliminated.

5 (g) If there is a tie vote among the candidates for the board, the
 6 judge of the circuit court in the county where the majority of the
 7 registered voters of the metropolitan school district reside shall
 8 select one (1) of the candidates, who shall be declared and certified
 9 elected.

10 (h) If, at any time after the first board member election a
 11 vacancy on the board occurs for any reason, including an
 12 insufficient number of petitions for candidates being filed, and
 13 regardless of whether the vacating member was elected or
 14 appointed, the remaining members of the board, whether or not a
 15 majority of the board, shall by a majority vote fill the vacancy by:

- 16 (1) appointing a person from the board member district from
- 17 which the person who vacated the board was elected; or
- 18 (2) if the person was appointed, appointing a person from the
- 19 board member district from which the last elected
- 20 predecessor of the person was elected.

21 If a majority of the remaining members of the board is unable to
 22 agree or the board fails to act within thirty (30) days after a
 23 vacancy occurs, the judge of the circuit court in the county where
 24 the majority of registered voters of the metropolitan school district
 25 reside shall make the appointment.

- 26 (i) At a general election held on the earlier of:
- 27 (1) more than sixty (60) days after an elected board member
- 28 vacates membership on the board; or
- 29 (2) immediately before the end of the term for which the
- 30 vacating member was elected;

31 a successor to a board member appointed under subsection (h)
 32 shall be elected. Unless the successor takes office at the end of the
 33 term of the vacating member, the member shall serve only for the
 34 balance of the vacating member's term. In an election for a
 35 successor board member to fill a vacancy for a two (2) year
 36 balance of a term, candidates for board membership need not file
 37 for or with reference to the vacancy. However, as required by
 38 IC 3-11-2, candidates for at-large seats must be distinguished on
 39 the ballot from candidates for district seats. If there is more than
 40 one (1) at-large seat on the ballot due to this vacancy, the elected
 41 candidate who receives the fewest votes at the election at which the
 42 successor is elected shall serve a two (2) year term.

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1 (j) At the first general election in which members of the board
2 are elected under this section, the elected candidates who constitute
3 a simple majority of the elected candidates and who receive the
4 most votes shall be elected for four (4) year terms, and the other
5 elected candidates shall be elected for two (2) year terms.

6 (k) After the first general election referred to in subsection (j),
7 board members shall be elected for four (4) year terms and shall
8 take office January 1 following their election.

9 SECTION 40. IC 20-23-7-12, AS AMENDED BY P.L.1-2007,
10 SECTION 143, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2010]: Sec. 12. (a) As used in this section,
12 "county" means the county in which the school township is located.

13 (b) As used in this section, "school township" means a school
14 township in Indiana that:

- 15 (1) for the last full school semester immediately preceding:
 - 16 (A) the adoption of a preliminary resolution by the township
 - 17 trustee and the township board under subsection (f); or
 - 18 (B) the adoption of a resolution of disapproval by the township
 - 19 trustee and the township board under subsection (g);
 - 20 had an ADM of at least six hundred (600) students in
 - 21 kindergarten through grade 12 in the public schools of the school
 - 22 township; or
 - 23 (2) is part of a township in which there were more votes cast for
 - 24 township trustee outside the school township than inside the
 - 25 school township in the general election at which the trustee was
 - 26 elected and that preceded the adoption of the preliminary or
 - 27 disapproving resolution.

28 (c) As used in this section, "township board" means the township
29 board of a township in which the school township is located.

30 (d) As used in this section, "township trustee" means the township
31 trustee of the township in which the school township is located.

32 (e) In a school township, a metropolitan school district may be
33 created by complying with this section. A metropolitan school district
34 created under this section shall have the same boundaries as the school
35 township. After a district has been created under this section, the
36 school township that preceded the metropolitan school district is
37 abolished. The procedures or provisions governing the creation of a
38 metropolitan school district under another section of this chapter do not
39 apply to the creation of a district under this section. After a
40 metropolitan school district is created under this section, the district
41 shall, except as otherwise provided in this section, be governed by and
42 operate in accordance with this chapter governing the operation of a

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1 metropolitan school district as established under section 2 of this
2 chapter.

3 (f) Except as provided in subsection (g), a metropolitan school
4 district provided for in subsection (e) may be created in the following
5 manner:

6 (1) The township trustee shall call a meeting of the township
7 board. At the meeting, the township trustee and a majority of the
8 township board shall adopt a resolution that a metropolitan school
9 district shall be created in the school township. The township
10 trustee shall then give notice:

11 (A) by two (2) publications one (1) week apart in a newspaper
12 of general circulation published in the school township; or

13 (B) if there is no newspaper as described in clause (A), in a
14 newspaper of general circulation in the county;

15 of the adoption of the resolution setting forth the text of the
16 resolution.

17 (2) On the thirtieth day after the date of the last publication of the
18 notice under subdivision (1) and if a protest has not been filed, the
19 township trustee and a majority of the township board shall
20 confirm their preliminary resolution. If, however, on or before the
21 twenty-ninth day after the date of the last publication of the
22 notice, a number of registered voters of the school township,
23 equal to five percent (5%) or more of the number of votes cast in
24 the school township for secretary of state at the last preceding
25 general election for that office, sign and file with the township
26 trustee a petition requesting an election in the school township to
27 determine whether or not a metropolitan school district must be
28 created in the township in accordance with the preliminary
29 resolution, then an election must be held as provided in
30 subsection (h). The preliminary resolution and confirming
31 resolution provided in this subsection shall both be adopted at a
32 meeting of the township trustee and township board in which the
33 township trustee and each member of the township board received
34 or waived a written notice of the date, time, place, and purpose of
35 the meeting. The resolution and the proof of service or waiver of
36 the notice shall be made a part of the records of the township
37 board.

38 (g) Except as provided in subsection (f), a metropolitan school
39 district may also be created in the following manner:

40 (1) A number of registered voters of the school township, equal
41 to five percent (5%) or more of the votes cast in the school
42 township for secretary of state at the last general election for that

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1 office, shall sign and file with the township trustee a petition
 2 requesting the creation of a metropolitan school district under this
 3 section.
 4 (2) The township trustee and a majority of the township board
 5 shall, not more than ten (10) days after the filing of a petition:
 6 (A) adopt a preliminary resolution that a metropolitan school
 7 district shall be created in the school township and proceed as
 8 provided in subsection (f); or
 9 (B) adopt a resolution disapproving the creation of the district.
 10 (3) If either the township trustee or a majority of township board
 11 members vote in favor of disapproving the resolution, an election
 12 must be held to determine whether or not a metropolitan school
 13 district shall be created in the school township in the same
 14 manner as is provided in subsection (f) if an election is requested
 15 by petition.
 16 (h) An election required under subsection (f) or (g) may, at the
 17 option of the township trustee, be held either as a special election or in
 18 conjunction with a primary or general election to be held not more than
 19 one hundred twenty (120) days after the filing of a petition under
 20 subsection (f) or the adoption of the disapproving resolution under
 21 subsection (g). The township trustee shall certify the question to the
 22 county election board under IC 3-10-9-3 and give notice of an election:
 23 (1) by two (2) publications one (1) week apart in a newspaper of
 24 general circulation in the school township; or
 25 (2) if a newspaper described in subdivision (1) does not exist, in
 26 a newspaper of general circulation published in the county.
 27 The notice must provide that on a day and time named in the notice, the
 28 polls shall be opened at the usual voting places in the various precincts
 29 in the school township for the purpose of taking the vote of the
 30 registered voters of the school township regarding whether a
 31 metropolitan school district shall be created in the township. The
 32 election shall be held not less than twenty (20) days and not more than
 33 thirty (30) days after the last publication of the notice unless a primary
 34 or general election will be conducted not more than six (6) months after
 35 the publication. In that case, the county election board shall place the
 36 public question on the ballot at the primary or general election. If the
 37 election is to be a special election, the township trustee shall give
 38 notice not more than thirty (30) days after the filing of the petition or
 39 the adoption of the disapproving resolution.
 40 (i) On the day and time named in the notice, the polls shall be
 41 opened and the votes of the voters shall be taken regarding whether a
 42 metropolitan school district shall be created in the school township.

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1 IC 3 governs the election except as otherwise provided in this chapter.
 2 The county election board shall conduct the election. The public
 3 question shall be placed on the ballot in the form prescribed by
 4 IC 3-10-9-4 and must state, "Shall a metropolitan school district under
 5 IC 20-23-7 be formed in the _____ School Township of
 6 _____ County, Indiana?". The name of the school township
 7 shall be inserted in the blanks.

8 (j) The votes cast in the election shall be canvassed at a place in the
 9 school township determined by the county election board. The
 10 certificate of the votes cast for and against the creation of a
 11 metropolitan school district shall be filed in the records of the township
 12 board and recorded with the county recorder. If the special election is
 13 not conducted at a primary or general election, the school township
 14 shall pay the expense of holding the election out of the school general
 15 fund that is appropriated for this purpose.

16 (k) A metropolitan school district shall, subject to section 7 of this
 17 chapter, be created on the thirtieth day after the date of the adoption of
 18 the confirming resolution under subsection (f) or an election held under
 19 subsection (h). If a public official fails to do the official's duty within
 20 the time prescribed in this section, the failure does not invalidate the
 21 proceedings taken under this section. An action to contest the validity
 22 of the creation of a metropolitan school district under this section or to
 23 enjoin the operation of a metropolitan school district may not be
 24 instituted later than the thirtieth day following the date of the adoption
 25 of the confirming resolution under subsection (f) or of the election held
 26 under subsection (h). Except as provided in this section, an election
 27 under this subsection may not be held sooner than twelve (12) months
 28 after another election held under subsection (h).

29 (l) A metropolitan school district is known as "The Metropolitan
 30 School District of _____ Township, _____ County,
 31 Indiana". The first metropolitan board of education in a metropolitan
 32 school district created under this section consists of five (5) members.
 33 The township trustee and the township board members are ex officio
 34 members of the first board, subject to the laws concerning length of
 35 their respective terms of office, manner of election or appointment, and
 36 the filling of vacancies applicable to their respective offices. The ex
 37 officio members serve without compensation or reimbursement for
 38 expenses, other than that which they may receive from their respective
 39 offices. The township board shall, by a resolution recorded in its
 40 records, appoint the fifth member of the metropolitan board of
 41 education. The fifth member shall meet the qualifications of a member
 42 of a metropolitan board of education under this chapter, with the

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1 exception of the board member district requirements provided in
2 sections 4, 5, and ~~8~~ **8.1** of this chapter.

3 (m) A fifth board member shall be appointed not more than fifteen
4 (15) days after the date of the adoption of the confirming resolution
5 under subsection (f)(2) or an election held under subsection (h). The
6 first board shall hold its first meeting not more than fifteen (15) days
7 after the date when the fifth board member is appointed or elected, on
8 a date established by the township board in the resolution in which it
9 appoints the fifth board member. The first board shall serve until ~~July~~
10 **± January 1** following the election of a metropolitan school board at
11 the first **primary general** election held more than sixty (60) days
12 following the creation of the metropolitan school district.

13 (n) After the creation of a metropolitan school district under this
14 section, the president of the metropolitan school board of the district
15 shall serve as a member of the county board of education and perform
16 the duties on the county board of education that were previously
17 performed by the township trustee. The metropolitan school board and
18 superintendent of the district may call upon the assistance of and use
19 the services provided by the county superintendent of schools. This
20 subsection does not limit or take away the powers, rights, privileges, or
21 duties of the metropolitan school district or the board or superintendent
22 of the district provided in this chapter.

23 SECTION 41. IC 20-23-8-7, AS ADDED BY P.L.1-2005,
24 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2010]: Sec. 7. (a) A plan or proposed plan must contain the
26 following items:

- 27 (1) The number of members of the governing body, which shall
28 be:
 - 29 (A) three (3);
 - 30 (B) five (5); or
 - 31 (C) seven (7);
- 32 members.
- 33 (2) Whether the governing board shall be elected or appointed.
- 34 (3) If appointed, when and by whom, and a general description of
35 the manner of appointment that conforms with the requirements
36 of IC 20-23-4-28.
- 37 ~~(4) If elected, whether the election shall be at the primary or at the~~
38 ~~general election that county officials are nominated or elected;~~
39 ~~and a general description of the manner of election that conforms~~
40 ~~with the requirements of IC 20-23-4-27.~~
- 41 **(4) A provision that the members of an elected governing**
42 **board shall be elected at the general election at which county**

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officials are elected.

(5) The limitations on:

- (A) residence;
- (B) term of office; and
- (C) other qualifications;

required by members of the governing body.

(6) The time the plan takes effect.

A plan or proposed plan may have additional details to make the provisions of the plan workable. The details may include provisions relating to the commencement or length of terms of office of the members of the governing body taking office under the plan.

(b) Except as provided in subsection (a)(1), in a city having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000), the governing body described in a plan may have up to nine (9) members.

SECTION 42. IC 20-23-8-21, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 21. An election may not be held under this chapter more than once each eighteen (18) months. A plan for a governing body may not be adopted more than once each six (6) years, except if **either of the following applies:**

~~(1) the plan only changes the time of voting for board members from the primary to the general election or from the general to the primary election;~~

~~(2) (1) A plan adopted is declared or held to be invalid by a binding judgment or order in a United States or an Indiana court that no appeal or further approval can be taken. or~~

~~(3) (2) The plan provides solely for changes in items specified in section 7(a)(5) of this chapter.~~

SECTION 43. IC 20-23-10-8, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) The board members of a merged school corporation shall be elected at the first **primary general** election following the merged school corporation's creation, and vacancies shall be filled in accordance with IC 20-23-4-30.

(b) Until the first election under subsection (a), the board of trustees of the merged school corporation consists of:

- (1) the members of the governing body of a school corporation in the county other than a school township; and
- (2) the township trustee of a school township in the county.

(c) The first board of trustees shall select the name of the merged school corporation by a majority vote. The name may be changed by

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1 unanimous vote of the governing body of the merged school
2 corporation.

3 SECTION 44. IC 20-23-12-3, AS ADDED BY P.L.1-2005,
4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2010]: Sec. 3. (a) The governing body of the school
6 corporation consists of seven (7) members elected as follows:

- 7 (1) On a nonpartisan basis.
- 8 (2) In a **primary general** election ~~held~~ in the county.
- 9 (b) Six (6) of the members shall be elected from the school districts
10 drawn under section 4 of this chapter. Each member:

- 11 (1) is elected from the school district in which the member
12 resides; and
- 13 (2) upon election and in conducting the business of the governing
14 body, represents the interests of the entire school corporation.

- 15 (c) One (1) of the members elected:
 - 16 (1) is the at-large member of the governing body;
 - 17 (2) may reside in any of the districts drawn under section 4 of this
18 chapter; and
 - 19 (3) upon election and in conducting the business of the governing
20 body, represents the interests of the entire school corporation.

21 SECTION 45. IC 20-23-12-8, AS ADDED BY P.L.1-2005,
22 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2010]: Sec. 8. (a) The term of each person elected to serve on
24 the governing body

- 25 (1) is four (4) years. ~~and~~
- 26 (2) ~~begins~~

27 (b) **The term of each person elected to serve on the governing**
28 **body begins** the ~~July 1~~ **January 1** that next follows the person's
29 election.

30 SECTION 46. IC 20-23-12-9, AS ADDED BY P.L.1-2005,
31 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2010]: Sec. 9. The members are elected as follows:

- 33 (1) Three (3) of the members elected under section 3(b) of this
34 chapter are elected at the **primary general** election to be held in
35 ~~2008~~ **2012** and every four (4) years thereafter.
- 36 (2) Three (3) of the members elected under section 3(b) of this
37 chapter are elected at the **primary general** election to be held in
38 ~~2006~~ **2014** and every four (4) years thereafter.
- 39 (3) The at-large member elected under section 3(c) of this chapter
40 is elected at the **primary general** election to be held in ~~2008~~ **2012**
41 and every four (4) years thereafter.

42 SECTION 47. IC 20-23-13-1, AS ADDED BY P.L.230-2005,

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1 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2010]: Sec. 1. (a) In a community school corporation
3 established under IC 20-23-4 that:

- 4 (1) has a population of more than seventy-five thousand (75,000)
5 but less than ninety thousand (90,000); and
6 (2) is the successor in interest to a school city having the same
7 population;

8 the governing body consists of a board of trustees of five (5) members
9 elected in the manner provided in this chapter.

10 ~~(b) At the 2008 primary election and at each primary election every~~
11 ~~four (4) years thereafter, there shall be elected in each school~~
12 ~~corporation covered by this chapter two (2) governing body members,~~
13 ~~each of whom shall serve for four (4) years. The two (2) candidates for~~
14 ~~the office of school trustee receiving the highest number of votes at the~~
15 ~~election take office on July 1 next following the election.~~

16 ~~(c) At the 2006 primary election and at each primary election every~~
17 ~~four (4) years thereafter, there shall be elected in each school city~~
18 ~~covered by this chapter three (3) governing body members, each of~~
19 ~~whom shall serve for four (4) years. The three (3) candidates for the~~
20 ~~office of school trustee receiving the highest number of votes at the~~
21 ~~election take office on July 1 next following the election.~~

22 ~~(d) (b) The governing body members shall be elected at the times~~
23 ~~provided and shall succeed the retiring members in the order and~~
24 ~~manner as set forth in this section: chapter.~~

25 SECTION 48. IC 20-23-13-2.1 IS ADDED TO THE INDIANA
26 CODE AS A NEW SECTION TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2010]: Sec. 2.1. (a) As used in this section,
28 "county election board" includes a board of elections and
29 registration established under IC 3-6-5.2.

30 (b) The voters of the school corporation shall elect the members
31 of the governing body at a general election for a term of four (4)
32 years. The members shall be elected from the city at large without
33 reference to district.

34 (c) Each candidate for election to the governing body must file
35 a petition of nomination with the county election board in each
36 county in which a school corporation subject to this chapter is
37 located. The petition of nomination must comply with IC 3-8-2.5
38 and the following requirements:

- 39 (1) The petition must be signed by at least two hundred (200)
40 legal voters of the school corporation.
41 (2) Each petition may nominate only one (1) candidate.
42 (3) The number of petitions signed by a legal voter may not

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exceed the number of school trustees to be elected.
(d) After all petitions described in subsection (c) are filed with the county election board, the board shall publish the names of those nominated in accordance with IC 5-3-1 and shall certify the nominations in the manner required by law. IC 3 governs the election to the extent that it is not inconsistent with this chapter.

(e) The county election board shall prepare the ballot for the general election at which members of the governing body are to be elected so that the names of the candidates nominated appear on the ballot:

- (1) in alphabetical order;
- (2) without party designation; and
- (3) in the form prescribed by IC 3-11-2.

(f) The county election board shall not publish or place on the ballot the name of a candidate who is not eligible under this chapter for membership on the governing body.

(g) Each voter may vote for as many candidates as there are members of the governing body to be elected.

SECTION 49. IC 20-23-13-3, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. The intent of this chapter is to provide that the governing body of the school corporations to which it relates shall be elected as provided in:

- (1) IC 20-23-4-27; and ~~IC 20-23-4-29~~ through
- (2) IC 20-23-4-29.1;
- (3) IC 20-23-4-30; and
- (4) IC 20-23-4-31;

but this chapter prevails over any conflicting provisions of IC 20-23-4 relating to any school corporation.

SECTION 50. IC 20-23-14-5, AS ADDED BY P.L.230-2005, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. To be eligible to be a candidate for the governing body under this chapter, the following apply:

- (1) Each prospective candidate must file a **petition of nomination** ~~petition~~ with the board of elections and registration not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the **primary general** election at which the members are to be elected. ~~that includes~~ **The petition of nomination must include** the following: ~~information:~~
 - (A) The name of the prospective candidate.
 - (B) Whether the prospective candidate is a district candidate or an at-large candidate.

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- 1 (C) A certification that the prospective candidate meets the
- 2 qualifications for candidacy imposed under this chapter.
- 3 (D) The signatures of at least one hundred (100) registered
- 4 voters residing in the school corporation.
- 5 (2) Each prospective candidate for a district position must:
- 6 (A) reside in the district; and
- 7 (B) have resided in the district for at least the three (3) years
- 8 immediately preceding the election.
- 9 (3) Each prospective candidate for an at-large position must:
- 10 (A) reside in the school corporation; and
- 11 (B) have resided in the school corporation for at least the three
- 12 (3) years immediately preceding the election.
- 13 (4) Each prospective candidate (regardless of whether the
- 14 candidate is a district candidate or an at-large candidate) must:
- 15 (A) be a registered voter;
- 16 (B) have been a registered voter for at least the three (3) years
- 17 immediately preceding the election; and
- 18 (C) be a high school graduate or have received a:
- 19 (i) high school equivalency certificate; or
- 20 (ii) state general educational development (GED) diploma
- 21 under IC 20-20-6.
- 22 (5) A prospective candidate may not:
- 23 (A) hold any other elective or appointive office; or
- 24 (B) have a pecuniary interest in any contract with the school
- 25 corporation or its governing body;
- 26 as prohibited by law.

27 SECTION 51. IC 20-23-14-8, AS ADDED BY P.L.1-2005,
 28 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2010]: Sec. 8. (a) The term of each person elected to serve on
 30 the governing body

31 ~~(1)~~ is four (4) years. ~~and~~

32 ~~(2)~~ begins

33 **(b) The term of each person elected to serve on the governing**
 34 **body begins on the July + January 1** that next follows the person's
 35 election.

36 SECTION 52. IC 20-23-14-9, AS ADDED BY P.L.1-2005,
 37 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2010]: Sec. 9. The members are elected as follows:

39 (1) Three (3) of the members are elected at the **primary general**
 40 election to be held in ~~2008~~ **2012** and every four (4) years
 41 thereafter.

42 (2) Two (2) of the members are elected at the **primary general**

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1 election to be held in ~~2006~~ **2014** and every four (4) years
 2 thereafter.
 3 SECTION 53. IC 20-25-3-4, AS AMENDED BY P.L.1-2006,
 4 SECTION 322, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) The board consists of seven
 6 (7) members. A member:
 7 (1) must be elected on a nonpartisan basis in **primary general**
 8 elections held in the county as specified in this section; and
 9 (2) serves a four (4) year term.
 10 (b) Five (5) members shall be elected from the school board districts
 11 in which the members reside, and two (2) members must be elected at
 12 large. Not more than two (2) of the members who serve on the board
 13 may reside in the same school board district.
 14 (c) If a candidate runs for one (1) of the district positions on the
 15 board, only eligible voters residing in the candidate's district may vote
 16 for that candidate. If a person is a candidate for one (1) of the at-large
 17 positions, eligible voters from all the districts may vote for that
 18 candidate.
 19 (d) If a candidate files to run for a position on the board, the
 20 candidate must specify whether the candidate is running for a district
 21 or an at-large position.
 22 (e) A candidate who runs for a district or an at-large position wins
 23 if the candidate receives the greatest number of votes of all the
 24 candidates for the position.
 25 (f) Districts shall be established within the school city by the state
 26 board. The districts must be drawn on the basis of precinct lines, and
 27 as nearly as practicable, of equal population with the population of the
 28 largest district not to exceed the population of the smallest district by
 29 more than five percent (5%). District lines must not cross precinct
 30 lines. The state board shall establish:
 31 (1) balloting procedures for the election under IC 3; and
 32 (2) other procedures required to implement this section.
 33 (g) A member of the board serves under section 3 of this chapter.
 34 (h) In accordance with subsection (k), a vacancy in the board shall
 35 be filled temporarily by the board as soon as practicable after the
 36 vacancy occurs. The member chosen by the board to fill a vacancy
 37 holds office until the member's successor is elected and qualified. The
 38 successor shall be elected at the next regular school board election
 39 occurring after the date on which the vacancy occurs. The successor
 40 fills the vacancy for the remainder of the term.
 41 (i) An individual elected to serve on the board begins the
 42 individual's term on ~~July 1 of the year of~~ **January 1 immediately**

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following the individual's election.

(j) Notwithstanding any law to the contrary, each voter must cast a vote for a school board candidate or school board candidates by voting system or paper ballot. However, the same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the board offices.

(k) If a vacancy in the board exists because of the death of a member, the remaining members of the board shall meet and select an individual to fill the vacancy in accordance with subsection (h) after the secretary of the board receives notice of the death under IC 5-8-6.

SECTION 54. IC 33-33-53-5, AS AMENDED BY P.L.2-2006, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. In accordance with rules adopted by the judges of the court under section 6 of this chapter, the presiding judge shall do the following:

- (1) Ensure that the court operates efficiently and judicially under rules adopted by the court.
- (2) Annually submit to the fiscal body of Monroe County a budget for the court, including amounts necessary for:
 - (A) the operation of the circuit's probation department;
 - (B) the defense of indigents; and
 - (C) maintaining an adequate law library.
- (3) Make the appointments or selections required of a circuit or superior court judge under the following statutes:
 - IC 8-4-21-2
 - IC 11-12-2-2
 - IC 16-22-2-4
 - IC 16-22-2-11
 - IC 16-22-7
 - IC 20-23-4
 - IC 20-23-7-6
 - ~~IC 20-23-7-8~~ **IC 20-23-7-8.1**
 - IC 20-26-7-8
 - IC 20-26-7-14
 - IC 20-47-2-15
 - IC 20-47-3-13
 - IC 36-9
 - IC 36-10
 - IC 36-12-10-10.
- (4) Make appointments or selections required of a circuit or superior court judge by any other statute, if the appointment or selection is not required of the court because of an action before

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the court.
SECTION 55. IC 33-34-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. (a) The voters of each township having a small claims court shall elect a constable for the small claims court at the general election every four (4) years for a term of office of four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified. The ballot must state the:

- (1) name of the candidate; and
- (2) court for which the candidate is to serve.
- (b) Each small claims court shall have a constable who:
 - (1) acts as the bailiff of the court;
 - (2) serves the court's personal service of process;
 - (3) has police powers to:
 - (A) make arrests **under a court order or to maintain order in the court;**
 - (B) keep the peace **in the court during court proceedings;** and
 - (C) carry out the orders of the court;
 - (4) must meet the qualifications prescribed by IC 3-8-1-31;
 - (5) is compensated for each process that is delivered to effect personal service when serving as the bailiff for the court;
 - (6) is responsible for:
 - (A) the preparation and mailing of all registered or certified service and is compensated for each process served by mail; and
 - (B) all the official acts of the deputies;
 - (7) is compensated solely from the service of process fees collected under IC 33-34-8-1; ~~and~~
 - (8) may require a deputy to give a bond for the proper discharge of the deputy's duties for an amount fixed by the constable; **and**
 - (9) must file an annual statement of economic interests under IC 33-23-11-14.**
- (c) The elected constable may appoint full-time and part-time deputies for assistance in the performance of official duties who:
 - (1) perform all the official duties required to be performed by the constable;
 - (2) possess the same statutory ~~and common law powers and authority~~ as the constable;
 - (3) must take the same oath required of the constable;
 - (4) are compensated solely from the service of process fees collected under IC 33-34-8-1; ~~and~~

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1 (5) serve at the pleasure of the constable and may be dismissed at
2 any time with or without cause; **and**
3 **(6) if the deputy is a full-time deputy, must file an annual**
4 **statement of economic interests under IC 33-23-11-14.**

5 (d) If there is an:
6 (1) emergency; or
7 (2) inability of a constable to carry out the constable's duties;
8 the judge may appoint a special constable to carry out the duties of the
9 constable during the emergency or inability.

10 SECTION 56. IC 36-1-2-5 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. "Executive"
12 means **the:**

- 13 (1) board of commissioners, for a county ~~not having that:~~
14 **(A) does not have** a consolidated city; **and**
15 **(B) is not subject to IC 36-2-2.5;**
16 **(2) chief executive officer elected under IC 36-2-2.5, for a**
17 **county that:**
18 **(A) does not have a consolidated city; and**
19 **(B) is subject to IC 36-2-2.5;**
20 ~~(2)~~ **(3) mayor of the consolidated city, for a county having a**
21 **consolidated city;**
22 ~~(3)~~ **(4) mayor, for a city;**
23 ~~(4)~~ **(5) president of the town council, for a town;**
24 ~~(5)~~ **(6) trustee, for a township;**
25 ~~(6)~~ **(7) superintendent, for a school corporation; or**
26 ~~(7)~~ **(8) chief executive officer, for any other political subdivision.**

27 SECTION 57. IC 36-1-2-9, AS AMENDED BY P.L.186-2006,
28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 UPON PASSAGE]: Sec. 9. "Legislative body" means the:

- 30 (1) board of county commissioners, for a county not subject to
31 **IC 36-2-2.5, IC 36-2-3.5, or IC 36-3-1;**
- 32 (2) county council, for a county subject to **IC 36-2-2.5 or**
33 **IC 36-2-3.5;**
- 34 (3) city-county council, for a consolidated city or county having
35 a consolidated city;
- 36 (4) common council, for a city other than a consolidated city;
- 37 (5) town council, for a town;
- 38 (6) township board, for a township;
- 39 (7) governing body of any other political subdivision that has a
40 governing body; or
- 41 (8) chief executive officer of any other political subdivision that
42 does not have a governing body.

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1 SECTION 58. IC 36-1-3-6 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If there is a
 3 constitutional or statutory provision requiring a specific manner for
 4 exercising a power, a unit wanting to exercise the power must do so in
 5 that manner.

6 (b) If there is no constitutional or statutory provision requiring a
 7 specific manner for exercising a power, a unit wanting to exercise the
 8 power must either:

9 (1) if the unit is a county or municipality, adopt an ordinance
 10 prescribing a specific manner for exercising the power;

11 (2) if the unit is a township, adopt a resolution prescribing a
 12 specific manner for exercising the power; or

13 (3) comply with a statutory provision permitting a specific manner
 14 for exercising the power.

15 (c) An ordinance under subsection (b)(1) must be adopted as
 16 follows:

17 (1) In a municipality, by the legislative body of the municipality.

18 (2) In a county subject to **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1,
 19 by the legislative body of the county.

20 (3) In any other county, by the executive of the county.

21 (d) A resolution under subsection (b)(2) must be adopted by the
 22 legislative body of the township.

23 SECTION 59. IC 36-1-8-10.5, AS AMENDED BY P.L.1-2005,
 24 SECTION 231, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2010]: Sec. 10.5. (a) This section does not
 26 apply to the following:

27 (1) An elected or appointed officer.

28 (2) An individual described in IC 20-26-4-11.

29 (b) **Subject to IC 3-5-9**, an employee of a political subdivision may:

30 (1) be a candidate for any elected office and serve in that office if
 31 elected; or

32 (2) be appointed to any office and serve in that office if appointed;
 33 without having to resign as an employee of the political subdivision.

34 SECTION 60. IC 36-1-20 IS ADDED TO THE INDIANA CODE
 35 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2010]:

37 **Chapter 20. Employment of Relatives; Contracting With**
 38 **Relatives**

39 **Sec. 1. This chapter does not apply to the following:**

40 (1) **An individual who is a contractor or employed by a**
 41 **contractor for the design or construction of a public works**
 42 **project.**

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1 (2) An individual who is a vendor or employed by a vendor for
2 a purchase of mowing services or property maintenance
3 services.

4 (3) An individual who is a member of a paid fire department
5 or a volunteer fire department that renders fire protection
6 services to the political subdivision.

7 Sec. 2. For purposes of this chapter, the performance of the
8 duties of a precinct election officer (as defined in IC 3-5-2-40.1)
9 that are imposed by IC 3 is not considered employment by a
10 political subdivision.

11 Sec. 3. As used in this chapter, "employee" means an individual
12 who is employed by a political subdivision on a full time, a part
13 time, a temporary, an intermittent, or an hourly basis. The term
14 does not include a member of a paid fire department or a volunteer
15 fire department that renders fire protection services to the political
16 subdivision.

17 Sec. 4. (a) As used in this chapter, "relative" means any of the
18 following:

- 19 (1) A husband.
- 20 (2) A wife.
- 21 (3) A father, grandfather, or stepfather.
- 22 (4) A mother, grandmother, or stepmother.
- 23 (5) A son, grandson, stepson, or son-in-law.
- 24 (6) A daughter, granddaughter, stepdaughter, or
25 daughter-in-law.
- 26 (7) A brother or stepbrother.
- 27 (8) A sister or stepsister.
- 28 (9) An aunt.
- 29 (10) An uncle.
- 30 (11) A niece.
- 31 (12) A nephew.
- 32 (13) A first cousin.

33 (b) A relative by adoption, half-blood, marriage, or remarriage
34 is considered a relative of whole kinship for purposes of this
35 chapter.

36 Sec. 5. An individual who is a relative of an officer or employee
37 of a political subdivision may not be employed by the political
38 subdivision in a position in which the individual would have a
39 direct supervisory or subordinate relationship with the officer or
40 employee who is the individual's relative.

41 Sec. 6. (a) A political subdivision may not enter into a contract
42 or renew a contract with:

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- 1 **(1) an individual to provide goods or services to the political**
- 2 **subdivision, if the individual is a relative of an individual who:**
- 3 **(A) is the executive of the political subdivision; or**
- 4 **(B) is a member of the executive of the political**
- 5 **subdivision; or**
- 6 **(2) a business entity to provide goods or services, if:**
- 7 **(A) a relative of the executive of the political subdivision;**
- 8 **or**
- 9 **(B) a relative of a member of the executive of the political**
- 10 **subdivision;**
- 11 **has an ownership interest in the business entity.**

12 **(b) This section does not prohibit a political subdivision from**
 13 **entering into a contract or renewing a contract if an employee of:**
 14 **(1) an individual contractor under subsection (a)(1); or**
 15 **(2) a business entity under subsection (a)(2);**
 16 **is a relative of the executive of the political subdivision or a**
 17 **member of the executive of the political subdivision.**

18 **(c) This section does not affect the initial term of a contract in**
 19 **existence at the time the term of office of the executive of the**
 20 **political subdivision or the member of the executive of the political**
 21 **subdivision begins.**

22 **Sec. 7. This chapter does not require the termination or**
 23 **reassignment of any employee of a political subdivision from any**
 24 **position held by that individual before July 1, 2010. This section**
 25 **expires January 1, 2015.**

26 SECTION 61. IC 36-1.5-4-5, AS ADDED BY P.L.186-2006,
 27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JANUARY 1, 2010 (RETROACTIVE)]: Sec. 5. (a) Except as provided
 29 in subsection (b), a reorganization approved under this chapter takes
 30 effect when all of the following have occurred:

- 31 (1) The later of:
- 32 (A) the date that a copy of a joint certification from the county
- 33 election board in each county in which reorganizing political
- 34 subdivisions are located that indicates that:
- 35 (i) the reorganization has been approved by the voters of
- 36 each reorganizing political subdivision; or
- 37 (ii) in the case of a reorganization described in section
- 38 1(a)(9) of this chapter, the reorganization has been approved
- 39 as set forth in section 32(b) of this chapter;
- 40 is recorded as required by section 31 of this chapter; or
- 41 (B) the date specified in the finally adopted plan of
- 42 reorganization.

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1 (2) The appointed or elected officers of the reorganized political
 2 subdivision are elected (as prescribed by section 36 of this
 3 chapter) or appointed and qualified, if:
 4 (A) the reorganized political subdivision is a new political
 5 subdivision and reorganizing political subdivisions are not
 6 being consolidated into one (1) of the reorganizing political
 7 subdivisions;
 8 (B) the reorganized political subdivision will have different
 9 boundaries than any of the reorganizing political subdivisions;
 10 (C) the reorganized political subdivision will have different
 11 appointment or election districts than any of the reorganizing
 12 political subdivisions; or
 13 (D) the finally adopted plan of reorganization requires new
 14 appointed or elected officers before the reorganization
 15 becomes effective.

16 (b) A reorganization approved under this chapter may not take effect
 17 during the year preceding a year in which a federal decennial census is
 18 conducted. A consolidation that would otherwise take effect during the
 19 year preceding a year in which a federal decennial census is conducted
 20 takes effect January 2 1 of the year in which a federal decennial census
 21 is conducted.

22 (c) **Notwithstanding subsection (b) as that subsection existed on**
 23 **December 31, 2009, a reorganization that took effect January 2,**
 24 **2010, because of the application of subsection (b), as that**
 25 **subsection existed on December 31, 2009, is instead considered to**
 26 **take effect January 1, 2010, without the adoption of an amended**
 27 **reorganization plan.**

28 SECTION 62. IC 36-1.5-4-18, AS ADDED BY P.L.186-2006,
 29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: Sec. 18. (a) A reorganization committee shall
 31 prepare a comprehensive plan of reorganization for the reorganizing
 32 political subdivisions. The plan of reorganization governs the actions,
 33 duties, and powers of the reorganized political subdivision that are not
 34 specified by law.

35 (b) The plan of reorganization must include at least the following:
 36 (1) The name and a description of the reorganized political
 37 subdivision that will succeed the reorganizing political
 38 subdivisions.
 39 (2) A description of the boundaries of the reorganized political
 40 subdivision.
 41 (3) Subject to section 40 of this chapter, a description of the
 42 taxing areas in which taxes to retire obligations of the

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1 reorganizing political subdivisions will be imposed.

2 (4) A description of the membership of the legislative body, fiscal
3 body, and executive of the reorganized political subdivision, a
4 description of the election districts or appointment districts from
5 which officers will be elected or appointed, and the manner in
6 which the membership of each elected or appointed office will be
7 elected or appointed.

8 (5) A description of the services to be offered by the reorganized
9 political subdivision and the service areas in which the services
10 will be offered.

11 (6) The disposition of the personnel, the agreements, the assets,
12 and, subject to section 40 of this chapter, the liabilities of the
13 reorganizing political subdivisions, including the terms and
14 conditions upon which the transfer of property and personnel will
15 be achieved.

16 (7) Any other matter that the:

17 (A) reorganization committee determines to be necessary or
18 appropriate; or

19 (B) legislative bodies of the reorganizing political subdivisions
20 require the reorganization committee;

21 to include in the plan of reorganization.

22 (8) In the case of a reorganization described in section 1(a)(9) of
23 this chapter, if the legislative bodies of the reorganizing political
24 subdivisions have specified that the vote on the public question
25 regarding the reorganization shall be conducted on a countywide
26 basis under section 30(b) of this chapter with a rejection
27 threshold, the reorganization committee shall include in the
28 reorganization plan a rejection threshold, specified as a
29 percentage, that applies for purposes of section 32(b) of this
30 chapter. The rejection threshold must be the same for each
31 municipality that is a party to the proposed reorganization and to
32 the county that is a party to the proposed reorganization.

33 (9) In the case of a reorganization described in section 1(a)(9) of
34 this chapter, the reorganization committee shall determine and
35 include in the reorganization plan the percentage of voters voting
36 on the public question regarding the proposed reorganization who
37 must vote, on a countywide basis, in favor of the proposed
38 reorganization for the public question to be approved. This
39 percentage is referred to in this chapter as the "countywide vote
40 approval percentage". The countywide vote approval percentage
41 must be greater than fifty percent (50%).

42 **(10) The statement required by subsection (e).**

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1 (c) In the case of a reorganization described in section 1(a)(9) of this
2 chapter, the reorganization committee may not change the decision of
3 the legislative bodies of the reorganizing political subdivisions
4 regarding whether the vote on the public question regarding the
5 reorganization shall be conducted on a countywide basis without a
6 rejection threshold or with a rejection threshold.

7 (d) Upon completion of the plan of reorganization, the
8 reorganization committee shall present the plan of reorganization to the
9 legislative body of each of the reorganizing political subdivisions for
10 adoption. The initial plan of reorganization must be submitted to the
11 legislative body of each of the reorganizing political subdivisions not
12 later than one (1) year after the clerk of the last political subdivision
13 that adopts a reorganization resolution under this chapter has certified
14 the resolution to all of the political subdivisions named in the
15 resolution. **In the case of a plan of reorganization submitted to a
16 political subdivision by a reorganization committee after June 30,
17 2010, the political subdivision shall post a copy of the plan of
18 reorganization on an Internet web site maintained or authorized by
19 the political subdivision not more than thirty (30) days after
20 receiving the plan of reorganization from the reorganization
21 committee.**

22 (e) **A reorganization committee must include in the plan of
23 reorganization submitted to a political subdivision after June 30,
24 2010, a statement of:**

- 25 (1) **whether a fiscal impact analysis concerning the proposed**
- 26 **reorganization has been prepared or has not been prepared**
- 27 **by or on behalf of the reorganization committee; and**
- 28 (2) **whether a fiscal impact analysis concerning the proposed**
- 29 **reorganization has been made available or has not been made**
- 30 **available to the public by or on behalf of the reorganization**
- 31 **committee.**

32 SECTION 63. IC 36-1.5-4-27, AS ADDED BY P.L.186-2006,
33 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 UPON PASSAGE]: Sec. 27. After the county recorder of each county
35 in which reorganizing political subdivisions are located has notified the
36 county election board that a public question on a plan of reorganization
37 is eligible to be placed on the ballot, the county election board shall
38 place the public question on the ballot in accordance with IC 3-10-9 on
39 the first regularly scheduled **general election or municipal** election
40 **(excluding any primary elections)** that will occur in all of the
41 precincts of the reorganizing political subdivisions at least sixty (60)
42 days after the required notices are received.

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1 SECTION 64. IC 36-1.5-4-36, AS ADDED BY P.L.186-2006,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 36. (a) This section applies if section 5 of this
4 chapter requires an election for a reorganization to become effective.

5 (b) At the next:

6 (1) general election, if:

7 (A) the reorganized political subdivision is not a municipality
8 or a school corporation; or

9 (B) **the reorganized political subdivision results from a**
10 **reorganization including a county and at least one (1)**
11 **municipality;**

12 (2) municipal election, if the reorganized political subdivision is
13 a municipality; or

14 (3) primary or general election, as specified in an election plan
15 adopted in substantially identical resolutions by the legislative
16 body of each of the participating political subdivisions if the
17 reorganized political subdivision is a school corporation;

18 after the voters approve a reorganization, one (1) set of officers for the
19 reorganized political subdivision having the combined population of
20 the reorganizing political subdivisions shall be elected by the voters in
21 the territory of the reorganized political subdivision as prescribed by
22 statute.

23 (c) In the election described in subsection (b):

24 (1) one (1) member of the legislative body of the reorganized
25 political subdivision shall be elected from each election district
26 established by the reorganizing political subdivisions in
27 substantially identical resolutions adopted by the legislative body
28 of each of the reorganizing political subdivisions; and

29 (2) the total number of at large members shall be elected as
30 prescribed by statute for the reorganized political subdivision.

31 (d) If appointed officers are required in the reorganized political
32 subdivision, one (1) set of appointed officers shall be appointed for the
33 reorganized political subdivision. The appointments shall be made as
34 required by statute for the reorganized political subdivision. Any
35 statute requiring an appointed officer to reside in the political
36 subdivision where the appointed officer resides shall be treated as
37 permitting the appointed officer to reside in any part of the territory of
38 the reorganized political subdivision.

39 SECTION 65. IC 36-2-1-2 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:

41 Sec. 2. (a) If the resident voters in a specified territory in two (2) or
42 more contiguous counties desire to change the boundaries of their

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1 respective counties, they may file a petition with the executives of their
2 respective counties requesting that the territory be transferred. The
3 petition must:

- 4 (1) be signed by at least the number of voters resident in the
- 5 territory requested to be transferred required to place a candidate
- 6 on the ballot under IC 3-8-6-3;
- 7 (2) contain a clear, distinct description of the requested boundary
- 8 change; and
- 9 (3) not propose to decrease the area of any county below four
- 10 hundred (400) square miles in compliance with Article 15,
- 11 Section 7 of the Constitution of the State of Indiana.

12 (b) Whenever a petition under subsection (a) is filed with a county
13 executive, the executive shall determine, at its first meeting after the
14 petition is filed:

- 15 (1) whether the signatures on the petition are genuine; and
- 16 (2) whether the petition complies with subsection (a).

17 (c) If the determinations under subsection (b) are affirmative, the
18 executive shall certify the question to the county election board of each
19 affected county. The county election boards shall jointly order a special
20 election to be held, scheduling the election so that the election is held
21 on the same date in each county interested in the change, but not later
22 than thirty (30) days and not on the same date as a general election. The
23 election shall be conducted under IC 3-10-8-6. All voters of each
24 interested county are entitled to vote on the question. The question
25 shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and
26 must state "Shall the boundaries of _____ County and
27 _____ County change?".

28 (d) After an election under subsection (c), the clerk of each county
29 shall make a certified copy of the election returns and not later than
30 five (5) days after the election file the copy with the auditor of the
31 county. The auditor shall, not later than five (5) days after the filing of
32 the returns in the auditor's office, make a true and complete copy of the
33 returns, certified under the auditor's hand and seal, and deposit the copy
34 with the auditor of every other county interested in the change.

35 (e) After copies have been filed under subsection (d), the auditor of
36 each county shall call a meeting of the executive of the county, which
37 shall examine the returns. If a majority of the voters of each interested
38 county voted in favor of change, the executive shall:

- 39 (1) enter an order declaring their boundaries to be changed as
- 40 described in the petition; and
- 41 (2) if the county has received territory from the transfer, adopt
- 42 revised descriptions of:

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1 (A) county commissioner districts under IC 36-2-2-4; and
2 (B) county council districts under IC 36-2-3-4;
3 so that the transferred territory is assigned to at least one (1) county
4 commissioner district and at least one (1) county council district.

5 (f) The executive of each county shall file a copy of the order
6 described in subsection (e)(1) with:

- 7 (1) the office of the secretary of state; and
- 8 (2) the circuit court clerk of the county.

9 Except as provided in subsection (g), the transfer of territory becomes
10 effective when the last county order is filed under this subsection.

11 (g) An order declaring county boundaries to be changed may not
12 take effect during the year preceding a year in which a federal
13 decennial census is conducted. An order that would otherwise take
14 effect during the year preceding a year in which a federal decennial
15 census is conducted takes effect January 2 of the year in which a
16 federal decennial census is conducted.

17 (h) An election under this section may be held only once every three
18 (3) years.

19 (i) **Notwithstanding subsection (g) as that subsection existed on**
20 **December 31, 2009, a boundary change that took effect January 2,**
21 **2010, because of the application of subsection (g), as that**
22 **subsection existed on December 31, 2009, is instead considered to**
23 **take effect January 1, 2010, without an amended order or any**
24 **other additional action being required.**

25 SECTION 66. IC 36-2-1.5 IS ADDED TO THE INDIANA CODE
26 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
27 UPON PASSAGE]:

28 **Chapter 1.5. Reorganization Fiscal Analysis Statement**

29 **Sec. 1. This chapter applies only if a statute is enacted by the**
30 **general assembly that allows a county to reorganize the county**
31 **executive body, county legislative body, or county fiscal body by a**
32 **means other than a reorganization under IC 36-1.5.**

33 **Sec. 2. As used in this chapter, "governing body" means a**
34 **county executive body, county fiscal body, or county legislative**
35 **body.**

36 **Sec. 3. If a plan of reorganization is prepared in a**
37 **reorganization subject to this chapter, the plan must include a**
38 **statement of:**

- 39 (1) whether a fiscal impact analysis concerning the proposed
40 reorganization has been prepared or has not been prepared
41 by or on behalf of the county; and
- 42 (2) whether a fiscal impact analysis concerning the proposed

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1 reorganization has been made available or has not been made
2 available to the public by or on behalf of the county.

3 **Sec. 4. (a) This section applies if:**

4 (1) a plan of reorganization is not prepared in a
5 reorganization subject to this chapter; and

6 (2) a governing body or governing bodies are required by
7 statute to approve the reorganization by a vote of the
8 governing body or governing bodies.

9 (b) Notice of each meeting at which a vote is taken by a
10 governing body or governing bodies shall be published in
11 accordance with IC 5-3-1 at least ten (10) days before the meeting.
12 The notice must include the statement described in section 3 of this
13 chapter.

14 **Sec. 5. (a) This section applies if:**

15 (1) a plan of reorganization is not prepared in a
16 reorganization subject to this chapter; and

17 (2) a local public question is required to allow voters to
18 approve or disapprove a reorganization of the county
19 executive body, county legislative body, or county fiscal body.

20 (b) The county clerk shall publish a notice in accordance with
21 IC 5-3-1 at least ten (10) days before the election in which the local
22 public question is on the ballot. The notice must include the
23 statement described in section 3 of this chapter.

24 **Sec. 6. If a plan of reorganization is not prepared in a
25 reorganization and:**

26 (1) approval of a governing body or governing bodies is
27 required as described in section 4 of this chapter; and

28 (2) a local public question is required as described in section
29 5 of this chapter;

30 notice shall be published in accordance with both section 4 and
31 section 5 of this chapter.

32 SECTION 67. IC 36-2-2-1 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **Except as
34 specifically provided, this chapter applies to all counties not does not
35 apply to the following:**

36 (1) A county having a consolidated city.

37 (2) A county in which a county chief executive officer has been
38 elected under IC 36-2-2.5.

39 SECTION 68. IC 36-2-2-4, AS AMENDED BY P.L.230-2005,
40 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a
42 county having a population of:

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- 1 (1) more than four hundred thousand (400,000) but less than
- 2 seven hundred thousand (700,000); or
- 3 (2) more than two hundred thousand (200,000) but less than three
- 4 hundred thousand (300,000).

5 The executive shall divide the county into three (3) districts that are
 6 composed of contiguous territory and are reasonably compact. The
 7 district boundaries drawn by the executive must not cross precinct
 8 boundary lines and must divide townships only when a division is
 9 clearly necessary to accomplish redistricting under this section. If
 10 necessary, the county auditor shall call a special meeting of the
 11 executive to establish or revise districts.

12 (b) This subsection applies to a county having a population of more
 13 than four hundred thousand (400,000) but less than seven hundred
 14 thousand (700,000). A county redistricting commission shall divide the
 15 county into three (3) single-member districts that comply with
 16 subsection (d). The commission is composed of:

- 17 (1) the members of the Indiana election commission;
- 18 (2) two (2) members of the senate selected by the president pro
- 19 tempore, one (1) from each political party; and
- 20 (3) two (2) members of the house of representatives selected by
- 21 the speaker, one (1) from each political party.

22 The legislative members of the commission have no vote and may act
 23 only in an advisory capacity. A majority vote of the voting members is
 24 required for the commission to take action. The commission may meet
 25 as frequently as necessary to perform its duty under this subsection.
 26 The commission's members serve without additional compensation
 27 above that provided for them as members of the Indiana election
 28 commission, the senate, or the house of representatives. **If a county to**
 29 **which this subsection applies adopts a county government**
 30 **structure in which a chief executive officer is elected under**
 31 **IC 36-2-2.5, the county redistricting commission under this**
 32 **subsection is not abolished and continues in existence for purposes**
 33 **of dividing, as necessary, the county into county council districts.**

34 (c) This subsection applies to a county having a population of more
 35 than two hundred thousand (200,000) but less than three hundred
 36 thousand (300,000). The executive shall divide the county into three
 37 (3) single-member districts that comply with subsection (d).

38 (d) Single-member districts established under subsection (b) or (c)
 39 must:

- 40 (1) be compact, subject only to natural boundary lines (such as
- 41 railroads, major highways, rivers, creeks, parks, and major
- 42 industrial complexes);

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- 1 (2) contain, as nearly as is possible, equal population; and
- 2 (3) not cross precinct lines.
- 3 (e) A division under subsection (a), (b), or (c) shall be made:
- 4 (1) during the first year after a year in which a federal decennial
- 5 census is conducted; and
- 6 (2) when the county adopts an order declaring a county boundary
- 7 to be changed under IC 36-2-1-2.
- 8 (f) A division under subsection (a), (b), or (c) may be made in any
- 9 odd-numbered year not described in subsection (e).

10 SECTION 69. IC 36-2-2.4 IS ADDED TO THE INDIANA CODE
 11 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]:

13 **Chapter 2.4. Determination of County Government Structure**

14 **Sec. 1. This chapter does not apply to a county having a**
 15 **consolidated city.**

16 **Sec. 2. Subject to section 2.5 of this chapter, the executive of a**
 17 **county may adopt an ordinance providing that the voters of the**
 18 **county shall elect:**

- 19 (1) a single county chief executive officer under IC 36-2-2.5
- 20 who has the executive powers and duties of the county; and
- 21 (2) a county council that has the legislative and fiscal powers
- 22 and duties of the county.

23 **Sec. 2.5. Notwithstanding any other law, to be adopted under**
 24 **section 2 of this chapter, an ordinance must be approved by a**
 25 **unanimous vote of all the elected members of the county executive.**

26 **Sec. 3. An ordinance may be adopted under this chapter only:**

- 27 (1) during an odd-numbered year; or
- 28 (2) before July 1 of an even-numbered year.

29 SECTION 70. IC 36-2-2.5 IS ADDED TO THE INDIANA CODE
 30 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]:

32 **Chapter 2.5. County Chief Executive Officer**

33 **Sec. 1. Except as specifically provided by law, this chapter**
 34 **applies to each county:**

- 35 (1) that does not have a consolidated city; and
- 36 (2) in which an ordinance under IC 36-2-2.4 making the
- 37 county executive a single county chief executive officer has
- 38 been approved.

39 **Sec. 2. As used in this chapter, "chief executive officer" means**
 40 **the county chief executive officer elected under IC 3-10-2-13.**

41 **Sec. 3. In a county to which this chapter applies:**

- 42 (1) the voters of the county:

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- 1 (A) shall elect one (1) chief executive officer in the second
- 2 general election after the ordinance under IC 36-2-2.4 is
- 3 approved and every four (4) years thereafter; and
- 4 (B) beginning with the second general election after the
- 5 ordinance under IC 36-2-2.4 is approved, shall not elect a
- 6 board of county commissioners;
- 7 (2) the board of county commissioners for the county is
- 8 abolished January 1 of the year following the year in which
- 9 the first county chief executive officer is elected; and
- 10 (3) notwithstanding IC 36-2-2-3, the term of each county
- 11 commissioner serving on December 31 of the year in which
- 12 the first county chief executive officer is elected expires
- 13 January 1 of the year following the year in which the first
- 14 county chief executive officer is elected.

15 Sec. 4. (a) The term of office of a chief executive officer is four
 16 (4) years, beginning January 1 after election and continuing until
 17 a successor is elected and qualified.

18 (b) To be eligible for election as the chief executive officer, an
 19 individual must meet the qualifications prescribed by IC 3-8-1-21.
 20 If an individual does not remain a resident of the county after
 21 taking office as the chief executive officer, the individual forfeits
 22 the office. The county legislative body shall declare the office
 23 vacant whenever the chief executive officer forfeits office under
 24 this subsection.

25 Sec. 5. (a) On January 1 following the year in which the first
 26 county chief executive officer is elected, all of the property, assets,
 27 funds, equipment, records, rights, contracts, obligations, and
 28 liabilities of the board of county commissioners of a county are
 29 transferred to or assumed by the chief executive officer.

30 (b) The abolishment of the board of county commissioners of a
 31 county on January 1 following the year in which the first county
 32 chief executive officer is elected does not invalidate:

- 33 (1) any ordinances, resolutions, fees, schedules, or other
- 34 actions adopted or taken by the board of county
- 35 commissioners before the board is abolished; or
- 36 (2) any appointments made by the board of county
- 37 commissioners before the board is abolished.

38 Sec. 6. (a) All powers and duties of the county that are executive
 39 or administrative in nature (including any power of appointment
 40 related to executive or administrative functions) shall be exercised
 41 or performed by the chief executive officer, except to the extent
 42 that these powers and duties are expressly assigned by law to

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1 another elected or appointed officer. The chief executive officer
2 shall transact the business of the county in the name of "The Chief
3 Executive Officer of the County of _____".

4 (b) For purposes of a county subject to this chapter, after
5 December 31 of the year in which the first county chief executive
6 officer is elected, any reference:

- 7 (1) in the Indiana Code;
- 8 (2) in the Indiana Administrative Code;
- 9 (3) in an ordinance or resolution; or
- 10 (4) in any deed, lease, contract, or other official document or
11 instrument;

12 to the board of commissioners pertaining to the executive powers
13 of a county shall be considered a reference to the chief executive
14 officer of the county.

15 (c) For purposes of a county subject to this chapter, after
16 December 31 of the year in which the first county chief executive
17 officer is elected, any reference:

- 18 (1) in the Indiana Code;
- 19 (2) in the Indiana Administrative Code;
- 20 (3) in an ordinance or resolution; or
- 21 (4) in any deed, lease, contract, or other official document or
22 instrument;

23 related to the executive powers and duties of the board of county
24 commissioners shall be considered a reference to the powers and
25 duties of the chief executive officer of the county.

26 (d) For purposes of a county subject to this chapter, after
27 December 31 of the year in which the first county chief executive
28 officer is elected, the county council has the legislative and fiscal
29 powers and duties of the county as provided in IC 36-2-3.7.

30 **Sec. 7. The chief executive officer shall do the following:**

- 31 (1) Report on the condition of the county before March 1 of
32 each year to the county legislative body and to the residents of
33 the county.
- 34 (2) Recommend before March 1 of each year to the county
35 legislative body any action or program the chief executive
36 officer considers necessary for the improvement of the county
37 and the welfare of county residents.
- 38 (3) Submit to the county legislative body an annual budget in
39 accordance with IC 36-2-5.
- 40 (4) Establish the procedures to be followed by all county
41 departments, offices, and agencies under the chief executive
42 officer's jurisdiction to the extent these procedures are not

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expressly assigned by law to another elected or appointed officer.

(5) Administer all statutes, ordinances, and regulations applicable to the county, to the extent the administration of these matters is not expressly assigned by law to another elected or appointed officer.

(6) Supervise the care and custody of all county property.

(7) Supervise the collection of revenues and control all disbursements and expenditures, and prepare a complete account of all expenditures, to the extent these matters are not expressly assigned by law to another elected or appointed officer.

(8) Review, analyze, and forecast trends for county services and finances and programs of all county governmental entities, and report and recommend on these to the county legislative body by March 15 of each year.

(9) Negotiate contracts for the county.

(10) Make recommendations concerning the nature and location of county improvements, and provide for the execution of those improvements.

(11) Supervise county administrative offices, except for the offices of elected officers.

(12) Do the following in January of each year:

(A) Make a settlement with the county treasurer for the preceding calendar year and include a copy of the settlement sheet in the order book of the chief executive officer.

(B) Make an accurate statement of the county's receipts and expenditures during the preceding calendar year. The statement must include the name of and total compensation paid to each county officer, deputy, and employee. The executive shall post this statement at the courthouse door and two (2) other places in the county and shall publish it in the manner prescribed by IC 5-3-1.

(13) Perform other duties and functions that are assigned to the chief executive officer by statute or ordinance.

Sec. 8. The chief executive officer may do any of the following:

(1) Order any department, office, or agency under the chief executive officer's jurisdiction to undertake any task for another department, office, or agency under the chief executive officer's jurisdiction on a temporary basis, if necessary for the proper and efficient administration of

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county government.
(2) Establish and administer centralized budgeting, centralized personnel selection, and centralized purchasing.
(3) Audit the accounts of officers who deal with money belonging to or appropriated for the benefit of the county.
(4) Approve accounts chargeable against the county and direct the raising of money necessary for county expenses.
(5) Make orders concerning county property, including orders for:

- (A) the sale of the county's public buildings and the acquisition of land in the county seat on which to build new public buildings; and
- (B) the acquisition of land for a public square and the maintenance of that square.

However, a conveyance or purchase by a county of land having a value of one thousand dollars (\$1,000) or more must be authorized by an ordinance of the county legislative body fixing the terms and conditions of the transaction.

Sec. 9. (a) The chief executive officer shall establish and maintain a county courthouse, county jail, and public offices for the county clerk, the county auditor, the county recorder, the county treasurer, the county sheriff, and the county surveyor.

(b) Offices for the surveyor must be in the courthouse or at the county seat.

- (c) Offices for the sheriff may be located:
 - (1) in the courthouse;
 - (2) inside the corporate limits of the county seat; or
 - (3) outside the corporate limits of the county seat but within the limits of the county.

Sec. 10. (a) The chief executive officer may grant licenses, permits, or franchises for the use of county property if the licenses, permits, or franchises:

- (1) are not exclusive;
- (2) are of a definite duration; and
- (3) are assignable only with the consent of the chief executive officer.

(b) If a public utility or municipally owned or operated utility that carries on business outside the corporate boundaries of municipalities in the county is engaged in an activity substantially similar to that for which a license, permit, or franchise for the use of county property is sought, the chief executive officer may grant the license, permit, or franchise only with the consent of the utility

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1 regulatory commission. The commission may give its consent only
 2 if it determines, after a public hearing of all interested parties, that
 3 public necessity and convenience require the substantially similar
 4 activity.

5 (c) The provisions of this section that concern securing the
 6 consent of the utility regulatory commission do not apply to
 7 municipally owned or operated utilities.

8 Sec. 11. Notwithstanding any other law, if a statute requires a
 9 county executive to take an executive action by ordinance or
 10 resolution, a chief executive officer shall instead take the action by
 11 issuing an executive order.

12 Sec. 12. (a) If the chief executive officer is disqualified from
 13 acting in a quasi-judicial proceeding, the chief executive officer
 14 shall cease to act in that proceeding. Not later than ten (10) days
 15 after the finding that the chief executive officer is disqualified to
 16 act in a proceeding, the county auditor shall send a certified copy
 17 of the record of the proceeding to the judge of the circuit court for
 18 the county. If the judge affirms the disqualification of the chief
 19 executive officer, the judge shall appoint a disinterested and
 20 competent person to serve as a special executive in the proceeding.

21 (b) A person who consents to serve as a special executive must
 22 have the same qualifications as an elected chief executive officer.
 23 The person's appointment and oath shall be filed with the county
 24 auditor and entered on the records of the chief executive officer. A
 25 person appointed as a special executive may conduct the
 26 proceeding until a final determination is reached.

27 Sec. 13. The chief executive officer shall keep the chief executive
 28 officer's office open on each business day.

29 Sec. 14. Appointments made by the chief executive officer shall
 30 be certified by the county auditor, under the seal of the chief
 31 executive officer.

32 Sec. 15. (a) The chief executive officer may employ a person:

33 (1) to perform a duty required of a county officer by statute;
 34 or

35 (2) on a commission or percentage basis;

36 only if the employment is expressly authorized by statute or is
 37 found by the chief executive officer to be necessary to the public
 38 interest.

39 (b) If a person's employment under subsection (a) is not
 40 expressly authorized by statute, the contract for the person's
 41 employment must be filed with the circuit court for the county, and
 42 the person must file the person's claims for compensation with that

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1 court. Any taxpayer may contest a claim under this section.
 2 (c) A chief executive officer who recklessly violates this section
 3 commits a Class C misdemeanor and forfeits the person's office.
 4 Sec. 16. The chief executive officer shall appear before the
 5 legislative body of the county at least once each month and at other
 6 times as needed to conduct all necessary county business.
 7 Sec. 17. (a) A party to a proceeding before the chief executive
 8 officer who is aggrieved by a decision of the chief executive officer
 9 may appeal that decision to the circuit court for the county.
 10 (b) A person who is not a party to a proceeding before the chief
 11 executive officer may appeal a decision of the chief executive
 12 officer only if the person files with the county auditor an affidavit:
 13 (1) specifically setting forth the person's interest in the matter
 14 decided; and
 15 (2) alleging that the person is aggrieved by the decision of the
 16 chief executive officer.
 17 (c) An appeal under this section must be taken not later than
 18 thirty (30) days after the chief executive officer makes the decision
 19 by which the appellant is aggrieved.
 20 (d) An appellant under this section must file with the county
 21 auditor a bond conditioned on due prosecution of the appeal. The
 22 bond is subject to approval by the county auditor and must be in
 23 an amount sufficient to provide security for court costs.
 24 (e) Not later than twenty (20) days after the county auditor
 25 receives the appeal bond, the county auditor shall prepare a
 26 complete transcript of the proceedings of the chief executive officer
 27 related to the decision appealed from and shall deliver the
 28 transcript, all documents filed during the proceedings, and the
 29 appeal bond to the clerk of the circuit court.
 30 Sec. 18. (a) An appeal under section 17 of this chapter shall be
 31 docketed among the other causes pending in the circuit court and
 32 shall be tried as an original cause.
 33 (b) A court may decide an appeal under section 17 of this
 34 chapter by:
 35 (1) affirming the decision of the chief executive officer; or
 36 (2) remanding the cause to the chief executive officer with
 37 directions as to how to proceed;
 38 and may require the chief executive officer to comply with this
 39 decision.
 40 Sec. 19. (a) The county auditor or the chief executive officer may
 41 administer any oaths required by this chapter.
 42 (b) The county sheriff or a county police officer shall attend the

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meetings of the chief executive officer, if requested by the chief executive officer, and shall execute the chief executive officer's orders.

Sec. 20. (a) Appointments made by the chief executive officer shall be certified by the county auditor, under the seal of the chief executive officer.

(b) If a copy of the chief executive officer's proceedings has been signed and sealed by the county auditor and introduced into evidence in court, that copy is presumed to be an accurate record of the chief executive officer's proceedings.

Sec. 21. If publication of a notice, report, or statement of any kind is required and a county is liable for the cost of that publication, the chief executive officer may not make or pay for publication in more than one (1) newspaper unless publication in two (2) newspapers is required. A person who violates this section commits a Class C infraction.

Sec. 22. (a) The chief executive officer may employ and fix the compensation of an attorney to represent and advise the executive.

(b) For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, employment by a chief executive officer as an attorney does not constitute a lucrative office.

SECTION 71. IC 36-2-2.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 2.6. Petition to Change County Government Structure; County Council Approval

Sec. 1. This chapter applies to a county that elects a county chief executive officer under IC 36-2-2.5.

Sec. 2. This chapter does not apply to a county that has a consolidated city.

Sec. 3. A petition may be submitted to the county council, signed by at least the number of registered voters equal to two percent (2%) of the votes cast in the last election for secretary of state in the county, requesting the county council to adopt an ordinance changing county government structure as follows:

- (1)** The county executive would be a three (3) member board of county commissioners, elected under IC 36-2-2.
- (2)** The office of county chief executive officer would be abolished.
- (3)** If the county is not subject to IC 36-2-3.5, the county legislative body would be the board of county commissioners.
- (4)** If the county is subject to IC 36-2-3.5, the county

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legislative body would be the county council.

(5) The county council would continue to be the county fiscal body.

Sec. 4. Except as provided in section 9 and 10 of this chapter, a petition under section 3 of this chapter must be submitted to the county council:

(1) not earlier than January 1; and

(2) not later than July 1;

of the year preceding the year in which a county chief executive officer would be elected.

Sec. 5. (a) The county council may adopt an ordinance providing that the voters of the county shall elect:

(1) a three (3) member board of commissioners that has the:

(A) executive and legislative powers and duties of the county if the county is not subject to IC 36-2-3.5; or

(B) executive powers and duties of the county if the county is subject to IC 36-2-3.5; and

(2) a county council that has the:

(A) fiscal powers and duties of the county if the county is not subject to IC 36-2-3.5; or

(B) fiscal and legislative powers and duties of the county if the county is subject to IC 36-2-3.5.

(b) If the county council does not vote to approve or disapprove the adoption of an ordinance to change the structure of county government as set forth in subsection (a) by December 31 of the year preceding the year in which a county chief executive officer would be elected, the county council shall be considered to have adopted an ordinance approving the change structure of county government as set forth in subsection (a).

Sec. 6. If the county council adopts an ordinance approving the change in county government structure under section 5(a) of this chapter or does not vote to approve or disapprove the change in county government structure under section 5(b) of this chapter, the office of county commissioner shall be placed on the primary election ballot for the county in the year following the year the petition is submitted, and the office shall be elected in the next general election in the county.

Sec. 7. On January 1 in the year following the year that the board of commissioners is elected under this chapter, the following occurs:

(1) The office of county chief executive officer is abolished and the term of the county chief executive officer expires.

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- 1 **(2) The county is not subject to IC 36-2-2.5 and IC 36-2-3.7.**
- 2 **(3) The county executive is the board of county commissioners**
- 3 **elected under IC 36-2-2. The board of county commissioners**
- 4 **has all powers that are executive or administrative in nature.**
- 5 **(4) If the county is not subject to IC 36-2-3.5, the county**
- 6 **legislative body is the board of county commissioners. All**
- 7 **powers that are legislative in nature are transferred from the**
- 8 **county fiscal body to the board of county commissioners.**
- 9 **(5) If the county is subject to IC 36-2-3.5, the county**
- 10 **legislative body is the county council.**
- 11 **(6) The county council is the county fiscal body.**
- 12 **(7) All of the property, assets, funds, equipment, records,**
- 13 **rights, contracts, obligations, and liabilities of the county chief**
- 14 **executive officer are transferred to or assumed by the board**
- 15 **of county commissioners.**

16 **Sec. 8. The abolishment of the office of the county executive**
 17 **officer on January 1 following the year in which the board of**
 18 **county commissioners is elected does not invalidate:**

- 19 **(1) any resolutions, fees, schedules, or other actions adopted**
- 20 **or taken by the county chief executive officer before the office**
- 21 **is abolished; or**
- 22 **(2) any appointments made by the county chief executive**
- 23 **officer before the office is abolished.**

24 **Sec. 9. (a) The first petition under section 3 of this chapter:**

- 25 **(1) may not be submitted to the county fiscal body during the**
- 26 **term of the first elected county chief executive officer; and**
- 27 **(2) may be submitted:**
 - 28 **(A) not earlier than January 1; and**
 - 29 **(B) not later than July 1;**

30 **of the year preceding the year in which a second county chief**
 31 **executive officer would be elected.**

32 **(b) The county council may not vote to approve or disapprove**
 33 **an ordinance as a result of a petition filed under this chapter to**
 34 **change county government structure until the year preceding the**
 35 **year in which a second county chief executive officer would be**
 36 **elected.**

37 **Sec. 10. A petition may not be filed under section 3 of this**
 38 **chapter more than once every eight (8) years.**

39 **SECTION 72. IC 36-2-3-4, AS AMENDED BY P.L.230-2005,**
 40 **SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
 41 **UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a**
 42 **county having a population of:**

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- 1 (1) more than four hundred thousand (400,000) but less than
 2 seven hundred thousand (700,000); or
 3 (2) more than two hundred thousand (200,000) but less than three
 4 hundred thousand (300,000).
- 5 The county executive shall by ordinance **or, in a county subject to**
 6 **IC 36-2-2.5, by resolution** divide the county into four (4) contiguous,
 7 single-member districts that comply with subsection (d). If necessary,
 8 the county auditor shall call a special meeting of the executive to
 9 establish or revise districts. One (1) member of the fiscal body shall be
 10 elected by the voters of each of the four (4) districts. Three (3) at-large
 11 members of the fiscal body shall be elected by the voters of the whole
 12 county.
- 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). The county redistricting commission established
 16 under IC 36-2-2-4 shall divide the county into seven (7) single-member
 17 districts that comply with subsection (d). One (1) member of the fiscal
 18 body shall be elected by the voters of each of these seven (7)
 19 single-member districts.
- 20 (c) This subsection applies to a county having a population of more
 21 than two hundred thousand (200,000) but less than three hundred
 22 thousand (300,000). The fiscal body shall divide the county into nine
 23 (9) single-member districts that comply with subsection (d). Three (3)
 24 of these districts must be contained within each of the three (3) districts
 25 established under IC 36-2-2-4(c). One (1) member of the fiscal body
 26 shall be elected by the voters of each of these nine (9) single-member
 27 districts.
- 28 (d) Single-member districts established under subsection (a), (b), or
 29 (c) must:
- 30 (1) be compact, subject only to natural boundary lines (such as
 31 railroads, major highways, rivers, creeks, parks, and major
 32 industrial complexes);
 33 (2) not cross precinct boundary lines;
 34 (3) contain, as nearly as possible, equal population; and
 35 (4) include whole townships, except when a division is clearly
 36 necessary to accomplish redistricting under this section.
- 37 (e) A division under subsection (a), (b), or (c) shall be made:
 38 (1) during the first year after a year in which a federal decennial
 39 census is conducted; and
 40 (2) when the county executive adopts an order declaring a county
 41 boundary to be changed under IC 36-2-1-2.
- 42 (f) A division under subsection (a), (b), or (c) may be made in any

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1 odd-numbered year not described in subsection (e).
 2 SECTION 73. IC 36-2-3.5-1 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a) Except as**
 4 **provided in subsection (b),** this chapter applies to:
 5 (1) a county having a population of:
 6 (A) more than four hundred thousand (400,000) but less than
 7 seven hundred thousand (700,000); or
 8 (B) more than two hundred thousand (200,000) but less than
 9 three hundred thousand (300,000); and
 10 (2) any other county not having a consolidated city, if both the
 11 county executive and the county fiscal body adopt identical
 12 ordinances providing for the county to be governed by this
 13 chapter beginning on a specified effective date.
 14 **(b) Except as provided in section 6(c) of this chapter, this**
 15 **chapter does not apply to a county beginning after December 31 of**
 16 **the year in which a chief executive officer is first elected under**
 17 **IC 36-2-2.5.**
 18 SECTION 74. IC 36-2-3.5-6 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A court may
 20 issue an order, before final hearing, to stay an election if there is
 21 sufficient evidence to withstand a motion for summary judgment that
 22 the county has not been divided into districts that comply with
 23 IC 36-2-2-4 or IC 36-2-3-4. A preliminary hearing on the question may
 24 be held upon the court's own motion.
 25 (b) Final judgment on the merits in such a case shall be made within
 26 thirty (30) days of the stay of election order. If the redistricting is found
 27 not to be in compliance with law, the court shall retain jurisdiction and
 28 shall order the proper officials to submit within thirty (30) days a
 29 redistricting plan complying with law. If the proper officials fail to
 30 comply with the order, the court shall order the Indiana election
 31 commission to divide the county into districts in compliance with law.
 32 **(c) If this chapter applied to a county at the time a chief**
 33 **executive officer is first elected under IC 36-2-2.5, this section**
 34 **continues to apply to the county after the election of the chief**
 35 **executive officer.**
 36 SECTION 75. IC 36-2-3.7 IS ADDED TO THE INDIANA CODE
 37 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]:
 39 **Chapter 3.7. County Council as the County Legislative Body**
 40 **Sec. 1. Except as specifically provided by law, this chapter**
 41 **applies to each county:**
 42 **(1) that does not have a consolidated city; and**

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1 (2) in which an ordinance under IC 36-2-2.4 making the
2 county executive a single county chief executive officer has
3 been approved.

4 Sec. 2. As used in this chapter, "chief executive officer" means
5 the county chief executive officer elected under IC 3-10-2-13.

6 Sec. 3. In a county to which this chapter applies:

7 (1) the voters of the county shall continue to elect members of
8 the county council; and

9 (2) beginning on January 1 following the year in which the
10 first county chief executive officer is elected:

11 (A) the executive and legislative powers of the county are
12 divided between separate branches of county government,
13 and a power belonging to one (1) branch of county
14 government may not be exercised by the other branch of
15 county government;

16 (B) the county council is the county legislative body as well
17 as the county fiscal body; and

18 (C) the chief executive officer is the county executive of the
19 county and has the executive and administrative powers
20 and duties of the county as provided in IC 36-2-2.5.

21 Sec. 4. (a) All powers and duties of the county that are legislative
22 in nature (including any power of appointment related to
23 legislative functions) shall be exercised or performed by the county
24 council functioning as the county legislative body.

25 (b) The county council has the same legislative powers and
26 duties that the board of county commissioners in the county had
27 before the board of county commissioners was abolished.

28 (c) For purposes of a county subject to this chapter, after
29 December 31 of the year in which the first county chief executive
30 officer is elected, any reference:

- 31 (1) in the Indiana Code;
- 32 (2) in the Indiana Administrative Code;
- 33 (3) in an ordinance or resolution; or
- 34 (4) in any deed, lease, contract, or other official document or
35 instrument;

36 to the board of commissioners pertaining to the legislative powers
37 of a county shall be considered a reference to the county council of
38 the county.

39 (d) For purposes of a county subject to this chapter, after
40 December 31 of the year in which the first county chief executive
41 officer is elected, any reference:

- 42 (1) in the Indiana Code;

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- 1 **(2) in the Indiana Administrative Code;**
- 2 **(3) in an ordinance or resolution; or**
- 3 **(4) in any deed, lease, contract, or other official document or**
- 4 **instrument;**
- 5 **related to the legislative powers and duties of the board of county**
- 6 **commissioners shall be considered a reference to the powers and**
- 7 **duties of the county council of the county.**

8 **Sec. 5. The county council may do any of the following:**

- 9 **(1) Establish committees that are necessary to carry out the**
- 10 **county council's functions.**
- 11 **(2) Employ legal and administrative personnel necessary to**
- 12 **carry out the county council's functions.**
- 13 **(3) Pass all ordinances, orders, resolutions, and motions for**
- 14 **the government of the county, in the manner prescribed by**
- 15 **IC 36-2-4.**
- 16 **(4) Receive gifts, bequests, and grants from public or private**
- 17 **sources.**
- 18 **(5) Conduct investigations into the conduct of county business**
- 19 **for the purpose of correcting deficiencies and ensuring**
- 20 **adherence to law and county ordinances and policies.**
- 21 **(6) Establish, by ordinance, new county departments,**
- 22 **divisions, or agencies whenever necessary to promote efficient**
- 23 **county government.**

24 SECTION 76. IC 36-2-4-8, AS AMENDED BY P.L.78-2009,
25 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 UPON PASSAGE]: Sec. 8. (a) An ordinance, order, or resolution is
27 considered adopted when it is signed by the presiding officer. If
28 required, an adopted ordinance, order, or resolution must be
29 promulgated or published according to statute before it takes effect.

30 (b) An ordinance prescribing a penalty or forfeiture for a violation
31 must, before it takes effect, be published once each week for two (2)
32 consecutive weeks, according to IC 5-3-1. However, if such an
33 ordinance is adopted by the legislative body of a county subject to
34 IC 36-2-3.5 or IC 36-2-3.7 and there is an urgent necessity requiring
35 its immediate effectiveness, it need not be published if:

- 36 (1) the county executive proclaims the urgent necessity; and
- 37 (2) copies of the ordinance are posted in three (3) public places in
38 each of the districts of the county before it takes effect.

39 (c) The following apply in addition to the other requirements of this
40 section:

- 41 (1) An ordinance or resolution passed by the legislative body of
42 a county subject to IC 36-2-3.5 is considered adopted only if it is:

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- 1 (A) approved by signature of a majority of the county
2 executive;
- 3 (B) neither approved nor vetoed by a majority of the executive,
4 within ten (10) days after passage by the legislative body; or
5 (C) passed over the veto of the executive by a two-thirds (2/3)
6 vote of the legislative body, within sixty (60) days after
7 presentation of the ordinance or resolution to the executive.
- 8 (2) The legislative body of a county shall:
- 9 (A) subject to subdivision (3), give written notice to the
10 department of environmental management not later than sixty
11 (60) days before amendment or repeal of an environmental
12 restrictive ordinance; and
13 (B) give written notice to the department of environmental
14 management not later than thirty (30) days after passage,
15 amendment, or repeal of an environmental restrictive
16 ordinance.
- 17 (3) Upon written request by the legislative body, the department
18 of environmental management may waive the notice requirement
19 of subdivision (2)(A).
- 20 (4) An environmental restrictive ordinance passed or amended
21 after 2009 by the legislative body must state the notice
22 requirements of subdivision (2).
- 23 (5) The failure of an environmental restrictive ordinance to
24 comply with subdivision (4) does not void the ordinance.
- 25 (d) After an ordinance or resolution passed by the legislative body
26 of a county subject to IC 36-2-3.5 has been signed by the presiding
27 officer, the county auditor shall present it to the county executive, and
28 record the time of the presentation. Within ten (10) days after an
29 ordinance or resolution is presented to it, the executive shall:
- 30 (1) approve the ordinance or resolution, by signature of a majority
31 of the executive, and send the legislative body a message
32 announcing its approval; or
33 (2) veto the ordinance or resolution, by returning it to the
34 legislative body with a message announcing its veto and stating
35 its reasons for the veto.
- 36 (e) This section does not apply to a zoning ordinance or amendment
37 to a zoning ordinance, or a resolution approving a comprehensive plan,
38 that is adopted under IC 36-7.
- 39 (f) An ordinance increasing a building permit fee on new
40 development must:
- 41 (1) be published:
- 42 (A) one (1) time in accordance with IC 5-3-1; and

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- 1 (B) not later than thirty (30) days after the ordinance is
- 2 adopted by the legislative body in accordance with IC 5-3-1;
- 3 and
- 4 (2) delay the implementation of the fee increase for ninety (90)
- 5 days after the date the ordinance is published under subdivision
- 6 (1).

7 SECTION 77. IC 36-3-2-7 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:

9 Sec. 7. (a) This section governs the transfer of territory that is either:
 10 (1) inside the corporate boundaries of the consolidated city and
 11 contiguous to an excluded city; or
 12 (2) inside the corporate boundaries of an excluded city and
 13 contiguous to the consolidated city.

14 IC 36-4-3 does not apply to such a transfer.

15 (b) If the owners of land located in territory described in subsection
 16 (a) want to have that territory transferred from one (1) municipality to
 17 the other, they must file:

- 18 (1) a petition for annexation of that territory with the legislative
- 19 body of the contiguous municipality; and
- 20 (2) a petition for disannexation of that territory with the legislative
- 21 body of the municipality containing that territory.

22 Each petition must be signed by at least fifty-one percent (51%) of the
 23 owners of land in the territory sought to be transferred. The territory
 24 must be reasonably compact in configuration, and its boundaries must
 25 generally follow streets or natural boundaries.

26 (c) Each legislative body shall, not later than sixty (60) days after a
 27 petition is filed with it under subsection (b), either approve or
 28 disapprove the petition, with the following results:

- 29 (1) Except as provided in subsection (g), if both legislative bodies
- 30 approve, the transfer of territory takes effect:
 - 31 (A) on the effective date of the approval of the latter
 - 32 legislative body to act; and
 - 33 (B) when a copy of each transfer approval has been filed under
 - 34 subsection (f).
- 35 (2) If the legislative body of the contiguous municipality
- 36 disapproves or fails to act within the prescribed period, the
- 37 proceedings are terminated.
- 38 (3) If the legislative body of the contiguous municipality approves
- 39 but the legislative body of the other municipality disapproves or
- 40 fails to act within the prescribed period, the proceedings are
- 41 terminated unless there is an appeal under subsection (d).

42 (d) In the case described by subsection (c)(3), the petitioners may,

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1 not later than sixty (60) days after the disapproval or expiration of the
2 prescribed period, appeal to the circuit court. The appeal must allege
3 that the benefits to be derived by the petitioners from the transfer
4 outweigh the detriments to the municipality that has failed to approve,
5 which is defendant in the appeal.

6 (e) The court shall try an appeal under subsection (d) as other civil
7 actions, but without a jury. If the court determines that:

- 8 (1) the requirements of this section have been met; and
- 9 (2) the benefits to be derived by the petitioners outweigh the
10 detriments to the municipality;

11 it shall order the transfer of territory to take effect on the date its order
12 becomes final, subject to subsection (g), and shall file the order under
13 subsection (f). However, if the municipality, or a district of it, is
14 furnishing sanitary sewer service or municipal water service in the
15 territory, or otherwise has expended substantial sums for public
16 facilities (other than roads) specially benefiting the territory, the court
17 shall deny the transfer.

18 (f) A municipal legislative body that approves a transfer of territory
19 under subsection (c) or a court that approves a transfer under
20 subsection (e) shall file a copy of the approval or order, setting forth a
21 legal description of the territory to be transferred, with:

- 22 (1) the office of the secretary of state; and
- 23 (2) the circuit court clerk of each county in which the
24 municipality is located.

25 (g) A transfer of territory under this section may not take effect
26 during the year preceding a year in which a federal decennial census is
27 conducted. A transfer of territory that would otherwise take effect
28 during the year preceding a year in which a federal decennial census is
29 conducted takes effect January 2 of the year in which a federal
30 decennial census is conducted.

31 (h) A petition for annexation or disannexation under this section
32 may not be filed with respect to land as to which a transfer of territory
33 has been disapproved or denied within the preceding three (3) years.

34 (i) The legislative body of a municipality annexing territory under
35 this section shall assign the territory to at least one (1) municipal
36 legislative body district under IC 36-3-4-3 or IC 36-4-6 not later than
37 thirty (30) days after the transfer of territory becomes effective under
38 this section.

39 (j) **Notwithstanding subsection (g) as that subsection existed on**
40 **December 31, 2009, a transfer of territory that took effect January**
41 **2, 2010, because of the application of subsection (g), as that**
42 **subsection existed on December 31, 2009, is instead considered to**

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1 **take effect January 1, 2010, without any additional action being**
2 **required.**

3 SECTION 78. IC 36-3-3-10 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The board
5 of commissioners of the county is composed of the county treasurer, the
6 county auditor, and the county assessor. These officers shall serve ex
7 officio as commissioners without additional compensation for
8 performing the duties of the board.

- 9 (b) The board of commissioners:
 - 10 (1) shall make the appointments required by statute to be made by
 - 11 the board of commissioners of a county;
 - 12 (2) shall perform the duties and exercise the powers prescribed by
 - 13 statutes pertaining to the issuance and payment of bonds of the
 - 14 county and the expenditure of the unexpended proceeds of those
 - 15 bonds; and
 - 16 (3) may exercise the powers granted it by Article 9, Section 3 of
 - 17 the Constitution of the State of Indiana and by IC 12-30-3.

18 **(c) Notwithstanding any other provision, an act enacted by the**
19 **general assembly during the second regular session of the one**
20 **hundred sixteenth general assembly to allow for a single elected**
21 **county chief executive officer under IC 36-2-2.5 in counties not**
22 **containing a consolidated city does not affect the rights, powers,**
23 **and duties of the board of commissioners in a county containing a**
24 **consolidated city.**

25 SECTION 79. IC 36-3-6-9, AS AMENDED BY P.L.182-2009(ss),
26 SECTION 401, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2010]: Sec. 9. (a) Except as provided in
28 subsection (d), the city-county legislative body shall review the
29 proposed operating and maintenance budgets and tax levies and adopt
30 final operating and maintenance budgets and tax levies for each of the
31 following entities in the county:

- 32 (1) An airport authority operating under IC 8-22-3.
- 33 (2) A public library operating under IC 36-12.
- 34 (3) A capital improvement board of managers operating under
- 35 IC 36-10.
- 36 (4) A public transportation corporation operating under IC 36-9-4.
- 37 (5) A health and hospital corporation established under
- 38 IC 16-22-8.
- 39 **(6) A building authority established under IC 36-9-13.**
- 40 ~~(6)~~ **(7) Any other taxing unit (as defined in IC 6-1.1-1-21) that is**
- 41 **located in the county and has a governing body that is not**
- 42 **comprised of a majority of officials who are elected to serve on**

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1 the governing body.
 2 Except as provided in subsection (c), the city-county legislative body
 3 may reduce or modify but not increase a proposed operating and
 4 maintenance budget or tax levy under this section.

5 (b) The board of each entity listed in subsection (a) shall, after
 6 adoption of its proposed budget and tax levies, submit them, along with
 7 detailed accounts, to the city clerk before the first day of September of
 8 each year.

9 (c) The city-county legislative body or, when subsection (d) applies,
 10 the fiscal body of an excluded city or town shall review the issuance of
 11 bonds of an entity listed in subsection (a). Approval of the city-county
 12 legislative body or, when subsection (d) applies, the fiscal body of an
 13 excluded city or town is required for the issuance of bonds. The
 14 city-county legislative body or the fiscal body of an excluded city or
 15 town may not reduce or modify a budget or tax levy of an entity listed
 16 in subsection (a) in a manner that would:

17 (1) limit or restrict the rights vested in the entity to fulfill the
 18 terms of any agreement made with the holders of the entity's
 19 bonds; or

20 (2) in any way impair the rights or remedies of the holders of the
 21 entity's bonds.

22 (d) If the assessed valuation of a taxing unit is entirely contained
 23 within an excluded city or town (as described in IC 36-3-1-7) that is
 24 located in a county having a consolidated city, the governing body of
 25 the taxing unit shall submit its proposed operating and maintenance
 26 budget and tax levies to the city or town fiscal body for approval and
 27 not the city-county legislative body. Except as provided in subsection
 28 (c), the fiscal body of the excluded city or town may reduce or modify
 29 but not increase a proposed operating and maintenance budget or tax
 30 levy under this section.

31 SECTION 80. IC 36-4-2-9 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 33 Sec. 9. (a) Except as provided in subsection (c), a merger approved
 34 under this chapter takes effect when:

35 (1) the officers of the new municipality are elected and qualified,
 36 as prescribed by section 13 of this chapter; and

37 (2) a copy of the agreement under section 2 of this chapter or the
 38 certified election results under section 7 of this chapter are filed
 39 with:

40 (A) the office of the secretary of state; and

41 (B) the circuit court clerk of each county in which the
 42 municipality is located.

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1 (b) On the effective date of the merger, the merging municipalities
 2 cease to exist and are merged into a single municipality of the class
 3 created by the combined population of the merging municipalities. The
 4 new municipality shall be governed by the laws applicable to that class.

5 (c) A merger approved under this chapter may not take effect during
 6 the year preceding a year in which a federal decennial census is
 7 conducted. A merger that would otherwise take effect during the year
 8 preceding a year in which a federal decennial census is conducted takes
 9 effect January 2 1 of the year in which a federal decennial census is
 10 conducted.

11 **(d) Notwithstanding subsection (c) as that subsection existed on**
 12 **December 31, 2009, a merger that took effect January 2, 2010,**
 13 **because of the application of subsection (c), as that subsection**
 14 **existed on December 31, 2009, is instead considered to take effect**
 15 **January 1, 2010, without any additional action being required.**

16 SECTION 81. IC 36-4-3-7 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 18 Sec. 7. (a) After an ordinance is adopted under section 3, 4, 5, or 5.1 of
 19 this chapter, it must be published in the manner prescribed by IC 5-3-1.
 20 Except as provided in subsection (b), (c), or (f), in the absence of
 21 remonstrance and appeal under section 11 or 15.5 of this chapter, the
 22 ordinance takes effect at least ninety (90) days after its publication and
 23 upon the filing required by section 22(a) of this chapter.

24 (b) An ordinance described in subsection (d) or adopted under
 25 section 3, 4, 5, or 5.1 of this chapter may not take effect during the year
 26 preceding a year in which a federal decennial census is conducted. An
 27 ordinance that would otherwise take effect during the year preceding
 28 a year in which a federal decennial census is conducted takes effect
 29 January 2 1 of the year in which a federal decennial census is
 30 conducted.

31 (c) Subsections (d) and (e) apply to fire protection districts that are
 32 established after June 14, 1987.

33 (d) Except as provided in subsection (b), whenever a municipality
 34 annexes territory, all or part of which lies within a fire protection
 35 district (IC 36-8-11), the annexation ordinance (in the absence of
 36 remonstrance and appeal under section 11 or 15.5 of this chapter) takes
 37 effect the second January 1 that follows the date the ordinance is
 38 adopted and upon the filing required by section 22(a) of this chapter.
 39 The municipality shall:

40 (1) provide fire protection to that territory beginning the date the
 41 ordinance is effective; and

42 (2) send written notice to the fire protection district of the date the

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1 municipality will begin to provide fire protection to the annexed
2 territory within ten (10) days of the date the ordinance is adopted.

3 (e) If the fire protection district from which a municipality annexes
4 territory under subsection (d) is indebted or has outstanding unpaid
5 bonds or other obligations at the time the annexation is effective, the
6 municipality is liable for and shall pay that indebtedness in the same
7 ratio as the assessed valuation of the property in the annexed territory
8 (that is part of the fire protection district) bears to the assessed
9 valuation of all property in the fire protection district, as shown by the
10 most recent assessment for taxation before the annexation, unless the
11 assessed property within the municipality is already liable for the
12 indebtedness. The annexing municipality shall pay its indebtedness
13 under this section to the board of fire trustees. If the indebtedness
14 consists of outstanding unpaid bonds or notes of the fire protection
15 district, the payments to the board of fire trustees shall be made as the
16 principal or interest on the bonds or notes becomes due.

17 (f) This subsection applies to an annexation initiated by property
18 owners under section 5.1 of this chapter in which all property owners
19 within the area to be annexed petition the municipality to be annexed.
20 Subject to subsections (b) and (d), and in the absence of an appeal
21 under section 15.5 of this chapter, an annexation ordinance takes effect
22 at least thirty (30) days after its publication and upon the filing required
23 by section 22(a) of this chapter.

24 SECTION 82. IC 36-4-3-12 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:

26 Sec. 12. (a) The circuit or superior court shall:

- 27 (1) on the date fixed under section 11 of this chapter, hear and
28 determine the remonstrance without a jury; and
29 (2) without delay, enter judgment on the question of the
30 annexation according to the evidence that either party may
31 introduce.

32 (b) If the court enters judgment in favor of the annexation, the
33 annexation may not take effect during the year preceding the year in
34 which a federal decennial census is conducted. An annexation that
35 would otherwise take effect during the year preceding a year in which
36 a federal decennial census is conducted takes effect January 21 of the
37 year in which a federal decennial census is conducted.

38 SECTION 83. IC 36-4-3-15.5 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:

40 Sec. 15.5. (a) Except as provided in subsection (b), an owner of land
41 within one-half (1/2) mile of territory proposed to be annexed under
42 this chapter may, not later than sixty (60) days after the publication of

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1 the annexation ordinance, appeal that annexation to a circuit court or
 2 superior court of a county in which the annexed territory is located. The
 3 complaint must state that the reason the annexation should not take
 4 place is that the territory sought to be annexed is not contiguous to the
 5 annexing municipality.

6 (b) This subsection applies to an annexation initiated by property
 7 owners under section 5.1 of this chapter in which all property owners
 8 within the area to be annexed petition the municipality to be annexed.
 9 An owner of land within one-half (1/2) mile of the territory proposed
 10 to be annexed under this chapter may, not later than thirty (30) days
 11 after the publication of the annexation ordinance, appeal that
 12 annexation to a circuit court or superior court of a county in which the
 13 annexed territory is located. The complaint must state that the reason
 14 the annexation should not take place is that the territory sought to be
 15 annexed is not contiguous to the annexing municipality.

16 (c) Upon the determination of the court that the complaint is
 17 sufficient, the judge shall fix a time for a hearing to be held not later
 18 than sixty (60) days after the determination. Notice of the proceedings
 19 shall be served by summons upon the proper officers of the annexing
 20 municipality. The municipality shall become a defendant in the cause
 21 and be required to appear and answer. The judge of the circuit or
 22 superior court shall, upon the date fixed, proceed to hear and determine
 23 the appeal without a jury, and shall, without delay, give judgment upon
 24 the question of the annexation according to the evidence introduced by
 25 the parties. If the evidence establishes that the territory sought to be
 26 annexed is contiguous to the annexing municipality, the court shall
 27 deny the appeal and dismiss the proceeding. If the evidence does not
 28 establish the foregoing factor, the court shall issue an order to prevent
 29 the proposed annexation from taking effect. The laws providing for
 30 change of venue from the county do not apply, but changes of venue
 31 from the judge may be had. Costs follow judgment. Pending the appeal,
 32 and during the time within which the appeal may be taken, the territory
 33 sought to be annexed is not a part of the annexing municipality.

34 (d) If the court enters a judgment in favor of the municipality, the
 35 annexation may not take effect during the year preceding a year in
 36 which a federal decennial census is conducted. An annexation that
 37 would otherwise take effect during the year preceding a year in which
 38 a federal decennial census is conducted takes effect January 21 of the
 39 year in which a federal decennial census is conducted.

40 SECTION 84. IC 36-4-3-19 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 42 Sec. 19. (a) If disannexation is ordered under this chapter by the works

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1 board of a municipality and no appeal is taken, the clerk of the
2 municipality shall, without compensation and not later than ten (10)
3 days after the order is made, make and certify a complete transcript of
4 the disannexation proceedings to the auditor of each county in which
5 the disannexed lots or lands lie and to the office of the secretary of
6 state. The county auditor shall list those lots or lands appropriately for
7 taxation. The proceedings of the works board shall not be certified to
8 the county auditor or to the office of the secretary of state if an appeal
9 to the circuit court has been taken.

10 (b) In all proceedings begun in or appealed to the circuit court, if
11 vacation or disannexation is ordered, the clerk of the court shall
12 immediately after the judgment of the court, or after a decision on
13 appeal to the supreme court or court of appeals if the judgment on
14 appeal is not reversed, certify the judgment of the circuit court, as
15 affirmed or modified, to each of the following:

- 16 (1) The auditor of each county in which the lands or lots affected
- 17 lie, on receipt of one dollar (\$1) for the making and certifying of
- 18 the transcript from the petitioners for the disannexation.
- 19 (2) The office of the secretary of state.
- 20 (3) The circuit court clerk of each county in which the lands or
- 21 lots affected are located.
- 22 (4) The county election board of each county in which the lands
- 23 or lots affected are located.
- 24 (5) If a board of registration exists, the board of each county in
- 25 which the lands or lots affected are located.
- 26 (6) The office of census data established by IC 2-5-1.1-12.2.

27 (c) The county auditor shall forward a list of lots or lands
28 disannexed under this section to the following:

- 29 (1) The county highway department of each county in which the
- 30 lands or lots affected are located.
- 31 (2) The county surveyor of each county in which the lands or lots
- 32 affected are located.
- 33 (3) Each plan commission, if any, that lost or gained jurisdiction
- 34 over the disannexed territory.
- 35 (4) The township trustee of each township that lost or gained
- 36 jurisdiction over the disannexed territory.
- 37 (5) The sheriff of each county in which the lands or lots affected
- 38 are located.
- 39 (6) The office of the secretary of state.
- 40 (7) The office of census data established by IC 2-5-1.1-12.2.

41 The county auditor may require the clerk of the municipality to furnish
42 an adequate number of copies of the list of disannexed lots or lands or

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1 may charge the clerk a fee for photoreproduction of the list.
 2 (d) A disannexation described by this section takes effect upon the
 3 clerk of the municipality filing the order with:
 4 (1) the county auditor of each county in which the annexed
 5 territory is located; and
 6 (2) the circuit court clerk, or if a board of registration exists, the
 7 board of each county in which the annexed territory is located.
 8 (e) The clerk of the municipality shall notify the office of the
 9 secretary of state and the office of census data established by
 10 IC 2-5-1.1-12.2 of the date a disannexation is effective under this
 11 chapter.
 12 (f) A disannexation order under this chapter may not take effect
 13 during the year preceding a year in which a federal decennial census is
 14 conducted. A disannexation order that would otherwise take effect
 15 during the year preceding a year in which a federal decennial census is
 16 conducted takes effect January 2 of the year in which a federal
 17 decennial census is conducted.
 18 SECTION 85. IC 36-4-3-23 IS ADDED TO THE INDIANA CODE
 19 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 20 **JANUARY 1, 2010 (RETROACTIVE)]: Sec. 23. Notwithstanding**
 21 **sections 7, 12, 15.5, and 19 of this chapter, as those sections existed**
 22 **on December 31, 2009, an annexation or disannexation that took**
 23 **effect January 2, 2010, because of the application of section 7(b),**
 24 **12(b), 15.5(d), or 19(f) of this chapter, as those sections existed on**
 25 **December 31, 2009, is instead considered to take effect January 1,**
 26 **2010, without the adoption of an amended ordinance or the entry**
 27 **of an amended judgment or order under this chapter.**
 28 SECTION 86. IC 36-4-4-2 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) The powers of a
 30 city are divided between the executive and legislative branches of its
 31 government. A power belonging to one (1) branch of a city's
 32 government may not be exercised by the other branch.
 33 (b) **Subject to IC 3-5-9**, a city employee other than an elected or
 34 appointed public officer may:
 35 (1) be a candidate for any elective office and serve in that office
 36 if elected; or
 37 (2) be appointed to any office and serve in that office if appointed;
 38 without having to resign as a city employee.
 39 SECTION 87. IC 36-4-6-5, AS AMENDED BY P.L.230-2005,
 40 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2010]: Sec. 5. (a) This section applies to third class cities
 42 having a population of less than ten thousand (10,000). The legislative

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1 body of such a city may, by ordinance adopted ~~before September 1,~~
 2 ~~1982,~~ **after June 30, 2010, and during a year in which an election**
 3 **of the legislative body will not occur,** decide to be governed by this
 4 section instead of section 4 of this chapter. ~~If this ordinance is repeated~~
 5 ~~after August 31, 1982,~~ **except as a part of a codification of ordinances**
 6 **that reenacts the ordinance under IC 36-1-5-6,** then section 4 of this
 7 chapter again applies to the city. **The legislative body districts**
 8 **created by an ordinance adopted under this subsection apply to the**
 9 **first election of the legislative body held after the date the**
 10 **ordinance is adopted.** The clerk of the legislative body shall send a
 11 certified copy of any ordinance adopted under this subsection to the
 12 secretary of the county election board.

13 (b) This subsection does not apply to a city with an ordinance
 14 described by subsection (j). The legislative body shall adopt an
 15 ordinance to divide the city into four (4) districts that:

- 16 (1) are composed of contiguous territory, except for territory that
- 17 is not contiguous to any other part of the city;
- 18 (2) are reasonably compact;
- 19 (3) do not cross precinct boundary lines except as provided in
- 20 subsection (c) or (d); and
- 21 (4) contain, as nearly as is possible, equal population.

22 (c) The boundary of a city legislative body district may cross a
 23 precinct boundary line if:

- 24 (1) more than one (1) member of the legislative body elected from
- 25 the districts established under subsection (b) or (j) resides in one
- 26 (1) precinct established under IC 3-11-1.5 after the most recent
- 27 municipal election; and
- 28 (2) following the establishment of a legislative body district
- 29 whose boundary crosses a precinct boundary line, not more than
- 30 one (1) member of the legislative body elected from the districts
- 31 resides within the same city legislative body district.

32 (d) The boundary of a city legislative body district may cross a
 33 precinct line if the districts would not otherwise contain, as nearly as
 34 is possible, equal population.

35 (e) A city legislative body district with a boundary described by
 36 subsection (c) or (d) may not cross a census block boundary line:

- 37 (1) except when following a precinct boundary line; or
- 38 (2) unless the city legislative body certifies in the ordinance that
- 39 the census block has no population, and is not likely to ever have
- 40 population.

41 (f) The legislative body may not adopt an ordinance dividing the city
 42 into districts with boundaries described by subsection (c) or (d) unless

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1 the clerk of the city mails a written notice to the circuit court clerk. The
 2 notice must:

- 3 (1) state that the legislative body is considering the adoption of an
 4 ordinance described by this subsection; and
- 5 (2) be mailed not later than ten (10) days before the legislative
 6 body adopts the ordinance.

7 (g) The division under subsection (b) or (j) shall be made:

- 8 (1) during the second year after a year in which a federal
 9 decennial census is conducted; and
- 10 (2) when required to assign annexed territory to a district.

11 This division may be made at any other time, subject to IC 3-11-1.5-32.

12 (h) This subsection does not apply to a city with an ordinance
 13 described by subsection (j). The legislative body is composed of four
 14 (4) members elected from the districts established under subsection (b)
 15 and one (1) at-large member.

16 (i) This subsection does not apply to a city with an ordinance
 17 described by subsection (j). Each voter may vote for one (1) candidate
 18 for at-large membership and one (1) candidate from the district in
 19 which the voter resides. The at-large candidate receiving the most votes
 20 from the whole city and the district candidates receiving the most votes
 21 from their respective districts are elected to the legislative body.

22 (j) A city may adopt an ordinance under this subsection to divide the
 23 city into three (3) districts that:

- 24 (1) are composed of contiguous territory, except for territory that
 25 is not contiguous to any other part of the city;
- 26 (2) are reasonably compact;
- 27 (3) do not cross precinct boundary lines, except as provided in
 28 subsection (c) or (d); and
- 29 (4) contain, as nearly as is possible, equal population.

30 (k) This subsection applies to a city with an ordinance described by
 31 subsection (j). The legislative body is composed of three (3) members
 32 elected from the districts established under subsection (j) and two (2)
 33 at-large members.

34 (l) This subsection applies to a city with an ordinance described by
 35 subsection (j). Each voter of the city may vote for two (2) candidates
 36 for at-large membership and one (1) candidate from the district in
 37 which the voter resides. The two (2) at-large candidates receiving the
 38 most votes from the whole city and the district candidates receiving the
 39 most votes from their respective districts are elected to the legislative
 40 body.

41 (m) This subsection applies to a city having a population of less than
 42 seven thousand (7,000). A legislative body of such a city that has, by

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1 resolution adopted before May 7, 1991, decided to continue an election
2 process that permits each voter of the city to vote for one (1) candidate
3 at large and one (1) candidate from each of its four (4) council districts
4 may hold elections using that voting arrangement. The at-large
5 candidate and the candidate from each district receiving the most votes
6 from the whole city are elected to the legislative body. The districts
7 established in cities adopting such a resolution may cross precinct
8 boundary lines.

9 (n) A copy of the ordinance establishing districts under this section
10 must be filed with the circuit court clerk of the county that contains the
11 greatest population of the city not later than thirty (30) days after the
12 ordinance is adopted.

13 (o) If any territory in the city is not included in one (1) of the
14 districts established under this section, the territory is included in the
15 district that:

- 16 (1) is contiguous to that territory; and
- 17 (2) contains the least population of all districts contiguous to that
18 territory.

19 (p) If any territory in the city is included in more than one (1) of the
20 districts established under this section, the territory is included in the
21 district that:

- 22 (1) is one (1) of the districts in which the territory is described in
23 the ordinance adopted under this section;
- 24 (2) is contiguous to that territory; and
- 25 (3) contains the least population of all districts contiguous to that
26 territory.

27 SECTION 88. IC 36-4-10-4.5 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4.5. (a) This section
29 applies to third class cities.

30 (b) The fiscal officer is the head of the city department of finance.
31 The fiscal officer shall do the following:

- 32 (1) Receive and care for all city money and pay the money out
33 only on order of the approving body.
- 34 (2) Keep accounts showing when and from what sources the fiscal
35 officer has received city money and when and to whom the fiscal
36 officer has paid out city money.
- 37 (3) Prescribe payroll and account forms for all city offices.
- 38 (4) Prescribe the manner in which creditors, officers, and
39 employees shall be paid.
- 40 (5) Manage the finances and accounts of the city and make
41 investments of city money.
- 42 (6) Prepare for the legislative body the budget estimates of

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1 miscellaneous revenue, financial statements, and the proposed tax
2 rate.

3 (7) Issue all licenses authorized by statute and collect the fees
4 fixed by ordinance.

5 (8) Serve as clerk of the board of public works by attending
6 meetings, preparing agendas, and recording proceedings.

7 (9) Perform all other duties prescribed by statute.

8 (c) A fiscal officer is not liable in an individual capacity for an act
9 or omission occurring in connection with the performance of the duties
10 prescribed by subsection (b), unless the act or omission constitutes
11 gross negligence or an intentional disregard of the fiscal officer's
12 duties.

13 **(d) A fiscal officer shall attend training provided by the state
14 board of accounts concerning the duties and responsibilities of a
15 fiscal officer of a third class city.**

16 SECTION 89. IC 36-5-1-10.1 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
18 Sec. 10.1. (a) Except as provided in subsection (g), if the county
19 executive makes the findings required by section 8 of this chapter, it
20 may adopt an ordinance incorporating the town. The ordinance must:

21 (1) provide that:

22 (A) all members of the town legislative body are to be elected
23 at large (if the town would have a population of less than three
24 thousand five hundred (3,500); or

25 (B) divide the town into not less than three (3) nor more than
26 seven (7) districts; and

27 (2) direct the county election board to conduct an election in the
28 town on the date of the next general or municipal election to be
29 held in any precincts in the county.

30 An election conducted under this section must comply with IC 3
31 concerning town elections. If, on the date that an ordinance was
32 adopted under this section, absentee ballots for a general or municipal
33 election have been delivered under IC 3-11-4-15 for voters within a
34 precinct in the town, the election must be conducted on the date of the
35 next general or municipal election held in any precincts in the county
36 after the election for which absentee balloting is being conducted.
37 However, a primary election may not be conducted before an election
38 conducted under this section, regardless of the population of the town.

39 (b) Districts established by an ordinance adopted under this section
40 must comply with IC 3-11-1.5.

41 (c) If any territory in the town is not included in one (1) of the
42 districts established under this section, the territory is included in the

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1 district that:

2 (1) is contiguous to that territory; and

3 (2) contains the least population of all districts contiguous to that

4 territory.

5 (d) If any territory in the town is included in more than one (1) of

6 the districts established under this section, the territory is included in

7 the district that:

8 (1) is one (1) of the districts in which the territory is described in

9 the ordinance adopted under this section;

10 (2) is contiguous to that territory; and

11 (3) contains the least population of all districts contiguous to that

12 territory.

13 (e) Except as provided in subsection (f), an ordinance adopted under

14 this section becomes effective when filed with:

15 (1) the office of the secretary of state; and

16 (2) the circuit court clerk of each county in which the town is

17 located.

18 (f) An ordinance incorporating a town under this section may not

19 take effect during the year preceding a year in which a federal

20 decennial census is conducted. An ordinance under this section that

21 would otherwise take effect during the year preceding a year in which

22 a federal decennial census is conducted takes effect January 2 1 of the

23 year in which a federal decennial census is conducted.

24 (g) Proceedings to incorporate a town across county boundaries

25 must have the approval of the county executive of each county that

26 contains a part of the proposed town. Each county that contains a part

27 of the proposed town must adopt identical ordinances providing for the

28 incorporation of the town.

29 **(h) Notwithstanding subsection (f) as that subsection existed on**

30 **December 31, 2009, an ordinance that took effect January 2, 2010,**

31 **because of the application of subsection (f), as that subsection**

32 **existed on December 31, 2009, is instead considered to take effect**

33 **January 1, 2010, without the adoption of an ordinance or an**

34 **amended ordinance or any other additional action being required.**

35 SECTION 90. IC 36-5-1-18 IS AMENDED TO READ AS

36 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:

37 Sec. 18. (a) If at least two-thirds (2/3) of the votes cast in an election

38 under section 16 of this chapter are affirmative, and at least four-fifths

39 (4/5) of all the voters listed in the census voted in the election, the

40 dissolution or change of name takes effect in the manner prescribed by

41 this section.

42 (b) A change of name takes effect thirty (30) days after the filing of

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1 the statement required by section 17 of this chapter.

2 (c) Except as provided in subsection (d), a dissolution takes effect
3 six (6) months after the filing of the statement required by section 17
4 of this chapter. The property owned by the town after payment of debts
5 and liabilities shall be disposed of in the manner chosen by a majority
6 of the voters of the town at a special election for that purpose.
7 Dissolution of a town does not affect the validity of a contract to which
8 the town is a party.

9 (d) A dissolution under this chapter may not take effect during the
10 year preceding a year in which a federal decennial census is conducted.
11 A dissolution that would otherwise take effect during the year
12 preceding a year in which a federal decennial census is conducted takes
13 effect January 2 1 of the year in which a federal decennial census is
14 conducted.

15 (e) **Notwithstanding subsection (d) as that subsection existed on
16 December 31, 2009, a dissolution that took effect January 2, 2010,
17 because of the application of subsection (d), as that subsection
18 existed on December 31, 2009, is instead considered to take effect
19 January 1, 2010, without any additional action being required.**

20 SECTION 91. IC 36-5-1-20 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section
22 does not apply to a town described by IC 36-5-1-11.5.

23 (b) A town subject to this chapter may be dissolved if the county
24 election board of the county in which the greatest percentage of
25 population of the town is located conducts a public hearing and finds
26 that the town has not elected town officers or had a functioning town
27 government during the preceding ten (10) years.

28 (c) The county election board shall certify the board's findings to the
29 county executive, who may adopt an ordinance or (in a county subject
30 to **IC 36-2-2.5** or IC 36-2-3.5) issue an order to dissolve the town.

31 SECTION 92. IC 36-5-1.1-9 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
33 Sec. 9. (a) A person aggrieved by a decision made by the county
34 executive under section 6 of this chapter may, within thirty (30) days,
35 appeal that decision or result to the circuit court for the county
36 containing more than fifty percent (50%) in assessed valuation of the
37 land in the town. The appeal is instituted by giving written notice to the
38 clerk of the circuit court and filing with the county executive a bond for
39 five hundred dollars (\$500), with surety approved by the county
40 executive. The bond must provide:

- 41 (1) that the appeal will be duly prosecuted; and
- 42 (2) that the appellants will pay all costs if the appeal is decided

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against them.

(b) When an appeal is instituted, the county executive shall file with the clerk of the circuit court a transcript of all proceedings in the case, together with all papers filed in the case. The county executive may not take further action in the case until the appeal is heard and determined.

(c) An appeal under this section shall be heard by the circuit court without a jury. Change of venue from the judge may be granted, but change of venue from the county may not be granted. If the court orders the dissolution to take place, the circuit court clerk shall, immediately after the judgment of the court, certify the judgment of the circuit court to:

- (1) the clerk of the municipality;
- (2) the circuit court clerk of any other county in which the town is located; and
- (3) the office of the secretary of state.

(d) Except as provided in subsection (e), the dissolution takes effect sixty (60) days after the order is certified.

(e) A dissolution under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A dissolution under this section that would otherwise take effect during the year preceding the year in which the federal decennial census is conducted takes effect January 2 1 of the year in which a federal decennial census is conducted.

(f) Notwithstanding subsection (e) as that subsection existed on December 31, 2009, a dissolution that took effect January 2, 2010, because of the application of subsection (e), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required.

SECTION 93. IC 36-5-1.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:

Sec. 10. (a) If the county executive approves dissolution under section 6 of this chapter, the county executive shall adopt:

- (1) an ordinance; or
- (2) an order in a county having a consolidated city; dissolving the town.

(b) Except as provided in subsection (e), a dissolution takes effect:

- (1) at least sixty (60) days after the ordinance or order under subsection (a) is adopted; and
- (2) when the county auditor files a copy of the ordinance or order with:
 - (A) the circuit court clerk of each county in which the town is located; and

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(B) the office of the secretary of state.

(c) The property owned by the town after payment of debts and liabilities shall be disposed of by the county executive. Any proceeds remaining shall be deposited in the county general fund. Dissolution of a town does not affect the validity of a contract to which the town is a party.

(d) After dissolution, the books and records of the town become the property of the county executive for safekeeping.

(e) A dissolution under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A dissolution under this section that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 1 of the year in which a federal decennial census is conducted.

(f) Notwithstanding subsection (e) as that subsection existed on December 31, 2009, a dissolution that took effect January 2, 2010, because of the application of subsection (e), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required.

SECTION 94. IC 36-5-1.1-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
Sec. 10.5. (a) This section applies to the dissolution of an included town.

(b) The town legislative body may adopt a resolution to consider dissolution of the town under this section. The resolution must state the following:

- (1) That the town legislative body conduct a public hearing at a stated date, place, and time concerning the dissolution of the town.
- (2) That the town legislative body will hear all statements presented in favor of or in opposition to dissolution.
- (3) That the town legislative body may adopt an ordinance to dissolve the town at the conclusion of the public hearing.

(c) The town clerk shall publish a notice of the public hearing in accordance with IC 5-3-1.

(d) The town legislative body may continue a public hearing under this section. If a hearing is continued, the clerk is not required to publish an additional notice under subsection (c).

(e) The town legislative body may adopt an ordinance following the conclusion of the public hearing under subsection (b). The town clerk shall file a copy of the ordinance with:

- (1) the circuit court clerk of the county; and

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1 (2) the office of the secretary of state.
 2 (f) Except as provided in subsection (g), the ordinance dissolving
 3 the town takes effect:
 4 (1) at least sixty (60) days after adoption; and
 5 (2) when the ordinance is filed under subsection (e).
 6 (g) A dissolution under this section may not take effect during the
 7 year preceding a year in which a federal decennial census is conducted.
 8 A dissolution under this section that would otherwise take effect during
 9 the year preceding a year in which the federal decennial census is
 10 conducted takes effect January 2 1 of the year in which a federal
 11 decennial census is conducted.
 12 (h) When an ordinance dissolving a town becomes effective:
 13 (1) the territory included within the town when the ordinance was
 14 adopted becomes a part of the consolidated city;
 15 (2) the books and records of the town become the property of the
 16 county executive;
 17 (3) the property owned by the town after payment of debts and
 18 liabilities shall be disposed of by the county executive; and
 19 (4) the county executive shall deposit any proceeds remaining
 20 after payment of debts and liabilities into the county general fund.
 21 (i) The dissolution of a town under this section does not affect the
 22 validity of a contract to which the town is a party.
 23 **(j) Notwithstanding subsection (g) as that subsection existed on**
 24 **December 31, 2009, a dissolution that took effect January 2, 2010,**
 25 **because of the application of subsection (g), as that subsection**
 26 **existed on December 31, 2009, is instead considered to take effect**
 27 **January 1, 2010, without any additional action being required.**
 28 SECTION 95. IC 36-5-1.1-10.6 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 30 Sec. 10.6. (a) This section applies to included towns.
 31 (b) The dissolution of a town under this section may be instituted by
 32 filing a petition with the county board of registration. The petition must
 33 be signed by at least the number of the registered voters of the town
 34 required to place a candidate on the ballot under IC 3-8-6-3. The
 35 petition must be filed not later than June 1 of a year in which a general
 36 or municipal election will be held.
 37 (c) If a petition meets the criteria set forth in subsection (b), the
 38 county board of registration shall certify the public question to the
 39 county election board under IC 3-10-9-3. The county election board
 40 shall place the question of dissolution on the ballot provided for voters
 41 in the included town at the first general or municipal election following
 42 certification. The question shall be placed on the ballot in the form

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prescribed by IC 3-10-9-4 and must state "Shall the town of _____ dissolve?".

(d) If the public question is approved by a majority of the voters voting on the question, the county election board shall file a copy of the certification prepared under IC 3-12-4-9 concerning the public question described by this section with the following:

- (1) The circuit court clerk of the county.
- (2) The office of the secretary of state.

(e) Except as provided in subsection (f), dissolution occurs:

- (1) at least sixty (60) days after certification under IC 3-12-4-9; and
- (2) when the certification is filed under subsection (d).

(f) A dissolution under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A dissolution under this section that would otherwise take effect during the year preceding a year in which the federal decennial census is conducted takes effect January 2 1 of the year in which a federal decennial census is conducted.

(g) When a town is dissolved under this section:

- (1) the territory included within the town when the ordinance was adopted becomes a part of the consolidated city;
- (2) the books and records of the town become the property of the county executive;
- (3) the property owned by the town after payment of debts and liabilities shall be disposed of by the county executive; and
- (4) the county executive shall deposit any proceeds remaining after payment of debts and liabilities into the county general fund.

(h) The dissolution of a town under this section does not affect the validity of a contract to which the town is a party.

(i) Notwithstanding subsection (f) as that subsection existed on December 31, 2009, a dissolution that took effect January 2, 2010, because of the application of subsection (f), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required.

SECTION 96. IC 36-6-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
Sec. 3. (a) When part of a township is owned by the state or the United States, devoted to a public use, and withdrawn from taxation for local purposes, and:

- (1) less than eighteen (18) square miles of the township remains subject to taxation; or
- (2) the township is divided into two (2) or more separate sections

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1 by the government owned part;
2 the county executive may issue an order to alter the boundaries of the
3 township and adjoining townships on receipt of a petition signed by at
4 least thirty-five percent (35%) of the resident freeholders of a part of
5 the township adjoining another township.

6 (b) Except as provided in subsection (c), a boundary alteration under
7 this section is effective when a copy of the order is filed with:

- 8 (1) the circuit court clerk; and
- 9 (2) the office of the secretary of state.

10 (c) A boundary alteration under this section may not take effect
11 during the year preceding a year in which a federal decennial census is
12 conducted. A boundary alteration that would otherwise take effect
13 during the year preceding a year in which a federal decennial census is
14 conducted takes effect January 2 1 of the year in which a federal
15 decennial census is conducted.

16 (d) **Notwithstanding subsection (c) as that subsection existed on**
17 **December 31, 2009, a boundary alteration that took effect January**
18 **2, 2010, because of the application of subsection (c), as that**
19 **subsection existed on December 31, 2009, is instead considered to**
20 **take effect January 1, 2010, without any additional action being**
21 **required.**

22 SECTION 97. IC 36-8-3-12 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. **Subject to**
24 **IC 3-5-9**, members of the safety board and members of any township,
25 town, or city (including a consolidated city) police department, fire
26 department, or volunteer fire department (as defined by IC 36-8-12-2)
27 may:

- 28 (1) be candidates for elective office and serve in that office if
29 elected;
- 30 (2) be appointed to any office and serve in that office if appointed;
31 and
- 32 (3) as long as they are not in uniform and not on duty, solicit votes
33 and campaign funds and challenge voters for the office for which
34 they are candidates.

35 SECTION 98. IC 36-8-10-11 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11. (a) The sheriff may
37 dismiss, demote, or temporarily suspend a county police officer for
38 cause after preferring charges in writing and after a fair public hearing
39 before the board, which is reviewable in the circuit court. Written
40 notice of the charges and hearing must be delivered by certified mail
41 to the officer to be disciplined at least fourteen (14) days before the
42 date set for the hearing. The officer may be represented by counsel. The

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1 board shall make specific findings of fact in writing to support its
2 decision.

3 (b) The sheriff may temporarily suspend an officer with or without
4 pay for a period not exceeding fifteen (15) days, without a hearing
5 before the board, after preferring charges of misconduct in writing
6 delivered to the officer.

7 (c) A county police officer may not be dismissed, demoted, or
8 temporarily suspended because of political affiliation nor after the
9 officer's probationary period, except as provided in this section.
10 **Subject to IC 3-5-9**, an officer may:

11 (1) be a candidate for elective office and serve in that office if
12 elected;

13 (2) be appointed to an office and serve in that office if appointed;
14 and

15 (3) except when in uniform or on duty, solicit votes or campaign
16 funds for the officer or others.

17 (d) The board has subpoena powers enforceable by the circuit court
18 for hearings under this section. An officer on probation may be
19 dismissed by the sheriff without a right to a hearing.

20 (e) An appeal under subsection (a) must be taken by filing in court,
21 within thirty (30) days after the date the decision is rendered, a verified
22 complaint stating in a concise manner the general nature of the charges
23 against the officer, the decision of the board, and a demand for the
24 relief asserted by the officer. A bond must also be filed that guarantees
25 the appeal will be prosecuted to a final determination and that the
26 plaintiff will pay all costs only if the court finds that the board's
27 decision should be affirmed. The bond must be approved as bonds for
28 costs are approved in other cases. The county must be named as the
29 sole defendant and the plaintiff shall have a summons issued as in other
30 cases against the county. Neither the board nor the members of it may
31 be made parties defendant to the complaint, but all are bound by
32 service upon the county and the judgment rendered by the court.

33 (f) All appeals shall be tried by the court. The appeal shall be heard
34 de novo only upon any new issues related to the charges upon which
35 the decision of the board was made. Within ten (10) days after the
36 service of summons, the board shall file in court a complete written
37 transcript of all papers, entries, and other parts of the record relating
38 to the particular case. Inspection of these documents by the person
39 affected, or by the person's agent, must be permitted by the board
40 before the appeal is filed, if requested. The court shall review the
41 record and decision of the board on appeal.

42 (g) The court shall make specific findings and state the conclusions

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1 of law upon which its decision is made. If the court finds that the
2 decision of the board appealed from should in all things be affirmed,
3 its judgment should so state. If the court finds that the decision of the
4 board appealed from should not be affirmed in all things, then the court
5 shall make a general finding, setting out sufficient facts to show the
6 nature of the proceeding and the court's decision on it. The court shall
7 either:

- 8 (1) reverse the decision of the board; or
- 9 (2) order the decision of the board to be modified.

10 (h) The final judgment of the court may be appealed by either party.
11 Upon the final disposition of the appeal by the courts, the clerk shall
12 certify and file a copy of the final judgment of the court to the board,
13 which shall conform its decisions and records to the order and
14 judgment of the court. If the decision is reversed or modified, then the
15 board shall pay to the party entitled to it any salary or wages withheld
16 from the party pending the appeal and to which the party is entitled
17 under the judgment of the court.

18 (i) Either party shall be allowed a change of venue from the court or
19 a change of judge in the same manner as such changes are allowed in
20 civil cases. The rules of trial procedure govern in all matters of
21 procedure upon the appeal that are not otherwise provided for by this
22 section.

23 (j) An appeal takes precedence over other pending litigation and
24 shall be tried and determined by the court as soon as practical.

25 SECTION 99. IC 36-9-13-35, AS AMENDED BY P.L.146-2008,
26 SECTION 790, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2010]: Sec. 35. **(a) In a county not having a**
28 **consolidated city**, the annual operating budget of a building authority
29 is subject to review by the county board of tax adjustment and then by
30 the department of local government finance as in the case of other
31 political subdivisions.

32 **(b) In a county having a consolidated city, the annual operating**
33 **budget of a building authority is subject to review and approval by**
34 **the city-county legislative body as provided by IC 36-3-6-9.**

35 SECTION 100. IC 36-12-2-8, AS ADDED BY P.L.1-2005,
36 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 UPON PASSAGE]: Sec. 8. (a) Except as provided in subsection (b), an
38 appointee to a library board may not serve more than four (4)
39 consecutive terms on the library board. **An unexpired term of two (2)**
40 **years or less that an individual serves in filling a vacancy on the**
41 **library board may not be counted in computing consecutive terms**
42 **for purposes of this subsection.** The consecutive terms are computed

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1 without regard to a change in the appointing authority that appointed
2 the member. ~~or the length of any term served by the appointee.~~ If:

3 (1) a member's term is interrupted due to the merger of at least
4 two (2) public libraries under IC 36-12-4; and

5 (2) the member is reappointed to the merged public library board;
6 the term that was interrupted may not be considered in determining the
7 number of consecutive terms a member may serve on a library board.
8 **An appointee who has served four (4) consecutive terms may be**
9 **reappointed to the board at least four (4) years after the date the**
10 **appointee's most recent term ended.**

11 (b) This subsection applies to a library board for a library district
12 having a population of less than three thousand (3,000). If an
13 appointing authority conducts a diligent but unsuccessful search for a
14 qualified individual who wishes to be appointed to serve on the library
15 board:

16 (1) the appointing authority may reappoint a board member who
17 has served four (4) or more consecutive terms; and

18 (2) state funds may not be withheld from distribution to the
19 library.

20 The appointing authority shall file with the library board a written
21 description of the search that was conducted under this subsection. The
22 record becomes a part of the official records of the library board.

23 SECTION 101. IC 36-12-2-18, AS ADDED BY P.L.1-2005,
24 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2010]: Sec. 18. (a) Subject to subsection (b), the term of a
26 library board member is four (4) years. A member may continue to
27 serve on a library board after the member's term expires until the
28 member's successor is qualified under section 19 of this chapter. The
29 term of the member's successor is not extended by the time that has
30 elapsed before the successor's appointment and qualification. If a
31 member is appointed to fill a vacancy on a library board, the member's
32 term is the unexpired term of the member being replaced.

33 (b) Except for a library board whose membership is established
34 under section 15 of this chapter, for purposes of establishing staggered
35 terms for the members of a library board, the initial members shall
36 serve the following terms:

37 (1) One (1) year for one (1) member appointed under section 9(1),
38 9(5), 16(b)(1), 16(b)(2), or 17(1) of this chapter.

39 (2) Two (2) years for one (1) member appointed under section
40 9(3)(A), 9(4), 16(b)(3), 16(b)(4), or 17(2) of this chapter.

41 (3) Three (3) years for one (1) member appointed under section
42 9(2), 9(3)(A), 16(b)(4), 16(b)(5), or 17(1) of this chapter.

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1 (4) Four (4) years for one (1) member appointed under section
2 9(3)(B), 16(b)(6), or 17(2) of this chapter.

3 (c) When an appointing authority appoints members to terms of
4 different length under subsection (b), the appointing authority shall
5 designate which member serves each term.

6 **(d) A member may not serve more than four (4) consecutive**
7 **terms as provided in section 8 of this chapter.**

8 SECTION 102. IC 36-12-2-25, AS AMENDED BY P.L.91-2009,
9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2010]: Sec. 25. (a) The residents or real property taxpayers of
11 the library district taxed for the support of the library may use the
12 facilities and services of the public library without charge for library or
13 related purposes. However, the library board may:

14 (1) fix and collect fees and rental charges; and
15 (2) assess fines, penalties, and damages for the:

16 (A) loss of;
17 (B) injury to; or
18 (C) failure to return;

19 any library property or material.

20 (b) A library board may issue local library cards to:

21 (1) residents of the library district; or
22 (2) Indiana residents who are not residents of the library district;
23 **(3) library employees of the library district; or**
24 **(4) employees of a school corporation or nonpublic school**
25 **located in the library district;**

26 who apply for the cards.

27 (c) Except as provided in subsections (d) and (e), a library board
28 must set and charge a fee for a local library card issued under
29 subsection (b)(2). The minimum fee that the board may set under this
30 subsection is the greater of the following:

31 (1) The library district's operating fund expenditure per capita in
32 the most recent year for which that information is available in the
33 Indiana state library's annual "Statistics of Indiana Libraries".

34 (2) Twenty-five dollars (\$25).

35 (d) A library board may charge a reduced fee or not charge a fee for
36 a local library card under subsection (c) that is issued to an Indiana
37 resident who is:

38 (1) a student enrolled in a public school corporation that is located
39 at least in part in the library district; and

40 (2) not a resident of the library district.

41 (e) A library board may charge a reduced fee or not charge a fee for
42 a local library card under subsection (c) that is issued to an Indiana

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resident who is a student enrolled in a nonpublic school that is located at least in part in the library district.

(f) A library board may issue a local library card under subsection (b)(3) or (b)(4):

(1) to an individual who is not a resident of the library district; and

(2) without charging a fee for the card;

if the board adopts a resolution that is approved by an affirmative vote of a majority of the members appointed to the library board.

SECTION 103. IC 36-12-2-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 26. (a) Dissolution of a library district is initiated when the:**

(1) legislative body of each municipality, township, or county that is a part of the district; and

(2) library board of the district;

adopt identical resolutions proposing to dissolve the district by an affirmative vote of a majority of the voting members of each legislative body and library board.

(b) Copies of the resolutions adopted under subsection (a) shall be filed not later than ten (10) days after the resolution is adopted with:

(1) the state library; and

(2) the county recorder of each county in which the library district is located.

(c) A dissolution under this section does not take effect until:

(1) all legal and fiscal obligations of the library district have been satisfied;

(2) the assets of the district have been distributed; and

(3) a notice is filed with the agencies listed in subsection (b), indicating that the actions described in subdivisions (1) and (2) have been completed and the dissolution is final.

SECTION 104. IC 36-12-3-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 16.5. (a) As used in this section, "electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, that is initiated through an electronic terminal, a telephone, or a computer or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account.**

(b) A library board may adopt a resolution to authorize an

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1 **electronic funds transfer method of payment of claims. If the**
 2 **library board adopts the resolution, the public library may pay**
 3 **money from its funds by electronic funds transfer.**

4 **(c) A public library that pays a claim by electronic funds**
 5 **transfer shall comply with all other requirements for the payment**
 6 **of claims by the public library.**

7 SECTION 105. IC 36-12-3-18, AS ADDED BY P.L.1-2005,
 8 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2010]: Sec. 18. (a) ~~Subject to subsection (d)~~; A library board
 10 or a person designated in writing by the library board may:

- 11 (1) collect money or library property; or
 12 (2) compromise the amount of money;

13 that is owed to the library.

14 (b) A library board:

- 15 (1) shall determine the costs of collecting money or library
 16 property under this section; and
 17 (2) may add the costs of collection, including reasonable
 18 attorney's fees, to money or library property that is owed and
 19 collected under this section.

20 (c) A library board or the library board's agent that collects money
 21 under this section shall deposit the money, less the costs of collection,
 22 in the account required by law.

23 ~~(d) A person designated by the library board under subsection (a)~~
 24 ~~may collect money from a person for the library only if the amount to~~
 25 ~~be collected from the person is more than ten dollars (\$10).~~

26 ~~(e)~~ (d) A library board may compromise claims made against the
 27 library.

28 SECTION 106. IC 36-12-7-3, AS ADDED BY P.L.1-2005,
 29 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2010]: Sec. 3. (a) A library board may issue local library cards
 31 to:

- 32 (1) residents of the library district; ~~and~~
 33 (2) Indiana residents who are not residents of the library district;
 34 **(3) library employees of the library district; or**
 35 **(4) employees of a school corporation or nonpublic school**
 36 **located in the library district;**

37 who apply for the cards.

38 (b) Except as provided in subsection (c), a library board must set
 39 and charge a fee for a local library card issued under subsection (a)(2).
 40 The minimum fee that the board may set under this subsection is the
 41 greater of the following:

- 42 (1) The library district's operating fund expenditure per capita in

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1 the most recent year for which that information is available in the
 2 Indiana state library's annual "Statistics of Indiana Libraries".
 3 (2) Twenty-five dollars (\$25).
 4 (c) A library board may charge a reduced fee or not charge a fee for
 5 a local library card under subsection (b) that is issued to an Indiana
 6 resident who is:
 7 (1) a student enrolled in a public school corporation that is located
 8 at least in part in the library district; and
 9 (2) not a resident of that library district.
 10 (d) **A library board may issue a local library card under**
 11 **subsection (a)(3) or (a)(4):**
 12 (1) **to an individual who is not a resident of the library**
 13 **district; and**
 14 (2) **without charging a fee for the card;**
 15 **if the board adopts a resolution that is approved by an affirmative**
 16 **vote of a majority of the members appointed to the library board.**
 17 SECTION 107. IC 36-12-7-9 IS ADDED TO THE INDIANA
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2010]: **Sec. 9. (a) Dissolution of a library**
 20 **district is initiated when the:**
 21 (1) **legislative body of each municipality, township, or county**
 22 **that is a part of the district; and**
 23 (2) **library board of the district;**
 24 **adopt identical resolutions proposing to dissolve the district by an**
 25 **affirmative vote of a majority of the voting members of each**
 26 **legislative body and library board.**
 27 (b) **Copies of the resolutions adopted under subsection (a) shall**
 28 **be filed not later than ten (10) days after the resolution is adopted**
 29 **with:**
 30 (1) **the state library; and**
 31 (2) **the county recorder of each county in which the library**
 32 **district is located.**
 33 (c) **A dissolution under this section does not take effect until:**
 34 (1) **all legal and fiscal obligations of the library district have**
 35 **been satisfied;**
 36 (2) **the assets of the district have been distributed; and**
 37 (3) **a notice is filed with the agencies listed in subsection (b),**
 38 **indicating that the actions described in subdivisions (1) and**
 39 **(2) have been completed and the dissolution is final.**
 40 SECTION 108. IC 36-12-7-10 IS ADDED TO THE INDIANA
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2010]: **Sec. 10. (a) As used in this section,**

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1 "electronic funds transfer" means any transfer of funds, other than
2 a transaction originated by check, draft, or similar paper
3 instrument, that is initiated through an electronic terminal,
4 telephone, or computer or magnetic tape for the purpose of
5 ordering, instructing, or authorizing a financial institution to debit
6 or credit an account.

7 (b) A library board may adopt a resolution to authorize an
8 electronic funds transfer method of payment of claims. If the
9 library board adopts the resolution, the public library may pay
10 money from its funds by electronic funds transfer.

11 (c) A public library that pays a claim by electronic funds
12 transfer shall comply with all other requirements for the payment
13 of claims by the public library.

14 SECTION 109. IC 36-12-7-11 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2010]: Sec. 11. (a) A library board or a
17 person designated in writing by the library board may:

- 18 (1) collect money or library property; or
- 19 (2) compromise the amount of money;
20 that is owed to the library.

- 21 (b) A library board:
 - 22 (1) shall determine the costs of collecting money or library
23 property under this section; and
 - 24 (2) may add the costs of collection, including reasonable
25 attorney's fees, to money or library property that is owed and
26 collected under this section.

27 (c) A library board or the library board's agent that collects
28 money under this section shall deposit the money, less the costs of
29 collection, in the account required by law.

30 (d) A library board may compromise claims made against the
31 library.

32 SECTION 110. THE FOLLOWING ARE REPEALED
33 [EFFECTIVE JULY 1, 2010]: IC 3-8-2-2.2; IC 3-11-18-2;
34 IC 3-11-18-18; IC 3-11-18-19; IC 3-11-18-20; IC 20-23-4-29;
35 IC 20-23-7-8; IC 20-23-13-2.

36 SECTION 111. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1030, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 24 through 42.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1030 as introduced.)

BARTLETT, Chair

Committee Vote: yeas 8, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred House Bill No. 1030, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 13, after "resolution." insert "**In the case of a plan of reorganization submitted to a political subdivision by a reorganization committee after June 30, 2010, the political subdivision shall post a copy of the plan of reorganization on an Internet web site maintained or authorized by the political subdivision not more than thirty (30) days after receiving the plan of reorganization from the reorganization committee.**".

Page 3, line 15, delete "and in any other material the reorganization" and insert "**submitted to a political subdivision after June 30, 2010,**".

Page 3, line 16, delete "committee provides to the public".

Page 3, between lines 23 and 24, begin a new paragraph and insert:
"SECTION 2. IC 36-1.5-4-27, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. After the county recorder of each county in which reorganizing political subdivisions are located has notified the county election board that a public question on a plan of reorganization is eligible to be placed on the ballot, the county election board shall place the public question on the ballot in accordance with IC 3-10-9 on the first regularly scheduled **general election or municipal election (excluding any primary elections)** that will occur in all of the



precincts of the reorganizing political subdivisions at least sixty (60) days after the required notices are received.

SECTION 3. IC 36-1.5-4-36, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 36. (a) This section applies if section 5 of this chapter requires an election for a reorganization to become effective.

(b) At the next:

(1) general election, if:

(A) the reorganized political subdivision is not a municipality or a school corporation; **or**

(B) the reorganized political subdivision results from a reorganization including a county and at least one (1) municipality;

(2) municipal election, if the reorganized political subdivision is a municipality; or

(3) primary or general election, as specified in an election plan adopted in substantially identical resolutions by the legislative body of each of the participating political subdivisions if the reorganized political subdivision is a school corporation;

after the voters approve a reorganization, one (1) set of officers for the reorganized political subdivision having the combined population of the reorganizing political subdivisions shall be elected by the voters in the territory of the reorganized political subdivision as prescribed by statute.

(c) In the election described in subsection (b):

(1) one (1) member of the legislative body of the reorganized political subdivision shall be elected from each election district established by the reorganizing political subdivisions in substantially identical resolutions adopted by the legislative body of each of the reorganizing political subdivisions; and

(2) the total number of at large members shall be elected as prescribed by statute for the reorganized political subdivision.

(d) If appointed officers are required in the reorganized political subdivision, one (1) set of appointed officers shall be appointed for the reorganized political subdivision. The appointments shall be made as required by statute for the reorganized political subdivision. Any statute requiring an appointed officer to reside in the political subdivision where the appointed officer resides shall be treated as permitting the appointed officer to reside in any part of the territory of the reorganized political subdivision.

SECTION 4. IC 36-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE

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UPON PASSAGE]:

Chapter 1.5. Reorganization Fiscal Analysis Statement

Sec. 1. This chapter applies only if a statute is enacted by the general assembly that allows a county to reorganize the county executive body, county legislative body, or county fiscal body by a means other than a reorganization under IC 36-1.5.

Sec. 2. As used in this chapter, "governing body" means a county executive body, county fiscal body, or county legislative body.

Sec. 3. If a plan of reorganization is prepared in a reorganization subject to this chapter, the plan must include a statement of:

- (1) whether a fiscal impact analysis concerning the proposed reorganization has been prepared or has not been prepared by or on behalf of the county; and**
- (2) whether a fiscal impact analysis concerning the proposed reorganization has been made available or has not been made available to the public by or on behalf of the county.**

Sec. 4. (a) This section applies if:

- (1) a plan of reorganization is not prepared in a reorganization subject to this chapter; and**
- (2) a governing body or governing bodies are required by statute to approve the reorganization by a vote of the governing body or governing bodies.**

(b) Notice of each meeting at which a vote is taken by a governing body or governing bodies shall be published in accordance with IC 5-3-1 at least ten (10) days before the meeting. The notice must include the statement described in section 3 of this chapter.

Sec. 5. (a) This section applies if:

- (1) a plan of reorganization is not prepared in a reorganization subject to this chapter; and**
- (2) a local public question is required to allow voters to approve or disapprove a reorganization of the county executive body, county legislative body, or county fiscal body.**

(b) The county clerk shall publish a notice in accordance with IC 5-3-1 at least ten (10) days before the election in which the local public question is on the ballot. The notice must include the statement described in section 3 of this chapter.

Sec. 6. If a plan of reorganization is not prepared in a reorganization and:

- (1) approval of a governing body or governing bodies is**

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**required as described in section 4 of this chapter; and
(2) a local public question is required as described in section
5 of this chapter;
notice shall be published in accordance with both section 4 and
section 5 of this chapter."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1030 as printed January 12, 2010.)

LAWSON C, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Madam President: I move that Engrossed House Bill 1030 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1.7. "Active voter" refers to a voter who satisfies **either both** of the following:

- (1) The voter has registered or voted in any election during the preceding four (4) years at the address indicated on the voter's registration record **on the computerized list maintained under IC 3-7-26.3 indicates that the voter is a legally registered voter.**
- (2) The voter has not voted in any election during the preceding four (4) years at the address indicated on the voter's registration record and has responded in writing to an address confirmation notice sent under IC 3-7 not later than thirty (30) days after the notice was sent: **not been identified on the computerized list maintained under IC 3-7-26.3 as inactive or canceled in accordance with federal or state law.**

SECTION 2. IC 3-5-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. "Executive" means **the:**

- (1) board of county commissioners, for a county **not having that:**
 - (A) does not have a consolidated city; and**
 - (B) is not subject to IC 36-2-2.5;**
- (2) **chief executive officer elected under IC 36-2-2.5, for a county that:**



(A) does not have a consolidated city; and

(B) is subject to IC 36-2-2.5;

- ~~(2)~~ **(3)** mayor of the consolidated city, for a county having a consolidated city;
- ~~(3)~~ **(4)** mayor, for a city;
- ~~(4)~~ **(5)** president of the town council, for a town; or
- ~~(5)~~ **(6)** trustee, for a township.

SECTION 3. IC 3-5-2-49.9, AS AMENDED BY P.L.108-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 49.9. ~~(a)~~ "Vote center" means a polling place where a voter who resides in the county in which the vote center is located may vote without regard to the precinct in which the voter resides.

~~(b) This section expires December 31, 2010.~~

SECTION 4. IC 3-5-4-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11. **(a) As used in this section, "governing body" refers to the governing body of a school corporation that is subject to any of the following:**

- (1) IC 20-23-4-30.**
- (2) IC 20-23-7-8 (before its repeal on July 1, 2010) and IC 20-23-7-8.1 (after June 30, 2010).**
- (3) IC 20-23-8-8.**
- (4) IC 20-23-10-8.**
- (5) IC 20-23-12.**
- (6) IC 20-23-13.**
- (7) IC 20-23-14.**
- (8) IC 20-25-3-4.**

(b) This subsection applies to a member of a governing body elected at the 2006 primary election. The successor of such a member shall:

- (1) be elected at the 2010 general election; and**
- (2) take office January 1, 2011.**

(c) This subsection applies to a member of a governing body elected at the 2008 primary election. The successor of such a member shall:

- (1) be elected at the 2012 general election; and**
- (2) take office January 1, 2013.**

(d) This section expires July 1, 2013.

SECTION 5. IC 3-5-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

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Chapter 9. Government Employees Holding Office

Sec. 1. (a) Except as provided in subsection (b), this chapter applies to a government employee who, after June 30, 2010, assumes an elected office of the political subdivision that employs the individual.

(b) This chapter does not apply to a government employee who, on June 30, 2010, holds an elected office of the political subdivision that employs the individual, as long as the individual continues to:

- (1) hold; or**
- (2) be reelected to;**

the elected office the individual held on June 30, 2010.

Sec. 2. This chapter does not prohibit a government employee from holding an elected office of a political subdivision other than the political subdivision that employs the government employee.

Sec. 3. As used in this chapter, "elected office" refers only to the following:

- (1) The elected executive of a political subdivision.**
- (2) An elected member of the legislative body or fiscal body of a political subdivision.**

Sec. 4. As used in this chapter, "government employee" refers to an employee of a political subdivision. The term does not include an individual who holds an elected office.

Sec. 5. An individual is considered to have resigned as a government employee when the individual assumes an elected office of the political subdivision that employs the individual.

SECTION 6. IC 3-8-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) A candidate for the office of county commissioner must:

- (1) have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana; and**
- (2) have resided in the district in which seeking election, if applicable, for at least six (6) months before the election.**

(b) This subsection applies to elections in a county in which a county chief executive officer is elected under IC 36-2-2.5. A candidate for the office of county chief executive officer must have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana.

SECTION 7. IC 3-8-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 15. (a) A person who files a declaration of candidacy for an elected office for which a per diem or

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salary is provided for by law is disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

(b) A person may file both:

- (1) a declaration of candidacy under this chapter for nomination to a federal or state office; and
- (2) a written request under IC 3-8-3-1 that the person's name be placed on the ballot in a primary election as a candidate for nomination for the office of President of the United States.

~~(c) A person may not file:~~

- ~~(1) a declaration of candidacy for a nomination; and~~
- ~~(2) a petition of nomination or declaration of intent to be a write-in candidate for a school board office that is elected at the same time as the primary election.~~

If a person files both a declaration of candidacy and a petition of nomination described in this subsection, the matter shall be referred to the county election board under section 18 of this chapter. The board shall determine which document was most recently filed and shall consider the previously filed document to have been withdrawn.

SECTION 8. IC 3-8-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 19. (a) Upon receipt of the certified list under section 17 of this chapter, a county election board shall immediately compile under the proper political party designation the following:

- (1) The title of each office.
- (2) The name of each individual who has filed a request to be placed on the presidential primary ballot.
- (3) The names and addresses of all persons for whom declarations of candidacy have been filed for nomination to an office on the primary election ballot.
- ~~(4) The names and addresses of all persons who have filed a petition of nomination for election to a school board office to be chosen at the same time as the primary election.~~
- ~~(5) (4) The text of any public question to be placed on the ballot.~~
- ~~(6) (5) The date of the primary election.~~
- ~~(7) (6) The hours during which the polls will be open.~~

(b) The county election board shall do the following:

- (1) Publish the information described in subsection (a) before the primary election in accordance with IC 5-3-1.
- (2) File a copy of the information described in subsection (a):
 - (A) with the election division; and
 - (B) in the minutes of the county election board.

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(c) The county election board shall file the copies required under subsection (b)(2) not later than noon ten (10) days before election day.

(d) An election is not invalidated by the failure of the board to comply with this section.

(e) If the county election board receives an amendment from the election division under section 17 of this chapter after:

(1) compilation of the information described in subsection (a) has occurred; or

(2) the board determines that it is impractical to recompile completely revised information;

the board is only required to file a copy of the amendment with the minutes of the board.

SECTION 9. IC 3-8-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 2.5. Nomination for School Board Office

Sec. 1. This chapter applies to a candidate for a school board office.

Sec. 2. A candidate for a school board office must file a petition of nomination in accordance with IC 3-8-6 and as required under IC 20-23 or IC 20-25. The petition of nomination, once filed, serves as the candidate's declaration of candidacy for a school board office.

Sec. 3. A candidate for a school board office is not required to file a statement of organization for the candidate's principal committee unless the candidate has received contributions or made expenditures requiring the filing of a statement under IC 3-9-1-5.5. If a candidate for a school board office is required to file a statement of organization for the candidate's principal committee, the statement of organization must be filed by noon seven (7) days after the final date for filing a petition of nomination or declaration of intent to be a write-in candidate.

Sec. 4. (a) A petition of nomination for a school board office must be filed:

(1) not earlier than one hundred four (104) days; and

(2) not later than noon seventy-four (74) days;

before the general election. The petition must be subscribed and sworn to before a person authorized to administer oaths.

(b) A declaration of intent to be a write-in candidate for a school board office must be filed:

(1) not earlier than ninety (90) days before the general election; and

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(2) not later than noon five (5) days before the final date for the delivery of absentee ballots under IC 3-11-4-15.

The declaration must be subscribed and sworn to before a person authorized to administer oaths.

SECTION 10. IC 3-10-1-19, AS AMENDED BY P.L.146-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

(1) AB _____

(2) CD _____

(3) EF _____

(4) GH _____

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

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified

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under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Circuit court clerk.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner, **except in a county that is subject to IC 36-2-2.5.**

(I) County chief executive officer, in a county that is subject to IC 36-2-2.5.

~~(J)~~ (J) County council member.

(5) City offices:

(A) Mayor.

(B) Clerk or clerk-treasurer.

(C) Judge of the city court.

(D) City-county council member or common council member.

~~(6)~~ (6) Township offices:

(A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).

(B) Township trustee.

(C) Township board member.

(D) Judge of the small claims court.

(E) Constable of the small claims court.

~~(6)~~ City offices:

~~(A)~~ Mayor:

~~(B)~~ Clerk or clerk-treasurer:

~~(C)~~ Judge of the city court:

~~(D)~~ City-county council member or common council member:

(7) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member.

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(c) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (b):

- (1) Precinct committeeman.
- (2) State convention delegate.

(d) The following offices and public questions shall be placed on the primary election ballot in the following order after the offices described in subsection (c):

- ~~(1) School board offices to be elected at the primary election.~~
- ~~(2) Other (1) Local offices to be elected at the primary election.~~
- ~~(3) (2) Local public questions.~~

(e) The offices and public questions described in subsection (d) shall be placed:

- (1) in a separate column on the ballot if voting is by paper ballot;
- (2) after the offices described in subsection (c) in the form specified in IC 3-11-13-11 if voting is by ballot card; or
- (3) either:
 - (A) on a separate screen for each office or public question; or
 - (B) after the offices described in subsection (c) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

(f) A public question shall be placed on the primary election ballot in the following form:

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

"Shall (insert public question)?"

- YES
- NO

SECTION 11. IC 3-10-1-19.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 19.2. (a) Whenever candidates are to be nominated for an office that includes more than one (1) district, the districts shall be placed on the ballot in alphabetical or numerical order, according to the designation given to the district.

(b) Whenever candidates are to be nominated for an office that includes both an at-large member and a member representing a district, the candidates seeking nomination as an at-large member shall be placed on the ballot before candidates seeking nomination to represent a district.

(c) ~~This subsection applies to a school board office or political office to be elected at the primary election ballot.~~ Candidates for a ~~school board office~~ or a political party office shall be placed on the ballot in accordance with the rules applicable to candidates for

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nomination to an office under subsections (a) and (b).

SECTION 12. IC 3-10-1-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 32. Primary election returns must contain the whole number of votes cast for **each of the following**:

- (1) Each candidate of each political party.
- (2) Each public question voted on at the primary election. ~~and~~
- (3) Each candidate for election to a ~~school board office or~~ political party office.

SECTION 13. IC 3-10-2-13, AS AMENDED BY P.L.146-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

- (1) Clerk of the circuit court.
- (2) County auditor.
- (3) County recorder.
- (4) County treasurer.
- (5) County sheriff.
- (6) County coroner.
- (7) County surveyor.
- (8) County assessor.
- (9) County commissioner, **except in a county that is subject to IC 36-2-2.5.**
- (10) County chief executive officer, in a county that is subject to IC 36-2-2.5.**
- ~~(10)~~ **(11)** County council member.
- ~~(11)~~ **(12)** Township trustee.
- ~~(12)~~ **(13)** Township board member.
- ~~(13)~~ **(14)** Township assessor (only in a township referred to in IC 36-6-5-1(d)).
- ~~(14)~~ **(15)** Judge of a small claims court.
- ~~(15)~~ **(16)** Constable of a small claims court.

SECTION 14. IC 3-11-2-12, AS AMENDED BY P.L.146-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. The following offices shall be placed on the general election ballot in the following order:

- (1) Federal and state offices:
 - (A) President and Vice President of the United States.
 - (B) United States Senator.
 - (C) Governor and lieutenant governor.
 - (D) Secretary of state.

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- (E) Auditor of state.
- (F) Treasurer of state.
- (G) Attorney general.
- (H) Superintendent of public instruction.
- (I) United States Representative.
- (2) Legislative offices:
 - (A) State senator.
 - (B) State representative.
- (3) Circuit offices and county judicial offices:
 - (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
 - (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
 - (C) Judge of the probate court.
 - (D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.
 - (E) Prosecuting attorney.
 - (F) Clerk of the circuit court.
- (4) County offices:
 - (A) County auditor.
 - (B) County recorder.
 - (C) County treasurer.
 - (D) County sheriff.
 - (E) County coroner.
 - (F) County surveyor.
 - (G) County assessor.
 - (H) County commissioner, **except in a county that is subject to IC 36-2-2.5.**
 - (I) **County chief executive officer, in a county that is subject to IC 36-2-2.5.**
 - (J) County council member.
- (5) City offices:
 - (A) Mayor.
 - (B) Clerk or clerk-treasurer.
 - (C) Judge of the city court.
 - (D) City-county council member or common council member.
- (6) Township offices:
 - (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).

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- (B) Township trustee.
- (C) Township board member.
- (D) Judge of the small claims court.
- (E) Constable of the small claims court.
- (6) ~~City offices:~~
 - (A) ~~Mayor.~~
 - (B) ~~Clerk or clerk-treasurer.~~
 - (C) ~~Judge of the city court.~~
 - (D) ~~City-county council member or common council member.~~
- (7) Town offices:
 - (A) Clerk-treasurer.
 - (B) Judge of the town court.
 - (C) Town council member.

SECTION 15. IC 3-11-8-10.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 10.3. (a) As used in this section, "electronic poll list" refers to a poll list that is maintained in a computer data base.**

(b) An electronic poll list must satisfy all of the following:

- (1) An electronic poll list must be programmed so that the coordinated action of two (2) precinct election officers who are not members of the same political party is necessary to obtain access to the electronic poll list.**
- (2) An electronic poll list may not be connected to a voting system.**
- (3) An electronic poll list may not permit access to voter information other than information provided on the certified list of voters prepared under IC 3-7-29-1.**

SECTION 16. IC 3-11-18-1, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 1. (a) This chapter applies to a county designated as a vote center ~~pilot~~ county under this chapter.**

(b) On July 1, 2010, a county designated as a vote center pilot county under:

- (1) P.L.164-2006, SECTION 148 (before its expiration); or**
- (2) P.L.108-2008, SECTION 4;**

is automatically redesignated as a vote center county under this chapter.

SECTION 17. IC 3-11-18-3, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 3. (a) ~~For~~ A county **must comply with this section to be designated become** a vote center pilot county.**

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(b) As used in this section, "board" refers to either of the following:

- (1) The county election board. ~~or~~
- (2) The board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4.**

(c) The board shall hold a public hearing to present a draft plan for administration of vote centers in the county.

(d) After presentation of the draft plan under subsection (c), the board shall accept written public comments on the draft plan.

(e) At least thirty (30) days after the hearing held under subsection (c), the board shall hold a public hearing to consider the draft plan, the written public comments, and any other public comment that the board may permit on the draft plan.

(f) After consideration of the draft plan and the public comments, the board may do the following:

- (1) Adopt an order approving the draft plan.**
- (2) Amend the draft plan and adopt an order approving the amended draft plan.**

The board may adopt the order to approve a plan only by unanimous vote of the entire membership of the board. ~~must approve the filing of an application to be designated a vote center pilot county;~~

~~(2)~~ **(g) All members of the board must sign the application; and order adopting the plan.**

~~(3)~~ **(h) The application order and the adopted plan must be filed with the secretary of state. (b) The application election division and must include a copy of:**

- (1) a resolution adopted by the county executive; and
- (2) a resolution adopted by the county fiscal body;

~~approving the submission designation of the application: county as a vote center county.~~

SECTION 18. IC 3-11-18-4, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. ~~The application must include a plan for the administration of vote centers in the county. The plan required by section 3 of this chapter must include at least the following:~~

- (1) The total number of vote centers to be established.
- (2) The location of each vote center. ~~and the municipality, if any, in which the vote center is located:~~
- ~~(3) A list of each municipality within the county that is entitled to conduct a municipal primary or municipal election, as of the date of the application:~~

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- (3) The effective date of the order.**
- (4) The following information according to the computerized list (as defined in IC 3-7-26.3-2) as of the date of the order:**
 - (A) The total number of voters within each municipality, as of the date of the application, and the county.**
 - (B) The number of those active voters within each municipality designated as "active" and the county.**
 - (C) The number of inactive according to voters within the county. voter registration office.**
- (5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center.
- (6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.
- (7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer.
- (8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.
- (9) For each vote center designated under subdivision (2):
 - (A) the number and type of ballot variations that will be provided at the vote center; and
 - (B) whether these ballots will be:
 - (i) delivered to the vote center before the opening of the polls; or
 - (ii) printed on demand for a voter's use.
- (10) A detailed description of any hardware, firmware, or software used:
 - (A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or
 - (B) to establish a secure electronic connection between the county election board and the precinct election officials administering a vote center.
- (11) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any electronic poll list used by precinct election officers at a vote center is immediately accessible to:
 - (A) the county election board; and
 - (B) the electronic poll lists used by precinct election officers at all other vote centers in the county.
- (12) For each precinct designated under subdivision (5), the

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- number of electronic poll lists to be provided for the precinct.
- (13) The security and contingency plans to be implemented by the county to **do all of the following:**
 - (A) Prevent a disruption of the vote center process. ~~and~~
 - (B) Ensure that the election is properly conducted if a disruption occurs.
 - (C) Prevent access to an electronic poll list without the coordinated action of two (2) precinct election officers who are not members of the same political party.**
- (14) A certification that the vote center complies with the accessibility requirements applicable to polling places under IC 3-11-8.
- (15) A sketch depicting the planned layout of the vote center, indicating the location of:
 - (A) equipment; and
 - (B) precinct election officers;
 within the vote center.
- (16) The total number of vote centers to be established at satellite offices that are established under IC 3-11-10-26.3 to allow voters to cast absentee ballots in accordance with IC 3-11.
- (17) The method and timing of providing voter data to persons who are entitled to receive the data under this title. Data must be provided to all persons entitled to the data without unreasonable delay.**

SECTION 19. IC 3-11-18-5, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. ~~(a) Except for a municipality described in subsection (b);~~ A plan must provide a vote center for use by voters residing in ~~each municipality~~ within the county ~~conducting a municipal primary or a municipal election for use in a primary, general, or special election conducted on or after the effective date of the county election board's order.~~

~~(b) A vote center may not be used in a municipal primary or municipal election conducted within a municipality that is partially located in a county that has not been designated a vote center pilot county.~~

SECTION 20. IC 3-11-18-6, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. When the total number of **active** voters ~~in the county designated under section 4(4) of this chapter as "active"~~ equals at least twenty-five thousand (25,000), ~~in the municipalities listed in the plan;~~ the following apply:

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(1) The plan must provide for at least one (1) vote center for each ten thousand (10,000) active voters.

(2) In addition to the vote centers designated in subdivision (1), the plan must provide for a vote center for any fraction of ten thousand (10,000) voters.

SECTION 21. IC 3-11-18-7, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. Before ~~approving an application to designate~~ **adopting an order designating** a county as a vote center ~~pilot~~ county under this chapter, the ~~secretary of state~~ **county election board** must determine the following:

(1) That the secure electronic connection as described under section 4(10)(B) of this chapter is sufficient to prevent:

(A) any voter from voting more than once; and

(B) unauthorized access by any person to:

(i) the electronic poll lists for a precinct whose polls are to be located at the vote center; or

(ii) the computerized list of voters of the county.

(2) That the planned design and location of the equipment and precinct officers will provide the most efficient access for:

(A) voters to enter the polls, cast their ballots, and leave the vote center; and

(B) precinct election officials, watchers, challengers, and pollbook holders to exercise their rights and perform their duties within the vote center.

SECTION 22. IC 3-11-18-8, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. **(a)** The designation of a county as a vote center ~~pilot~~ county takes effect immediately **upon the filing of the order with the election division**, unless otherwise specified by the ~~secretary of state~~ **county election board**.

(b) The designation of a county as a vote center county remains in effect until the county election board, by unanimous vote of its entire membership:

(1) rescinds the order designating the county as a vote center county; and

(2) files a copy of the document rescinding the order with the election division.

SECTION 23. IC 3-11-18-11, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11. Except as otherwise provided by this chapter, the county shall administer an election conducted at a

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vote center in accordance with federal law, this title, and the plan ~~submitted adopted~~ with the ~~application~~ **county election board's order** under section 4 of this chapter.

SECTION 24. IC 3-11-18-12, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. Notwithstanding any other law, a voter who resides in a vote center ~~pilot~~ county is entitled to cast an absentee ballot at a vote center located at a satellite office of the county election board established under IC 3-11-10-26.3 in the same manner and subject to the same restrictions applicable to a voter wishing to cast an absentee ballot before an absentee board located in the office of the circuit court clerk or board of elections and registration.

SECTION 25. IC 3-11-18-13, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 13. Notwithstanding any other law, the electronic poll list used at each vote center:

(1) must comply with IC 3-11-8-10.3;

~~(1) must be capable of capturing~~ **(2) may include** an electronic image of the signature of a voter ~~on the list; taken from the voter's registration application, if available;~~ and

~~(2)~~ **(3)** may be in a format approved by the secretary of state.

SECTION 26. IC 3-11-18-14, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 14. Notwithstanding any other law, including IC 3-11-8-2 and IC 3-14-2-11, a voter who resides in a vote center ~~pilot~~ county is entitled to cast a ballot at any vote center established in the county without regard to the precinct in which the voter resides.

SECTION 27. IC 3-11-18-16, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 16. The precinct election board administering an election at a vote center shall keep the ballots cast in each precinct separate from the ballots cast in any other precinct whose election is administered at the vote center, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined **and included on the statement required by IC 3-12-4-9.**

SECTION 28. IC 3-11-18-17, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 17. (a) ~~The secretary of state may permit~~ A county ~~to~~ **may** amend a plan ~~submitted adopted~~ with a **county election board's order** under section 4 of this chapter.

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(b) For a county to amend its plan:

- (1) the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4), by unanimous vote of the entire membership of the board, must approve the ~~filing of a request to amend the plan~~ **amendment**;
- (2) all members of the board must sign the ~~request~~; **amendment**;
- and
- (3) the ~~request~~ **amendment** must be filed with the ~~secretary of state~~; **election division**.

~~(c) The request for amendment must set forth the specific amendments proposed to be made to the plan:~~

(c) A plan amendment takes effect immediately upon filing with the election division, unless otherwise specified by the county election board.

SECTION 29. IC 6-1.1-17-20, AS AMENDED BY P.L.182-2009(ss), SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section applies to each governing body of a taxing unit that:

- (1) is not comprised of a majority of officials who are elected to serve on the governing body; and
- (2) either:
 - (A) is:
 - (i) a conservancy district subject to IC 14-33-9;
 - (ii) a solid waste management district subject to IC 13-21;
 - or
 - (iii) a fire protection district subject to IC 36-8-11-18; or
 - (B) has a percentage increase in the proposed budget for the taxing unit for the ensuing calendar year that is more than the result of:
 - (i) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the ensuing calendar year; minus
 - (ii) one (1).

For purposes of this section, an individual who qualifies to be appointed to a governing body or serves on a governing body because of the individual's status as an elected official of another taxing unit shall be treated as an official who was not elected to serve on the governing body.

(b) As used in this section, "taxing unit" has the meaning set forth in IC 6-1.1-1-21, except that the term does not include:

- (1) a school corporation; or
- (2) an entity whose tax levies are subject to review and modification by a city-county legislative body under IC 36-3-6-9.

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(c) If:

- (1) the assessed valuation of a taxing unit is entirely contained within a city or town; or
- (2) the assessed valuation of a taxing unit is not entirely contained within a city or town but the taxing unit was originally established by the city or town;

the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body. The proposed budget and levy shall be submitted at least thirty (30) days before the city or town fiscal body is required to hold budget approval hearings under this chapter. **However, in the case of a public library that is subject to this section and is described in subdivision (2), the public library shall submit its proposed budget and property tax levy to the county fiscal body in the manner provided in subsection (d), rather than to the city or town fiscal body, if more than fifty percent (50%) of the parcels of real property within the jurisdiction of the public library are located outside the city or town.**

(d) If subsection (c) does not apply, the governing body of the taxing unit shall submit its proposed budget and property tax levy to the county fiscal body in the county where the taxing unit has the most assessed valuation. The proposed budget and levy shall be submitted at least thirty (30) days before the county fiscal body is required to hold budget approval hearings under this chapter.

(e) The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy.

(f) If a taxing unit fails to file the information required in subsection (c) or (d), whichever applies, with the appropriate fiscal body by the time prescribed by this section, the most recent annual appropriations and annual tax levy of that taxing unit are continued for the ensuing budget year.

(g) If the appropriate fiscal body fails to complete the requirements of subsection (e) before the adoption deadline in section 5 of this chapter for any taxing unit subject to this section, the most recent annual appropriations and annual tax levy of the city, town, or county, whichever applies, are continued for the ensuing budget year.

SECTION 2. IC 6-1.1-17-20.5, AS AMENDED BY P.L.182-2009(ss), SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20.5. (a) This section applies to the governing body of a taxing unit unless a majority of the governing body is comprised of officials who are elected to serve

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on the governing body. For purposes of this section, an individual who qualifies to be appointed to a governing body or serves on a governing body because of the individual's status as an elected official of another taxing unit shall be treated as an official who was not elected to serve on the governing body.

(b) As used in this section, "taxing unit" has the meaning set forth in IC 6-1.1-1-21, except that the term does not include:

- (1) a school corporation; or
- (2) an entity whose tax levies are subject to review and modification by a city-county legislative body under IC 36-3-6-9.

(c) If:

- (1) the assessed valuation of a taxing unit is entirely contained within a city or town; or
- (2) the assessed valuation of a taxing unit is not entirely contained within a city or town but the taxing unit was originally established by the city or town;

the governing body of the taxing unit may not issue bonds or enter into a lease payable in whole or in part from property taxes unless it obtains the approval of the city or town fiscal body.

(d) However, in the case of a public library that is subject to this section and is described in subsection (c), the public library may not issue bonds or enter into a lease payable in whole or in part from property taxes unless it obtains the approval of the county fiscal body, rather than the city or town fiscal body, if more than fifty percent (50%) of the parcels of real property within the jurisdiction of the public library are located outside the city or town. The requirement that the public library must obtain the approval of the county fiscal body (rather than the city or town fiscal body) if more than fifty percent (50%) of the parcels of real property within the jurisdiction of the public library are located outside the city or town does not apply to the issuance of bonds or the execution of a lease:

- (1) for which a decision or preliminary determination was made under IC 6-1.1-20 before December 31, 2010; or**
- (2) that is approved by the city or town fiscal body under IC 6-1.1-17-20.5(c) or the county fiscal body under subsection (e) before December 31, 2010.**

~~(d)~~ **(f)** This subsection applies to a taxing unit not described in subsection (c) **or (d)**. The governing body of the taxing unit may not issue bonds or enter into a lease payable in whole or in part from property taxes unless it obtains the approval of the county fiscal body in the county where the taxing unit has the most net assessed valuation.

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SECTION 29. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 22. (a) The ad valorem property tax levy limits imposed by this chapter do not apply to ad valorem property taxes imposed by a consolidated city to pay or fund any indebtedness assumed, defeased, paid, or refunded under IC 36-3-1-6.1.**

(b) For purposes of this section:

(1) "consolidating entity" means a township whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1; and

(2) "maximum levy" means the maximum permissible ad valorem property tax levy under section 3 of this chapter.

(c) The maximum levy of a consolidated city for property taxes first due and payable each year shall be increased by an amount equal to the combined property tax levies of each consolidating entity consolidated into the fire department of the consolidated city for property taxes first due and payable in the preceding year for fire protection and related services.

(d) Not more than four (4) years after the effective date of a consolidation of a department consolidated into the fire department of the consolidated city, the consolidated city may levy a tax above the tax rate set for the consolidated fire department in the township that is necessary to phase out that township's borrowing for fire and emergency services under IC 36-6-6-14 and any other emergency or temporary loans by the township for fire and emergency services.

SECTION 30. IC 13-11-2-74 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 74. "Executive" means the:**

(1) board of commissioners of a county ~~not having that:~~

(A) does not have a consolidated city; and

(B) is not subject to IC 36-2-2.5;

(2) chief executive officer elected under IC 36-2-2.5, for a county that:

(A) does not have a consolidated city; and

(B) is subject to IC 36-2-2.5;

~~(3)~~ **(3) mayor of the consolidated city, for a county having a consolidated city;**

~~(4)~~ **(4) mayor of a city; or**

~~(5)~~ **(5) president of the town council of a town.**

SECTION 31. IC 20-23-4-12, AS AMENDED BY P.L.2-2006,

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SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. (a) In formulating a preliminary reorganization plan and with respect to each of the community school corporations that are a part of the reorganization plan, the county committee shall determine the following:

- (1) The name of the community school corporation.
 - (2) Subject to subsection (e), a general description of the boundaries of the community school corporation.
 - (3) With respect to the board of school trustees, **the following**:
 - (A) Whether the number of members is:
 - (i) three (3);
 - (ii) five (5); or
 - (iii) seven (7).
 - (B) Whether the members are elected or appointed.
 - (C) If the members are appointed:
 - (i) when the appointments are made; and
 - (ii) who makes the appointments.
 - (D) If the members are elected, ~~whether that~~ the election is at
 - (i) ~~the primary election at which county officials are nominated; or~~
 - (ii) the general election at which county officials are elected.~~and~~
 - (E) Subject to sections 21 and 22 of this chapter, the manner in which members are elected or appointed.
 - (4) The compensation, if any, of the members of the regular and interim board of school trustees, which may not exceed the amount provided in IC 20-26-4-7.
 - (5) Subject to subsection (f), qualifications required of the members of the board of school trustees, including limitations on:
 - (A) residence; and
 - (B) term of office.
 - (6) If an existing school corporation is divided in the reorganization, the disposition of assets and liabilities.
 - (7) The disposition of school aid bonds, if any.
- (b) If existing school corporations are not divided in the reorganization, the:
- (1) assets;
 - (2) liabilities; and
 - (3) obligations;
- of the existing school corporations shall be transferred to and assumed by the new community school corporation of which they are a part, regardless of whether the plan provides for transfer and assumption.

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(c) The preliminary plan must be supported by a summary statement of **the following**:

(1) The educational improvements the plan's adoption will make possible.

(2) Data showing the:

(A) assessed valuation;

(B) number of resident students in ADA in grades 1 through 12;

(C) assessed valuation per student referred to in clause (B); and

(D) property tax levies;

of each existing school corporation to which the plan applies.

(3) The:

(A) assessed valuation;

(B) resident ADA; and

(C) assessed valuation per student;

data referred to in subdivision 2(A) through 2(C) that would have applied for each proposed community school corporation if the corporation existed in the year the preliminary plan is prepared or notice of a hearing or hearings on the preliminary plan is given by the county committee. ~~and~~

(4) Any other data or information the county committee considers appropriate or that may be required by the state board in its rules.

(d) The county committee:

(1) shall base the assessed valuations and tax levies referred to in subsection (c)(2) through (c)(3) on the valuations applying to taxes collected in:

(A) the year the preliminary plan is prepared; or

(B) the year notice of a hearing or hearings on the preliminary plan is given by the county committee;

(2) may base the resident ADA figures on the calculation of the figures under the rules under which they are submitted to the state superintendent by existing school corporations; and

(3) shall set out the resident ADA figures for:

(A) the school year in progress if the figures are available for that year; or

(B) the immediately preceding school year if the figures are not available for the school year in progress.

The county committee may obtain the data and information referred to in this subsection from any source the committee considers reliable. If the county committee attempts in good faith to comply with this subsection, the summary statement referred to in subsection (c) is

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sufficient regardless of whether the statement is exactly accurate.

(e) The general description referred to in subsection (a)(2) may consist of an identification of an existing school corporation that is to be included in its entirety in the community school corporation. If a boundary does not follow the boundary of an existing civil unit of government or school corporation, the description must set out the boundary:

- (1) as near as reasonably possible by:
 - (A) streets;
 - (B) rivers; and
 - (C) other similar boundaries;
 that are known by common names; or
- (2) if descriptions as described in subdivision (1) are not possible, by section lines or other legal description.

The description is not defective if there is a good faith effort by the county committee to comply with this subsection or if the boundary may be ascertained with reasonable certainty by a person skilled in the area of real estate description. The county committee may require the services of the county surveyor in preparing a description of a boundary line.

- (f) A member of the board of school trustees:
 - (1) may not serve an appointive or elective term of more than four (4) years; and
 - (2) may serve more than one (1) consecutive appointive or elective term.

SECTION 32. IC 20-23-4-29.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 29.1. (a) This section applies to each school corporation.**

(b) If a plan provides for election of members of the governing body, the members of the governing body shall be elected at a general election. Each candidate must, in accordance with IC 3-8-2.5, file a petition of nomination that is signed by the candidate and by ten (10) registered voters residing within the boundaries of the community school corporation. The filing must be made within the time specified by IC 3-8-2.5-4.

(c) All nominations shall be listed for each office in the form prescribed by IC 3-11-2, but without party designation. Voting and tabulation of votes shall be conducted in the same manner as voting and tabulation in general elections are conducted. The precinct election boards serving in each county shall conduct the election for members of the governing body. If a school corporation is

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located in more than one (1) county, each county election board shall print the ballots required for voters in that county to vote for candidates for members of the governing body.

(d) If the plan provides that the members of the governing body shall be elected by all the voters of the community school corporation, candidates shall be placed on the ballot in the form prescribed by IC 3-11-2, without party designation. The candidates who receive the most votes are elected.

(e) If the plan provides that members of the governing body are to be elected from residence districts by all voters in the community school corporation, nominees for the governing body shall be placed on the ballot in the form prescribed by IC 3-11-2, by residence districts without party designation. The ballot must state the number of members to be voted on and the maximum number of members that may be elected from each residence district as provided in the plan. A ballot is not valid if more than the maximum number of members are voted on from a board member residence district. The candidates who receive the most votes are elected. However, if more than the maximum number that may be elected from a residence district are among those receiving the most votes, the candidates from the residence districts exceeding the maximum number who receive the fewest votes shall be eliminated in determining the candidates who are elected.

(f) If the plan provides that members of the governing body are to be elected from electoral districts solely by the voters of each district, nominees residing in each electoral district shall be placed on the ballot in the form prescribed by IC 3-11-2, without party designation. The ballot must state the number of members to be voted on from the electoral district. The candidates residing in the electoral district who receive the most votes are elected.

SECTION 33. IC 20-23-4-30, AS ADDED BY P.L.230-2005, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 30. (a) This section applies to each school corporation.

~~(b) If the governing body is to be elected at the primary election, each registered voter may vote in the governing body election without otherwise voting in the primary election.~~

~~(c)~~ (b) If a tie vote occurs among any of the candidates, the tie vote shall be resolved under IC 3-12-9-4.

~~(d)~~ (c) If after the first governing body takes office, there is a vacancy on the governing body for any reason, including the failure of the sufficient number of petitions for candidates being filed, whether

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the vacating member was elected or appointed, the remaining members of the governing body, whether or not a majority of the governing body, shall by a majority vote fill the vacancy by appointing a person from within the boundaries of the community school corporation to serve for the term or balance of the term. An individual appointed under this subsection must possess the qualifications provided for a regularly elected or appointed governing body member filling the office. If:

- (1) a tie vote occurs among the members of the governing body under this subsection or IC 3-12-9-4; or
- (2) the governing body fails to act within thirty (30) days after any vacancy occurs;

the judge of the circuit court in the county where the majority of registered voters of the school corporation reside shall make the appointment.

~~(c)~~ (d) A vacancy in the governing body occurs if a member ceases to be a resident of any community school corporation. A vacancy does not occur when the member moves from a district of the school corporation from which the member was elected or appointed if the member continues to be a resident of the school corporation.

~~(f)~~ (e) At the first primary or general election in which members of the governing body are elected:

- (1) a simple majority of the candidates elected as members of the governing body who receive the ~~highest~~ **greatest** number of votes shall be elected for four (4) year terms; and
- (2) the balance of the candidates elected as members of the governing body receiving the next ~~highest~~ **greatest** number of votes shall be elected for two (2) year terms.

Thereafter, all school board members shall be elected for four (4) year terms.

~~(g)~~ (f) **Elected** governing body members ~~elected~~:

- (1) ~~in November~~ take office and assume their duties on January 1 or July 1 after their election, as determined by the board of school trustees before the election. ~~and~~
- (2) ~~in May~~ take office and assume their duties on July 1 after their election.

SECTION 34. IC 20-23-7-6, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) The first metropolitan board of education shall be composed of the:

- (1) trustees; and
- (2) members of school boards;

of the school corporations forming the metropolitan board of education.

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(b) The members of the metropolitan board of education shall serve ex officio as members subject to the laws concerning length of terms, powers of election, or appointment and filling vacancies applicable to their respective offices.

(c) If a metropolitan school district is comprised of only two (2) board members, the two (2) members shall appoint a third board member not more than ten (10) days after the creation of the metropolitan school district. If the two (2) members are unable to agree on or do not make the appointment of a third board member within the ten (10) day period after the creation of the metropolitan school district, the third member shall be appointed not more than twenty (20) days after the creation of the metropolitan school district by the judge of the circuit court of the county in which the metropolitan school district is located. If the metropolitan school district is located in two (2) or more counties, the judge of the circuit court of the county containing that part of the metropolitan school district having more students than the part or parts located in another county or counties shall appoint the third member. The members of the metropolitan board of education serve until their successors are elected or appointed and qualified.

(d) The first meeting of the first metropolitan board of education shall be held not more than one (1) month after the creation of the metropolitan school district. The first meeting shall be called by the superintendent of schools, or township trustee of a school township, of the school corporation in the district having the largest number of students. At the first meeting, the board shall organize, and **each year** during the first ten (10) days ~~of each July~~ **after the board members that are elected or appointed to a new term take office**, the board shall reorganize, by electing a president, a vice president, a secretary, and a treasurer.

(e) The secretary of the board shall keep an accurate record of the minutes of the metropolitan board of education, and the minutes shall be kept in the superintendent's office. When a metropolitan school district is formed, the metropolitan superintendent shall act as administrator of the board and shall carry out the acts and duties as designated by the board. A quorum consists of a majority of the members of the board. A quorum is required for the transaction of business. The vote of a majority of those present is required for a:

- (1) motion;
- (2) ordinance; or
- (3) resolution;

to pass.

(f) The board shall conduct its affairs in the manner described in this

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section. Except in unusual cases, the board shall hold its meetings at the office of the metropolitan superintendent or at a place mutually designated by the board and the superintendent. Board records are to be maintained and board business is to be conducted from the office of the metropolitan superintendent or a place designated by the board and the superintendent.

(g) The metropolitan board of education shall have the power to pay to a member of the board:

- (1) a reasonable per diem for service on the board not to exceed one hundred twenty-five dollars (\$125) per year; and
- (2) for travel to and from a member's home to the place of the meeting within the district, a sum for mileage equal to the amount per mile paid to state officers and employees. The rate per mile shall change when the state government changes its rate per mile.

SECTION 35. IC 20-23-7-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8.1. (a) The registered voters of the metropolitan school district shall elect the members of the metropolitan board of education at general elections held biennially, beginning with the next general election that is held more than sixty (60) days after the creation of the metropolitan school district as provided in this chapter.

(b) Each nominee for the board must file a petition of nomination signed by the nominee and by ten (10) registered voters residing in the same board member district as the nominee. The petition must be filed in accordance with IC 3-8-2.5 with the circuit court clerk of each county in which the metropolitan school district is located.

(c) Nominees for the board shall be listed on the general election ballot:

- (1) in the form prescribed by IC 3-11-2;**
- (2) by board member districts; and**
- (3) without party designation.**

The ballot must state the number of board members to be voted on and the maximum number of members that may be elected from each board member district as provided under section 5 of this chapter. A ballot that contains more votes than the maximum number allowed from a board member district is invalid.

(d) The precinct election boards in each county serving at the general election shall conduct the election for school board members.

(e) Voting and tabulation of votes shall be conducted in

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accordance with IC 3, and the candidates who receive the most votes are elected to the board.

(f) If there are more candidates from a particular board member district than may be elected from the board member district under section 5 of this chapter:

- (1) the number of candidates elected is the greatest number that may be elected from the board member district;
- (2) the candidates elected are those who, among the candidates from the board member district, receive the most votes; and
- (3) the other candidates from the board member district are eliminated.

(g) If there is a tie vote among the candidates for the board, the judge of the circuit court in the county where the majority of the registered voters of the metropolitan school district reside shall select one (1) of the candidates, who shall be declared and certified elected.

(h) If, at any time after the first board member election a vacancy on the board occurs for any reason, including an insufficient number of petitions for candidates being filed, and regardless of whether the vacating member was elected or appointed, the remaining members of the board, whether or not a majority of the board, shall by a majority vote fill the vacancy by:

- (1) appointing a person from the board member district from which the person who vacated the board was elected; or
- (2) if the person was appointed, appointing a person from the board member district from which the last elected predecessor of the person was elected.

If a majority of the remaining members of the board is unable to agree or the board fails to act within thirty (30) days after a vacancy occurs, the judge of the circuit court in the county where the majority of registered voters of the metropolitan school district reside shall make the appointment.

(i) At a general election held on the earlier of:

- (1) more than sixty (60) days after an elected board member vacates membership on the board; or
- (2) immediately before the end of the term for which the vacating member was elected;

a successor to a board member appointed under subsection (h) shall be elected. Unless the successor takes office at the end of the term of the vacating member, the member shall serve only for the balance of the vacating member's term. In an election for a

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successor board member to fill a vacancy for a two (2) year balance of a term, candidates for board membership need not file for or with reference to the vacancy. However, as required by IC 3-11-2, candidates for at-large seats must be distinguished on the ballot from candidates for district seats. If there is more than one (1) at-large seat on the ballot due to this vacancy, the elected candidate who receives the fewest votes at the election at which the successor is elected shall serve a two (2) year term.

(j) At the first general election in which members of the board are elected under this section, the elected candidates who constitute a simple majority of the elected candidates and who receive the most votes shall be elected for four (4) year terms, and the other elected candidates shall be elected for two (2) year terms.

(k) After the first general election referred to in subsection (j), board members shall be elected for four (4) year terms and shall take office January 1 following their election.

SECTION 36. IC 20-23-7-12, AS AMENDED BY P.L.1-2007, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. (a) As used in this section, "county" means the county in which the school township is located.

(b) As used in this section, "school township" means a school township in Indiana that:

(1) for the last full school semester immediately preceding:

(A) the adoption of a preliminary resolution by the township trustee and the township board under subsection (f); or

(B) the adoption of a resolution of disapproval by the township trustee and the township board under subsection (g);

had an ADM of at least six hundred (600) students in kindergarten through grade 12 in the public schools of the school township; or

(2) is part of a township in which there were more votes cast for township trustee outside the school township than inside the school township in the general election at which the trustee was elected and that preceded the adoption of the preliminary or disapproving resolution.

(c) As used in this section, "township board" means the township board of a township in which the school township is located.

(d) As used in this section, "township trustee" means the township trustee of the township in which the school township is located.

(e) In a school township, a metropolitan school district may be created by complying with this section. A metropolitan school district created under this section shall have the same boundaries as the school

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township. After a district has been created under this section, the school township that preceded the metropolitan school district is abolished. The procedures or provisions governing the creation of a metropolitan school district under another section of this chapter do not apply to the creation of a district under this section. After a metropolitan school district is created under this section, the district shall, except as otherwise provided in this section, be governed by and operate in accordance with this chapter governing the operation of a metropolitan school district as established under section 2 of this chapter.

(f) Except as provided in subsection (g), a metropolitan school district provided for in subsection (e) may be created in the following manner:

(1) The township trustee shall call a meeting of the township board. At the meeting, the township trustee and a majority of the township board shall adopt a resolution that a metropolitan school district shall be created in the school township. The township trustee shall then give notice:

(A) by two (2) publications one (1) week apart in a newspaper of general circulation published in the school township; or

(B) if there is no newspaper as described in clause (A), in a newspaper of general circulation in the county;

of the adoption of the resolution setting forth the text of the resolution.

(2) On the thirtieth day after the date of the last publication of the notice under subdivision (1) and if a protest has not been filed, the township trustee and a majority of the township board shall confirm their preliminary resolution. If, however, on or before the twenty-ninth day after the date of the last publication of the notice, a number of registered voters of the school township, equal to five percent (5%) or more of the number of votes cast in the school township for secretary of state at the last preceding general election for that office, sign and file with the township trustee a petition requesting an election in the school township to determine whether or not a metropolitan school district must be created in the township in accordance with the preliminary resolution, then an election must be held as provided in subsection (h). The preliminary resolution and confirming resolution provided in this subsection shall both be adopted at a meeting of the township trustee and township board in which the township trustee and each member of the township board received or waived a written notice of the date, time, place, and purpose of

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the meeting. The resolution and the proof of service or waiver of the notice shall be made a part of the records of the township board.

(g) Except as provided in subsection (f), a metropolitan school district may also be created in the following manner:

(1) A number of registered voters of the school township, equal to five percent (5%) or more of the votes cast in the school township for secretary of state at the last general election for that office, shall sign and file with the township trustee a petition requesting the creation of a metropolitan school district under this section.

(2) The township trustee and a majority of the township board shall, not more than ten (10) days after the filing of a petition:

(A) adopt a preliminary resolution that a metropolitan school district shall be created in the school township and proceed as provided in subsection (f); or

(B) adopt a resolution disapproving the creation of the district.

(3) If either the township trustee or a majority of township board members vote in favor of disapproving the resolution, an election must be held to determine whether or not a metropolitan school district shall be created in the school township in the same manner as is provided in subsection (f) if an election is requested by petition.

(h) An election required under subsection (f) or (g) may, at the option of the township trustee, be held either as a special election or in conjunction with a primary or general election to be held not more than one hundred twenty (120) days after the filing of a petition under subsection (f) or the adoption of the disapproving resolution under subsection (g). The township trustee shall certify the question to the county election board under IC 3-10-9-3 and give notice of an election:

(1) by two (2) publications one (1) week apart in a newspaper of general circulation in the school township; or

(2) if a newspaper described in subdivision (1) does not exist, in a newspaper of general circulation published in the county.

The notice must provide that on a day and time named in the notice, the polls shall be opened at the usual voting places in the various precincts in the school township for the purpose of taking the vote of the registered voters of the school township regarding whether a metropolitan school district shall be created in the township. The election shall be held not less than twenty (20) days and not more than thirty (30) days after the last publication of the notice unless a primary or general election will be conducted not more than six (6) months after

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the publication. In that case, the county election board shall place the public question on the ballot at the primary or general election. If the election is to be a special election, the township trustee shall give notice not more than thirty (30) days after the filing of the petition or the adoption of the disapproving resolution.

(i) On the day and time named in the notice, the polls shall be opened and the votes of the voters shall be taken regarding whether a metropolitan school district shall be created in the school township. IC 3 governs the election except as otherwise provided in this chapter. The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state, "Shall a metropolitan school district under IC 20-23-7 be formed in the _____ School Township of _____ County, Indiana?". The name of the school township shall be inserted in the blanks.

(j) The votes cast in the election shall be canvassed at a place in the school township determined by the county election board. The certificate of the votes cast for and against the creation of a metropolitan school district shall be filed in the records of the township board and recorded with the county recorder. If the special election is not conducted at a primary or general election, the school township shall pay the expense of holding the election out of the school general fund that is appropriated for this purpose.

(k) A metropolitan school district shall, subject to section 7 of this chapter, be created on the thirtieth day after the date of the adoption of the confirming resolution under subsection (f) or an election held under subsection (h). If a public official fails to do the official's duty within the time prescribed in this section, the failure does not invalidate the proceedings taken under this section. An action to contest the validity of the creation of a metropolitan school district under this section or to enjoin the operation of a metropolitan school district may not be instituted later than the thirtieth day following the date of the adoption of the confirming resolution under subsection (f) or of the election held under subsection (h). Except as provided in this section, an election under this subsection may not be held sooner than twelve (12) months after another election held under subsection (h).

(l) A metropolitan school district is known as "The Metropolitan School District of _____ Township, _____ County, Indiana". The first metropolitan board of education in a metropolitan school district created under this section consists of five (5) members. The township trustee and the township board members are ex officio members of the first board, subject to the laws concerning length of

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their respective terms of office, manner of election or appointment, and the filling of vacancies applicable to their respective offices. The ex officio members serve without compensation or reimbursement for expenses, other than that which they may receive from their respective offices. The township board shall, by a resolution recorded in its records, appoint the fifth member of the metropolitan board of education. The fifth member shall meet the qualifications of a member of a metropolitan board of education under this chapter, with the exception of the board member district requirements provided in sections 4, 5, and § 8.1 of this chapter.

(m) A fifth board member shall be appointed not more than fifteen (15) days after the date of the adoption of the confirming resolution under subsection (f)(2) or an election held under subsection (h). The first board shall hold its first meeting not more than fifteen (15) days after the date when the fifth board member is appointed or elected, on a date established by the township board in the resolution in which it appoints the fifth board member. The first board shall serve until ~~July~~ **January 1** following the election of a metropolitan school board at the first **primary general** election held more than sixty (60) days following the creation of the metropolitan school district.

(n) After the creation of a metropolitan school district under this section, the president of the metropolitan school board of the district shall serve as a member of the county board of education and perform the duties on the county board of education that were previously performed by the township trustee. The metropolitan school board and superintendent of the district may call upon the assistance of and use the services provided by the county superintendent of schools. This subsection does not limit or take away the powers, rights, privileges, or duties of the metropolitan school district or the board or superintendent of the district provided in this chapter.

SECTION 37. IC 20-23-8-7, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) A plan or proposed plan must contain the following items:

- (1) The number of members of the governing body, which shall be:
 - (A) three (3);
 - (B) five (5); or
 - (C) seven (7);
 members.
- (2) Whether the governing board shall be elected or appointed.
- (3) If appointed, when and by whom, and a general description of

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the manner of appointment that conforms with the requirements of IC 20-23-4-28.

~~(4) If elected, whether the election shall be at the primary or at the general election that county officials are nominated or elected, and a general description of the manner of election that conforms with the requirements of IC 20-23-4-27.~~

(4) A provision that the members of an elected governing board shall be elected at the general election at which county officials are elected.

(5) The limitations on:

- (A) residence;
- (B) term of office; and
- (C) other qualifications;

required by members of the governing body.

(6) The time the plan takes effect.

A plan or proposed plan may have additional details to make the provisions of the plan workable. The details may include provisions relating to the commencement or length of terms of office of the members of the governing body taking office under the plan.

(b) Except as provided in subsection (a)(1), in a city having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000), the governing body described in a plan may have up to nine (9) members.

SECTION 38. IC 20-23-8-21, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 21. An election may not be held under this chapter more than once each eighteen (18) months. A plan for a governing body may not be adopted more than once each six (6) years, except if **either of the following applies:**

~~(1) the plan only changes the time of voting for board members from the primary to the general election or from the general to the primary election;~~

~~(2) (1) A plan adopted is declared or held to be invalid by a binding judgment or order in a United States or an Indiana court that no appeal or further approval can be taken. or~~

~~(3) (2) The plan provides solely for changes in items specified in section 7(a)(5) of this chapter.~~

SECTION 39. IC 20-23-10-8, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) The board members of a merged school corporation shall be elected at the first **primary general** election following the merged school corporation's creation, and vacancies shall

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be filled in accordance with IC 20-23-4-30.

(b) Until the first election under subsection (a), the board of trustees of the merged school corporation consists of:

- (1) the members of the governing body of a school corporation in the county other than a school township; and
- (2) the township trustee of a school township in the county.

(c) The first board of trustees shall select the name of the merged school corporation by a majority vote. The name may be changed by unanimous vote of the governing body of the merged school corporation.

SECTION 40. IC 20-23-12-3, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) The governing body of the school corporation consists of seven (7) members elected as follows:

- (1) On a nonpartisan basis.
- (2) In a **primary general** election ~~held~~ in the county.

(b) Six (6) of the members shall be elected from the school districts drawn under section 4 of this chapter. Each member:

- (1) is elected from the school district in which the member resides; and
- (2) upon election and in conducting the business of the governing body, represents the interests of the entire school corporation.

(c) One (1) of the members elected:

- (1) is the at-large member of the governing body;
- (2) may reside in any of the districts drawn under section 4 of this chapter; and
- (3) upon election and in conducting the business of the governing body, represents the interests of the entire school corporation.

SECTION 41. IC 20-23-12-8, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) The term of each person elected to serve on the governing body

- (1) is four (4) years. ~~and~~
- (2) ~~begins~~

(b) **The term of each person elected to serve on the governing body begins the July 1 January 1** that next follows the person's election.

SECTION 42. IC 20-23-12-9, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 9. The members are elected as follows:

- (1) Three (3) of the members elected under section 3(b) of this chapter are elected at the **primary general** election to be held in

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~~2008~~ **2012** and every four (4) years thereafter.

(2) Three (3) of the members elected under section 3(b) of this chapter are elected at the **primary general** election to be held in ~~2006~~ **2010** and every four (4) years thereafter.

(3) The at-large member elected under section 3(c) of this chapter is elected at the **primary general** election to be held in ~~2008~~ **2012** and every four (4) years thereafter.

SECTION 43. IC 20-23-13-1, AS ADDED BY P.L.230-2005, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) In a community school corporation established under IC 20-23-4 that:

(1) has a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000); and

(2) is the successor in interest to a school city having the same population;

the governing body consists of a board of trustees of five (5) members elected in the manner provided in this chapter.

(b) ~~At the 2008 primary election and at each primary election every four (4) years thereafter, there shall be elected in each school corporation covered by this chapter two (2) governing body members, each of whom shall serve for four (4) years. The two (2) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.~~

(c) ~~At the 2006 primary election and at each primary election every four (4) years thereafter, there shall be elected in each school city covered by this chapter three (3) governing body members, each of whom shall serve for four (4) years. The three (3) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.~~

~~(d)~~ (b) The governing body members shall be elected at the times provided and shall succeed the retiring members in the order and manner as set forth in this ~~section~~: **chapter**.

SECTION 44. IC 20-23-13-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2.1. (a) **As used in this section, "county election board" includes a board of elections and registration established under IC 3-6-5.2.**

(b) **The voters of the school corporation shall elect the members of the governing body at a general election for a term of four (4) years. The members shall be elected from the city at large without reference to district.**

(c) **Each candidate for election to the governing body must file**

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a petition of nomination with the county election board in each county in which a school corporation subject to this chapter is located. The petition of nomination must comply with IC 3-8-2.5 and the following requirements:

- (1) The petition must be signed by at least two hundred (200) legal voters of the school corporation.
- (2) Each petition may nominate only one (1) candidate.
- (3) The number of petitions signed by a legal voter may not exceed the number of school trustees to be elected.

(d) After all petitions described in subsection (c) are filed with the county election board, the board shall publish the names of those nominated in accordance with IC 5-3-1 and shall certify the nominations in the manner required by law. IC 3 governs the election to the extent that it is not inconsistent with this chapter.

(e) The county election board shall prepare the ballot for the general election at which members of the governing body are to be elected so that the names of the candidates nominated appear on the ballot:

- (1) in alphabetical order;
- (2) without party designation; and
- (3) in the form prescribed by IC 3-11-2.

(f) The county election board shall not publish or place on the ballot the name of a candidate who is not eligible under this chapter for membership on the governing body.

(g) Each voter may vote for as many candidates as there are members of the governing body to be elected.

SECTION 45. IC 20-23-13-3, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. The intent of this chapter is to provide that the governing body of the school corporations to which it relates shall be elected as provided in:

- (1) IC 20-23-4-27; and ~~IC 20-23-4-29~~ through
- (2) IC 20-23-4-29.1;
- (3) IC 20-23-4-30; and
- (4) IC 20-23-4-31;

but this chapter prevails over any conflicting provisions of IC 20-23-4 relating to any school corporation.

SECTION 46. IC 20-23-14-5, AS ADDED BY P.L.230-2005, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. To be eligible to be a candidate for the governing body under this chapter, the following apply:

- (1) Each prospective candidate must file a **petition of nomination**

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~~petition~~ with the board of elections and registration not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the **primary general** election at which the members are to be elected. ~~that includes~~ **The petition of nomination must include** the following: ~~information:~~

- (A) The name of the prospective candidate.
 - (B) Whether the prospective candidate is a district candidate or an at-large candidate.
 - (C) A certification that the prospective candidate meets the qualifications for candidacy imposed under this chapter.
 - (D) The signatures of at least one hundred (100) registered voters residing in the school corporation.
- (2) Each prospective candidate for a district position must:
- (A) reside in the district; and
 - (B) have resided in the district for at least the three (3) years immediately preceding the election.
- (3) Each prospective candidate for an at-large position must:
- (A) reside in the school corporation; and
 - (B) have resided in the school corporation for at least the three (3) years immediately preceding the election.
- (4) Each prospective candidate (regardless of whether the candidate is a district candidate or an at-large candidate) must:
- (A) be a registered voter;
 - (B) have been a registered voter for at least the three (3) years immediately preceding the election; and
 - (C) be a high school graduate or have received a:
 - (i) high school equivalency certificate; or
 - (ii) state general educational development (GED) diploma under IC 20-20-6.
- (5) A prospective candidate may not:
- (A) hold any other elective or appointive office; or
 - (B) have a pecuniary interest in any contract with the school corporation or its governing body;
- as prohibited by law.

SECTION 47. IC 20-23-14-8, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) The term of each person elected to serve on the governing body

- (1) is four (4) years. ~~and~~
- (2) begins

(b) The term of each person elected to serve on the governing body begins on the July 1 January 1 that next follows the person's

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election.

SECTION 48. IC 20-23-14-9, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 9. The members are elected as follows:

(1) Three (3) of the members are elected at the **primary general** election to be held in ~~2008~~ **2012** and every four (4) years thereafter.

(2) Two (2) of the members are elected at the **primary general** election to be held in ~~2006~~ **2010** and every four (4) years thereafter.

SECTION 49. IC 20-25-3-4, AS AMENDED BY P.L.1-2006, SECTION 322, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) The board consists of seven (7) members. A member:

(1) must be elected on a nonpartisan basis in **primary general** elections held in the county as specified in this section; and

(2) serves a four (4) year term.

(b) Five (5) members shall be elected from the school board districts in which the members reside, and two (2) members must be elected at large. Not more than two (2) of the members who serve on the board may reside in the same school board district.

(c) If a candidate runs for one (1) of the district positions on the board, only eligible voters residing in the candidate's district may vote for that candidate. If a person is a candidate for one (1) of the at-large positions, eligible voters from all the districts may vote for that candidate.

(d) If a candidate files to run for a position on the board, the candidate must specify whether the candidate is running for a district or an at-large position.

(e) A candidate who runs for a district or an at-large position wins if the candidate receives the greatest number of votes of all the candidates for the position.

(f) Districts shall be established within the school city by the state board. The districts must be drawn on the basis of precinct lines, and as nearly as practicable, of equal population with the population of the largest district not to exceed the population of the smallest district by more than five percent (5%). District lines must not cross precinct lines. The state board shall establish:

(1) balloting procedures for the election under IC 3; and

(2) other procedures required to implement this section.

(g) A member of the board serves under section 3 of this chapter.

(h) In accordance with subsection (k), a vacancy in the board shall

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be filled temporarily by the board as soon as practicable after the vacancy occurs. The member chosen by the board to fill a vacancy holds office until the member's successor is elected and qualified. The successor shall be elected at the next regular school board election occurring after the date on which the vacancy occurs. The successor fills the vacancy for the remainder of the term.

(i) An individual elected to serve on the board begins the individual's term on ~~July 1 of the year of~~ **January 1 immediately following** the individual's election.

(j) Notwithstanding any law to the contrary, each voter must cast a vote for a school board candidate or school board candidates by voting system or paper ballot. However, the same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the board offices.

(k) If a vacancy in the board exists because of the death of a member, the remaining members of the board shall meet and select an individual to fill the vacancy in accordance with subsection (h) after the secretary of the board receives notice of the death under IC 5-8-6.

SECTION 50. IC 33-33-53-5, AS AMENDED BY P.L.2-2006, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. In accordance with rules adopted by the judges of the court under section 6 of this chapter, the presiding judge shall do the following:

- (1) Ensure that the court operates efficiently and judicially under rules adopted by the court.
- (2) Annually submit to the fiscal body of Monroe County a budget for the court, including amounts necessary for:
 - (A) the operation of the circuit's probation department;
 - (B) the defense of indigents; and
 - (C) maintaining an adequate law library.
- (3) Make the appointments or selections required of a circuit or superior court judge under the following statutes:

IC 8-4-21-2
 IC 11-12-2-2
 IC 16-22-2-4
 IC 16-22-2-11
 IC 16-22-7
 IC 20-23-4
 IC 20-23-7-6
~~IC 20-23-7-8~~ **IC 20-23-7-8.1**
 IC 20-26-7-8
 IC 20-26-7-14

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IC 20-47-2-15
 IC 20-47-3-13
 IC 36-9
 IC 36-10
 IC 36-12-10-10.

(4) Make appointments or selections required of a circuit or superior court judge by any other statute, if the appointment or selection is not required of the court because of an action before the court.

SECTION 51. IC 33-34-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. (a) The voters of each township having a small claims court shall elect a constable for the small claims court at the general election every four (4) years for a term of office of four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified. The ballot must state the:

- (1) name of the candidate; and
 - (2) court for which the candidate is to serve.
- (b) Each small claims court shall have a constable who:
- (1) acts as the bailiff of the court;
 - (2) serves the court's personal service of process;
 - (3) has police powers to:
 - (A) make arrests **under a court order or to maintain order in the court;**
 - (B) keep the peace **in the court during court proceedings;** and
 - (C) carry out the orders of the court;
 - (4) must meet the qualifications prescribed by IC 3-8-1-31;
 - (5) is compensated for each process that is delivered to effect personal service when serving as the bailiff for the court;
 - (6) is responsible for:
 - (A) the preparation and mailing of all registered or certified service and is compensated for each process served by mail; and
 - (B) all the official acts of the deputies;
 - (7) is compensated solely from the service of process fees collected under IC 33-34-8-1; ~~and~~
 - (8) may require a deputy to give a bond for the proper discharge of the deputy's duties for an amount fixed by the constable; **and**
 - (9) must file an annual statement of economic interests under IC 33-23-11-14.**
- (c) The elected constable may appoint full-time and part-time

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deputies for assistance in the performance of official duties who:

- (1) perform all the official duties required to be performed by the constable;
- (2) possess the same statutory ~~and common law~~ powers ~~and authority~~ as the constable;
- (3) must take the same oath required of the constable;
- (4) are compensated solely from the service of process fees collected under IC 33-34-8-1; ~~and~~
- (5) serve at the pleasure of the constable and may be dismissed at any time with or without cause; **and**
- (6) if the deputy is a full-time deputy, must file an annual statement of economic interests under IC 33-23-11-14.**

(d) If there is an:

- (1) emergency; or
- (2) inability of a constable to carry out the constable's duties;

the judge may appoint a special constable to carry out the duties of the constable during the emergency or inability.

SECTION 52. IC 36-1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. "Executive" means **the:**

- (1) board of commissioners, for a county ~~not having that:~~
 - (A) does not have** a consolidated city; **and**
 - (B) is not subject to IC 36-2-2.5;**
- (2) chief executive officer elected under IC 36-2-2.5, for a county that:**
 - (A) does not have a consolidated city; and**
 - (B) is subject to IC 36-2-2.5;**
- ~~(3)~~ **(3) mayor of the consolidated city, for a county having a consolidated city;**
- ~~(4)~~ **(4) mayor, for a city;**
- ~~(5)~~ **(5) president of the town council, for a town;**
- ~~(6)~~ **(6) trustee, for a township;**
- ~~(7)~~ **(7) superintendent, for a school corporation; or**
- ~~(8)~~ **(8) chief executive officer, for any other political subdivision.**

SECTION 53. IC 36-1-2-9, AS AMENDED BY P.L.186-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. "Legislative body" means the:

- (1) board of county commissioners, for a county not subject to **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1;
- (2) county council, for a county subject to **IC 36-2-2.5** or IC 36-2-3.5;
- (3) city-county council, for a consolidated city or county having

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- a consolidated city;
- (4) common council, for a city other than a consolidated city;
- (5) town council, for a town;
- (6) township board, for a township;
- (7) governing body of any other political subdivision that has a governing body; or
- (8) chief executive officer of any other political subdivision that does not have a governing body.

SECTION 54. IC 36-1-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If there is a constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must do so in that manner.

(b) If there is no constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must either:

- (1) if the unit is a county or municipality, adopt an ordinance prescribing a specific manner for exercising the power;
- (2) if the unit is a township, adopt a resolution prescribing a specific manner for exercising the power; or
- (3) comply with a statutory provision permitting a specific manner for exercising the power.

(c) An ordinance under subsection (b)(1) must be adopted as follows:

- (1) In a municipality, by the legislative body of the municipality.
- (2) In a county subject to **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1, by the legislative body of the county.
- (3) In any other county, by the executive of the county.

(d) A resolution under subsection (b)(2) must be adopted by the legislative body of the township.

SECTION 55. IC 36-1-8-10.5, AS AMENDED BY P.L.1-2005, SECTION 231, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10.5. (a) This section does not apply to the following:

- (1) An elected or appointed officer.
- (2) An individual described in IC 20-26-4-11.

(b) **Subject to IC 3-5-9**, an employee of a political subdivision may:

- (1) be a candidate for any elected office and serve in that office if elected; or
- (2) be appointed to any office and serve in that office if appointed;

without having to resign as an employee of the political subdivision.

SECTION 56. IC 36-1-20 IS ADDED TO THE INDIANA CODE

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AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 20. Employment of Relatives; Contracting With Relatives

Sec. 1. This chapter does not apply to the following:

- (1) An individual who is a contractor or employed by a contractor for the design or construction of a public works project.
- (2) An individual who is a vendor or employed by a vendor for a purchase of mowing services or property maintenance services.
- (3) An individual who is a member of a paid fire department or a volunteer fire department that renders fire protection services to the political subdivision.

Sec. 2. For purposes of this chapter, the performance of the duties of a precinct election officer (as defined in IC 3-5-2-40.1) that are imposed by IC 3 is not considered employment by a political subdivision.

Sec. 3. As used in this chapter, "employee" means an individual who is employed by a political subdivision on a full time, a part time, a temporary, an intermittent, or an hourly basis. The term does not include a member of a paid fire department or a volunteer fire department that renders fire protection services to the political subdivision.

Sec. 4. (a) As used in this chapter, "relative" means any of the following:

- (1) A husband.
- (2) A wife.
- (3) A father, grandfather, or stepfather.
- (4) A mother, grandmother, or stepmother.
- (5) A son, grandson, stepson, or son-in-law.
- (6) A daughter, granddaughter, stepdaughter, or daughter-in-law.
- (7) A brother or stepbrother.
- (8) A sister or stepsister.
- (9) An aunt.
- (10) An uncle.
- (11) A niece.
- (12) A nephew.
- (13) A first cousin.

(b) A relative by adoption, half-blood, marriage, or remarriage is considered a relative of whole kinship for purposes of this

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chapter.

Sec. 5. An individual who is a relative of an officer or employee of a political subdivision may not be employed by the political subdivision in a position in which the individual would have a direct supervisory or subordinate relationship with the officer or employee who is the individual's relative.

Sec. 6. (a) A political subdivision may not enter into a contract or renew a contract with:

(1) an individual to provide goods or services to the political subdivision, if the individual is a relative of an individual who:

(A) is the executive of the political subdivision; or

(B) is a member of the executive of the political subdivision; or

(2) a business entity to provide goods or services, if:

(A) a relative of the executive of the political subdivision; or

(B) a relative of a member of the executive of the political subdivision;

has an ownership interest in the business entity.

(b) This section does not prohibit a political subdivision from entering into a contract or renewing a contract if an employee of:

(1) an individual contractor under subsection (a)(1); or

(2) a business entity under subsection (a)(2);

is a relative of the executive of the political subdivision or a member of the executive of the political subdivision.

(c) This section does not affect the initial term of a contract in existence at the time the term of office of the executive of the political subdivision or the member of the executive of the political subdivision begins.

Sec. 7. This chapter does not require the termination or reassignment of any employee of a political subdivision from any position held by that individual before July 1, 2010. This section expires January 1, 2015."

Page 6, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 58. IC 36-2-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Except as specifically provided, this chapter applies to all counties not does not apply to the following:

(1) A county having a consolidated city.

(2) A county in which a county chief executive officer has been elected under IC 36-2-2.5.

SECTION 59. IC 36-2-2-4, AS AMENDED BY P.L.230-2005,

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SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a county having a population of:

- (1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or
- (2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

The executive shall divide the county into three (3) districts that are composed of contiguous territory and are reasonably compact. The district boundaries drawn by the executive must not cross precinct boundary lines and must divide townships only when a division is clearly necessary to accomplish redistricting under this section. If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). A county redistricting commission shall divide the county into three (3) single-member districts that comply with subsection (d). The commission is composed of:

- (1) the members of the Indiana election commission;
- (2) two (2) members of the senate selected by the president pro tempore, one (1) from each political party; and
- (3) two (2) members of the house of representatives selected by the speaker, one (1) from each political party.

The legislative members of the commission have no vote and may act only in an advisory capacity. A majority vote of the voting members is required for the commission to take action. The commission may meet as frequently as necessary to perform its duty under this subsection. The commission's members serve without additional compensation above that provided for them as members of the Indiana election commission, the senate, or the house of representatives. **If a county to which this subsection applies adopts a county government structure in which a chief executive officer is elected under IC 36-2-2.5, the county redistricting commission under this subsection is not abolished and continues in existence for purposes of dividing, as necessary, the county into county council districts.**

(c) This subsection applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). The executive shall divide the county into three (3) single-member districts that comply with subsection (d).

(d) Single-member districts established under subsection (b) or (c) must:

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- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
 - (2) contain, as nearly as is possible, equal population; and
 - (3) not cross precinct lines.
- (e) A division under subsection (a), (b), or (c) shall be made:
- (1) during the first year after a year in which a federal decennial census is conducted; and
 - (2) when the county adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e).

SECTION 60. IC 36-2-2.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 2.4. Determination of County Government Structure

Sec. 1. This chapter does not apply to a county having a consolidated city.

Sec. 2. Subject to section 2.5 of this chapter, the executive of a county may adopt an ordinance providing that the voters of the county shall elect:

- (1) a single county chief executive officer under IC 36-2-2.5 who has the executive powers and duties of the county; and
- (2) a county council that has the legislative and fiscal powers and duties of the county.

Sec. 2.5. Notwithstanding any other law, to be adopted under section 2 of this chapter, an ordinance must be approved by a unanimous vote of all the elected members of the county executive.

Sec. 3. An ordinance may be adopted under this chapter only:

- (1) during an odd-numbered year; or
- (2) before July 1 of an even-numbered year.

SECTION 61. IC 36-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 2.5. County Chief Executive Officer

Sec. 1. Except as specifically provided by law, this chapter applies to each county:

- (1) that does not have a consolidated city; and
- (2) in which an ordinance under IC 36-2-2.4 making the county executive a single county chief executive officer has been approved.

Sec. 2. As used in this chapter, "chief executive officer" means

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the county chief executive officer elected under IC 3-10-2-13.

Sec. 3. In a county to which this chapter applies:

(1) the voters of the county:

(A) shall elect one (1) chief executive officer in the second general election after the ordinance under IC 36-2-2.4 is approved and every four (4) years thereafter; and

(B) beginning with the second general election after the ordinance under IC 36-2-2.4 is approved, shall not elect a board of county commissioners;

(2) the board of county commissioners for the county is abolished January 1 of the year following the year in which the first county chief executive officer is elected; and

(3) notwithstanding IC 36-2-2-3, the term of each county commissioner serving on December 31 of the year in which the first county chief executive officer is elected expires January 1 of the year following the year in which the first county chief executive officer is elected.

Sec. 4. (a) The term of office of a chief executive officer is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

(b) To be eligible for election as the chief executive officer, an individual must meet the qualifications prescribed by IC 3-8-1-21. If an individual does not remain a resident of the county after taking office as the chief executive officer, the individual forfeits the office. The county legislative body shall declare the office vacant whenever the chief executive officer forfeits office under this subsection.

Sec. 5. (a) On January 1 following the year in which the first county chief executive officer is elected, all of the property, assets, funds, equipment, records, rights, contracts, obligations, and liabilities of the board of county commissioners of a county are transferred to or assumed by the chief executive officer.

(b) The abolishment of the board of county commissioners of a county on January 1 following the year in which the first county chief executive officer is elected does not invalidate:

(1) any ordinances, resolutions, fees, schedules, or other actions adopted or taken by the board of county commissioners before the board is abolished; or

(2) any appointments made by the board of county commissioners before the board is abolished.

Sec. 6. (a) All powers and duties of the county that are executive or administrative in nature (including any power of appointment

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related to executive or administrative functions) shall be exercised or performed by the chief executive officer, except to the extent that these powers and duties are expressly assigned by law to another elected or appointed officer. The chief executive officer shall transact the business of the county in the name of "The Chief Executive Officer of the County of _____".

(b) For purposes of a county subject to this chapter, after December 31 of the year in which the first county chief executive officer is elected, any reference:

- (1) in the Indiana Code;
- (2) in the Indiana Administrative Code;
- (3) in an ordinance or resolution; or
- (4) in any deed, lease, contract, or other official document or instrument;

to the board of commissioners pertaining to the executive powers of a county shall be considered a reference to the chief executive officer of the county.

(c) For purposes of a county subject to this chapter, after December 31 of the year in which the first county chief executive officer is elected, any reference:

- (1) in the Indiana Code;
- (2) in the Indiana Administrative Code;
- (3) in an ordinance or resolution; or
- (4) in any deed, lease, contract, or other official document or instrument;

related to the executive powers and duties of the board of county commissioners shall be considered a reference to the powers and duties of the chief executive officer of the county.

(d) For purposes of a county subject to this chapter, after December 31 of the year in which the first county chief executive officer is elected, the county council has the legislative and fiscal powers and duties of the county as provided in IC 36-2-3.7.

Sec. 7. The chief executive officer shall do the following:

- (1) Report on the condition of the county before March 1 of each year to the county legislative body and to the residents of the county.
- (2) Recommend before March 1 of each year to the county legislative body any action or program the chief executive officer considers necessary for the improvement of the county and the welfare of county residents.
- (3) Submit to the county legislative body an annual budget in accordance with IC 36-2-5.

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(4) Establish the procedures to be followed by all county departments, offices, and agencies under the chief executive officer's jurisdiction to the extent these procedures are not expressly assigned by law to another elected or appointed officer.

(5) Administer all statutes, ordinances, and regulations applicable to the county, to the extent the administration of these matters is not expressly assigned by law to another elected or appointed officer.

(6) Supervise the care and custody of all county property.

(7) Supervise the collection of revenues and control all disbursements and expenditures, and prepare a complete account of all expenditures, to the extent these matters are not expressly assigned by law to another elected or appointed officer.

(8) Review, analyze, and forecast trends for county services and finances and programs of all county governmental entities, and report and recommend on these to the county legislative body by March 15 of each year.

(9) Negotiate contracts for the county.

(10) Make recommendations concerning the nature and location of county improvements, and provide for the execution of those improvements.

(11) Supervise county administrative offices, except for the offices of elected officers.

(12) Do the following in January of each year:

(A) Make a settlement with the county treasurer for the preceding calendar year and include a copy of the settlement sheet in the order book of the chief executive officer.

(B) Make an accurate statement of the county's receipts and expenditures during the preceding calendar year. The statement must include the name of and total compensation paid to each county officer, deputy, and employee. The executive shall post this statement at the courthouse door and two (2) other places in the county and shall publish it in the manner prescribed by IC 5-3-1.

(13) Perform other duties and functions that are assigned to the chief executive officer by statute or ordinance.

Sec. 8. The chief executive officer may do any of the following:

(1) Order any department, office, or agency under the chief executive officer's jurisdiction to undertake any task for

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another department, office, or agency under the chief executive officer's jurisdiction on a temporary basis, if necessary for the proper and efficient administration of county government.

- (2) Establish and administer centralized budgeting, centralized personnel selection, and centralized purchasing.
- (3) Audit the accounts of officers who deal with money belonging to or appropriated for the benefit of the county.
- (4) Approve accounts chargeable against the county and direct the raising of money necessary for county expenses.
- (5) Make orders concerning county property, including orders for:

- (A) the sale of the county's public buildings and the acquisition of land in the county seat on which to build new public buildings; and

- (B) the acquisition of land for a public square and the maintenance of that square.

However, a conveyance or purchase by a county of land having a value of one thousand dollars (\$1,000) or more must be authorized by an ordinance of the county legislative body fixing the terms and conditions of the transaction.

Sec. 9. (a) The chief executive officer shall establish and maintain a county courthouse, county jail, and public offices for the county clerk, the county auditor, the county recorder, the county treasurer, the county sheriff, and the county surveyor.

(b) Offices for the surveyor must be in the courthouse or at the county seat.

(c) Offices for the sheriff may be located:

- (1) in the courthouse;
- (2) inside the corporate limits of the county seat; or
- (3) outside the corporate limits of the county seat but within the limits of the county.

Sec. 10. (a) The chief executive officer may grant licenses, permits, or franchises for the use of county property if the licenses, permits, or franchises:

- (1) are not exclusive;
- (2) are of a definite duration; and
- (3) are assignable only with the consent of the chief executive officer.

(b) If a public utility or municipally owned or operated utility that carries on business outside the corporate boundaries of municipalities in the county is engaged in an activity substantially

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similar to that for which a license, permit, or franchise for the use of county property is sought, the chief executive officer may grant the license, permit, or franchise only with the consent of the utility regulatory commission. The commission may give its consent only if it determines, after a public hearing of all interested parties, that public necessity and convenience require the substantially similar activity.

(c) The provisions of this section that concern securing the consent of the utility regulatory commission do not apply to municipally owned or operated utilities.

Sec. 11. Notwithstanding any other law, if a statute requires a county executive to take an executive action by ordinance or resolution, a chief executive officer shall instead take the action by issuing an executive order.

Sec. 12. (a) If the chief executive officer is disqualified from acting in a quasi-judicial proceeding, the chief executive officer shall cease to act in that proceeding. Not later than ten (10) days after the finding that the chief executive officer is disqualified to act in a proceeding, the county auditor shall send a certified copy of the record of the proceeding to the judge of the circuit court for the county. If the judge affirms the disqualification of the chief executive officer, the judge shall appoint a disinterested and competent person to serve as a special executive in the proceeding.

(b) A person who consents to serve as a special executive must have the same qualifications as an elected chief executive officer. The person's appointment and oath shall be filed with the county auditor and entered on the records of the chief executive officer. A person appointed as a special executive may conduct the proceeding until a final determination is reached.

Sec. 13. The chief executive officer shall keep the chief executive officer's office open on each business day.

Sec. 14. Appointments made by the chief executive officer shall be certified by the county auditor, under the seal of the chief executive officer.

Sec. 15. (a) The chief executive officer may employ a person:

(1) to perform a duty required of a county officer by statute;

or

(2) on a commission or percentage basis;

only if the employment is expressly authorized by statute or is found by the chief executive officer to be necessary to the public interest.

(b) If a person's employment under subsection (a) is not

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expressly authorized by statute, the contract for the person's employment must be filed with the circuit court for the county, and the person must file the person's claims for compensation with that court. Any taxpayer may contest a claim under this section.

(c) A chief executive officer who recklessly violates this section commits a Class C misdemeanor and forfeits the person's office.

Sec. 16. The chief executive officer shall appear before the legislative body of the county at least once each month and at other times as needed to conduct all necessary county business.

Sec. 17. (a) A party to a proceeding before the chief executive officer who is aggrieved by a decision of the chief executive officer may appeal that decision to the circuit court for the county.

(b) A person who is not a party to a proceeding before the chief executive officer may appeal a decision of the chief executive officer only if the person files with the county auditor an affidavit:

- (1) specifically setting forth the person's interest in the matter decided; and
- (2) alleging that the person is aggrieved by the decision of the chief executive officer.

(c) An appeal under this section must be taken not later than thirty (30) days after the chief executive officer makes the decision by which the appellant is aggrieved.

(d) An appellant under this section must file with the county auditor a bond conditioned on due prosecution of the appeal. The bond is subject to approval by the county auditor and must be in an amount sufficient to provide security for court costs.

(e) Not later than twenty (20) days after the county auditor receives the appeal bond, the county auditor shall prepare a complete transcript of the proceedings of the chief executive officer related to the decision appealed from and shall deliver the transcript, all documents filed during the proceedings, and the appeal bond to the clerk of the circuit court.

Sec. 18. (a) An appeal under section 17 of this chapter shall be docketed among the other causes pending in the circuit court and shall be tried as an original cause.

(b) A court may decide an appeal under section 17 of this chapter by:

- (1) affirming the decision of the chief executive officer; or
- (2) remanding the cause to the chief executive officer with directions as to how to proceed;

and may require the chief executive officer to comply with this decision.

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Sec. 19. (a) The county auditor or the chief executive officer may administer any oaths required by this chapter.

(b) The county sheriff or a county police officer shall attend the meetings of the chief executive officer, if requested by the chief executive officer, and shall execute the chief executive officer's orders.

Sec. 20. (a) Appointments made by the chief executive officer shall be certified by the county auditor, under the seal of the chief executive officer.

(b) If a copy of the chief executive officer's proceedings has been signed and sealed by the county auditor and introduced into evidence in court, that copy is presumed to be an accurate record of the chief executive officer's proceedings.

Sec. 21. If publication of a notice, report, or statement of any kind is required and a county is liable for the cost of that publication, the chief executive officer may not make or pay for publication in more than one (1) newspaper unless publication in two (2) newspapers is required. A person who violates this section commits a Class C infraction.

Sec. 22. (a) The chief executive officer may employ and fix the compensation of an attorney to represent and advise the executive.

(b) For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, employment by a chief executive officer as an attorney does not constitute a lucrative office.

SECTION 62. IC 36-2-2.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 2.6. Petition to Change County Government Structure; County Council Approval

Sec. 1. This chapter applies to a county that elects a county chief executive officer under IC 36-2-2.5.

Sec. 2. This chapter does not apply to a county that has a consolidated city.

Sec. 3. A petition may be submitted to the county council, signed by at least the number of registered voters equal to two percent (2%) of the votes cast in the last election for secretary of state in the county, requesting the county council to adopt an ordinance changing county government structure as follows:

- (1) The county executive would be a three (3) member board of county commissioners, elected under IC 36-2-2.**
- (2) The office of county chief executive officer would be abolished.**

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(3) If the county is not subject to IC 36-2-3.5, the county legislative body would be the board of county commissioners.

(4) If the county is subject to IC 36-2-3.5, the county legislative body would be the county council.

(5) The county council would continue to be the county fiscal body.

Sec. 4. Except as provided in section 9 and 10 of this chapter, a petition under section 3 of this chapter must be submitted to the county council:

(1) not earlier than January 1; and

(2) not later than July 1;

of the year preceding the year in which a county chief executive officer would be elected.

Sec. 5. (a) The county council may adopt an ordinance providing that the voters of the county shall elect:

(1) a three (3) member board of commissioners that has the:

(A) executive and legislative powers and duties of the county if the county is not subject to IC 36-2-3.5; or

(B) executive powers and duties of the county if the county is subject to IC 36-2-3.5; and

(2) a county council that has the:

(A) fiscal powers and duties of the county if the county is not subject to IC 36-2-3.5; or

(B) fiscal and legislative powers and duties of the county if the county is subject to IC 36-2-3.5.

(b) If the county council does not vote to approve or disapprove the adoption of an ordinance to change the structure of county government as set forth in subsection (a) by December 31 of the year preceding the year in which a county chief executive officer would be elected, the county council shall be considered to have adopted an ordinance approving the change structure of county government as set forth in subsection (a).

Sec. 6. If the county council adopts an ordinance approving the change in county government structure under section 5(a) of this chapter or does not vote to approve or disapprove the change in county government structure under section 5(b) of this chapter, the office of county commissioner shall be placed on the primary election ballot for the county in the year following the year the petition is submitted, and the office shall be elected in the next general election in the county.

Sec. 7. On January 1 in the year following the year that the board of commissioners is elected under this chapter, the following

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occurs:

- (1) The office of county chief executive officer is abolished and the term of the county chief executive officer expires.**
- (2) The county is not subject to IC 36-2-2.5 and IC 36-2-3.7.**
- (3) The county executive is the board of county commissioners elected under IC 36-2-2. The board of county commissioners has all powers that are executive or administrative in nature.**
- (4) If the county is not subject to IC 36-2-3.5, the county legislative body is the board of county commissioners. All powers that are legislative in nature are transferred from the county fiscal body to the board of county commissioners.**
- (5) If the county is subject to IC 36-2-3.5, the county legislative body is the county council.**
- (6) The county council is the county fiscal body.**
- (7) All of the property, assets, funds, equipment, records, rights, contracts, obligations, and liabilities of the county chief executive officer are transferred to or assumed by the board of county commissioners.**

Sec. 8. The abolishment of the office of the county executive officer on January 1 following the year in which the board of county commissioners is elected does not invalidate:

- (1) any resolutions, fees, schedules, or other actions adopted or taken by the county chief executive officer before the office is abolished; or**
- (2) any appointments made by the county chief executive officer before the office is abolished.**

Sec. 9. (a) The first petition under section 3 of this chapter:

- (1) may not be submitted to the county fiscal body during the term of the first elected county chief executive officer; and**
- (2) may be submitted:**
 - (A) not earlier than January 1; and**
 - (B) not later than July 1;**

of the year preceding the year in which a second county chief executive officer would be elected.

(b) The county council may not vote to approve or disapprove an ordinance as a result of a petition filed under this chapter to change county government structure until the year preceding the year in which a second county chief executive officer would be elected.

Sec. 10. A petition may not be filed under section 3 of this chapter more than once every eight (8) years.

SECTION 62. IC 36-2-3-4, AS AMENDED BY P.L.230-2005,

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SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a county having a population of:

- (1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or
- (2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

The county executive shall by ordinance **or, in a county subject to IC 36-2-2.5, by resolution** divide the county into four (4) contiguous, single-member districts that comply with subsection (d). If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts. One (1) member of the fiscal body shall be elected by the voters of each of the four (4) districts. Three (3) at-large members of the fiscal body shall be elected by the voters of the whole county.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The county redistricting commission established under IC 36-2-2-4 shall divide the county into seven (7) single-member districts that comply with subsection (d). One (1) member of the fiscal body shall be elected by the voters of each of these seven (7) single-member districts.

(c) This subsection applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). The fiscal body shall divide the county into nine (9) single-member districts that comply with subsection (d). Three (3) of these districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c). One (1) member of the fiscal body shall be elected by the voters of each of these nine (9) single-member districts.

(d) Single-member districts established under subsection (a), (b), or (c) must:

- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
- (2) not cross precinct boundary lines;
- (3) contain, as nearly as possible, equal population; and
- (4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

(e) A division under subsection (a), (b), or (c) shall be made:

- (1) during the first year after a year in which a federal decennial census is conducted; and

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(2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e).

SECTION 63. IC 36-2-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a) Except as provided in subsection (b), this chapter applies to:**

- (1) a county having a population of:
 - (A) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or
 - (B) more than two hundred thousand (200,000) but less than three hundred thousand (300,000); and
- (2) any other county not having a consolidated city, if both the county executive and the county fiscal body adopt identical ordinances providing for the county to be governed by this chapter beginning on a specified effective date.

(b) Except as provided in section 6(c) of this chapter, this chapter does not apply to a county beginning after December 31 of the year in which a chief executive officer is first elected under IC 36-2-2.5.

SECTION 64. IC 36-2-3.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A court may issue an order, before final hearing, to stay an election if there is sufficient evidence to withstand a motion for summary judgment that the county has not been divided into districts that comply with IC 36-2-2-4 or IC 36-2-3-4. A preliminary hearing on the question may be held upon the court's own motion.

(b) Final judgment on the merits in such a case shall be made within thirty (30) days of the stay of election order. If the redistricting is found not to be in compliance with law, the court shall retain jurisdiction and shall order the proper officials to submit within thirty (30) days a redistricting plan complying with law. If the proper officials fail to comply with the order, the court shall order the Indiana election commission to divide the county into districts in compliance with law.

(c) If this chapter applied to a county at the time a chief executive officer is first elected under IC 36-2-2.5, this section continues to apply to the county after the election of the chief executive officer.

SECTION 65. IC 36-2-3.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 3.7. County Council as the County Legislative Body

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Sec. 1. Except as specifically provided by law, this chapter applies to each county:

- (1) that does not have a consolidated city; and**
- (2) in which an ordinance under IC 36-2-2.4 making the county executive a single county chief executive officer has been approved.**

Sec. 2. As used in this chapter, "chief executive officer" means the county chief executive officer elected under IC 3-10-2-13.

Sec. 3. In a county to which this chapter applies:

- (1) the voters of the county shall continue to elect members of the county council; and**
- (2) beginning on January 1 following the year in which the first county chief executive officer is elected:**
 - (A) the executive and legislative powers of the county are divided between separate branches of county government, and a power belonging to one (1) branch of county government may not be exercised by the other branch of county government;**
 - (B) the county council is the county legislative body as well as the county fiscal body; and**
 - (C) the chief executive officer is the county executive of the county and has the executive and administrative powers and duties of the county as provided in IC 36-2-2.5.**

Sec. 4. (a) All powers and duties of the county that are legislative in nature (including any power of appointment related to legislative functions) shall be exercised or performed by the county council functioning as the county legislative body.

(b) The county council has the same legislative powers and duties that the board of county commissioners in the county had before the board of county commissioners was abolished.

(c) For purposes of a county subject to this chapter, after December 31 of the year in which the first county chief executive officer is elected, any reference:

- (1) in the Indiana Code;**
- (2) in the Indiana Administrative Code;**
- (3) in an ordinance or resolution; or**
- (4) in any deed, lease, contract, or other official document or instrument;**

to the board of commissioners pertaining to the legislative powers of a county shall be considered a reference to the county council of the county.

(d) For purposes of a county subject to this chapter, after

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December 31 of the year in which the first county chief executive officer is elected, any reference:

- (1) in the Indiana Code;**
- (2) in the Indiana Administrative Code;**
- (3) in an ordinance or resolution; or**
- (4) in any deed, lease, contract, or other official document or instrument;**

related to the legislative powers and duties of the board of county commissioners shall be considered a reference to the powers and duties of the county council of the county.

Sec. 5. The county council may do any of the following:

- (1) Establish committees that are necessary to carry out the county council's functions.**
- (2) Employ legal and administrative personnel necessary to carry out the county council's functions.**
- (3) Pass all ordinances, orders, resolutions, and motions for the government of the county, in the manner prescribed by IC 36-2-4.**
- (4) Receive gifts, bequests, and grants from public or private sources.**
- (5) Conduct investigations into the conduct of county business for the purpose of correcting deficiencies and ensuring adherence to law and county ordinances and policies.**
- (6) Establish, by ordinance, new county departments, divisions, or agencies whenever necessary to promote efficient county government.**

SECTION 66. IC 36-2-4-8, AS AMENDED BY P.L.78-2009, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) An ordinance, order, or resolution is considered adopted when it is signed by the presiding officer. If required, an adopted ordinance, order, or resolution must be promulgated or published according to statute before it takes effect.

(b) An ordinance prescribing a penalty or forfeiture for a violation must, before it takes effect, be published once each week for two (2) consecutive weeks, according to IC 5-3-1. However, if such an ordinance is adopted by the legislative body of a county subject to IC 36-2-3.5 or IC 36-2-3.7 and there is an urgent necessity requiring its immediate effectiveness, it need not be published if:

- (1) the county executive proclaims the urgent necessity; and
 - (2) copies of the ordinance are posted in three (3) public places in each of the districts of the county before it takes effect.
- (c) The following apply in addition to the other requirements of this

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section:

- (1) An ordinance or resolution passed by the legislative body of a county subject to IC 36-2-3.5 is considered adopted only if it is:
 - (A) approved by signature of a majority of the county executive;
 - (B) neither approved nor vetoed by a majority of the executive, within ten (10) days after passage by the legislative body; or
 - (C) passed over the veto of the executive by a two-thirds (2/3) vote of the legislative body, within sixty (60) days after presentation of the ordinance or resolution to the executive.
- (2) The legislative body of a county shall:
 - (A) subject to subdivision (3), give written notice to the department of environmental management not later than sixty (60) days before amendment or repeal of an environmental restrictive ordinance; and
 - (B) give written notice to the department of environmental management not later than thirty (30) days after passage, amendment, or repeal of an environmental restrictive ordinance.
- (3) Upon written request by the legislative body, the department of environmental management may waive the notice requirement of subdivision (2)(A).
- (4) An environmental restrictive ordinance passed or amended after 2009 by the legislative body must state the notice requirements of subdivision (2).
- (5) The failure of an environmental restrictive ordinance to comply with subdivision (4) does not void the ordinance.
- (d) After an ordinance or resolution passed by the legislative body of a county subject to IC 36-2-3.5 has been signed by the presiding officer, the county auditor shall present it to the county executive, and record the time of the presentation. Within ten (10) days after an ordinance or resolution is presented to it, the executive shall:
 - (1) approve the ordinance or resolution, by signature of a majority of the executive, and send the legislative body a message announcing its approval; or
 - (2) veto the ordinance or resolution, by returning it to the legislative body with a message announcing its veto and stating its reasons for the veto.
- (e) This section does not apply to a zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.
- (f) An ordinance increasing a building permit fee on new

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development must:

- (1) be published:
 - (A) one (1) time in accordance with IC 5-3-1; and
 - (B) not later than thirty (30) days after the ordinance is adopted by the legislative body in accordance with IC 5-3-1; and
- (2) delay the implementation of the fee increase for ninety (90) days after the date the ordinance is published under subdivision (1).

SECTION 67. IC 36-3-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The board of commissioners of the county is composed of the county treasurer, the county auditor, and the county assessor. These officers shall serve ex officio as commissioners without additional compensation for performing the duties of the board.

- (b) The board of commissioners:
 - (1) shall make the appointments required by statute to be made by the board of commissioners of a county;
 - (2) shall perform the duties and exercise the powers prescribed by statutes pertaining to the issuance and payment of bonds of the county and the expenditure of the unexpended proceeds of those bonds; and
 - (3) may exercise the powers granted it by Article 9, Section 3 of the Constitution of the State of Indiana and by IC 12-30-3.

(c) Notwithstanding any other provision, an act enacted by the general assembly during the second regular session of the one hundred sixteenth general assembly to allow for a single elected county chief executive officer under IC 36-2-2.5 in counties not containing a consolidated city does not affect the rights, powers, and duties of the board of commissioners in a county containing a consolidated city.

SECTION 68. IC 36-3-6-9, AS AMENDED BY P.L.182-2009(ss), SECTION 401, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 9. (a) Except as provided in subsection (d), the city-county legislative body shall review the proposed operating and maintenance budgets and tax levies and adopt final operating and maintenance budgets and tax levies for each of the following entities in the county:

- (1) An airport authority operating under IC 8-22-3.
- (2) A public library operating under IC 36-12.
- (3) A capital improvement board of managers operating under IC 36-10.

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(4) A public transportation corporation operating under IC 36-9-4.

(5) A health and hospital corporation established under IC 16-22-8.

(6) A building authority established under IC 36-9-13.

~~(6)~~ (7) Any other taxing unit (as defined in IC 6-1.1-1-21) that is located in the county and has a governing body that is not comprised of a majority of officials who are elected to serve on the governing body.

Except as provided in subsection (c), the city-county legislative body may reduce or modify but not increase a proposed operating and maintenance budget or tax levy under this section.

(b) The board of each entity listed in subsection (a) shall, after adoption of its proposed budget and tax levies, submit them, along with detailed accounts, to the city clerk before the first day of September of each year.

(c) The city-county legislative body or, when subsection (d) applies, the fiscal body of an excluded city or town shall review the issuance of bonds of an entity listed in subsection (a). Approval of the city-county legislative body or, when subsection (d) applies, the fiscal body of an excluded city or town is required for the issuance of bonds. The city-county legislative body or the fiscal body of an excluded city or town may not reduce or modify a budget or tax levy of an entity listed in subsection (a) in a manner that would:

(1) limit or restrict the rights vested in the entity to fulfill the terms of any agreement made with the holders of the entity's bonds; or

(2) in any way impair the rights or remedies of the holders of the entity's bonds.

(d) If the assessed valuation of a taxing unit is entirely contained within an excluded city or town (as described in IC 36-3-1-7) that is located in a county having a consolidated city, the governing body of the taxing unit shall submit its proposed operating and maintenance budget and tax levies to the city or town fiscal body for approval and not the city-county legislative body. Except as provided in subsection (c), the fiscal body of the excluded city or town may reduce or modify but not increase a proposed operating and maintenance budget or tax levy under this section.

SECTION 69. IC 36-4-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) The powers of a city are divided between the executive and legislative branches of its government. A power belonging to one (1) branch of a city's government may not be exercised by the other branch.

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(b) **Subject to IC 3-5-9**, a city employee other than an elected or appointed public officer may:

(1) be a candidate for any elective office and serve in that office if elected; or

(2) be appointed to any office and serve in that office if appointed; without having to resign as a city employee.

SECTION 70. IC 36-4-10-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4.5. (a) This section applies to third class cities.

(b) The fiscal officer is the head of the city department of finance. The fiscal officer shall do the following:

(1) Receive and care for all city money and pay the money out only on order of the approving body.

(2) Keep accounts showing when and from what sources the fiscal officer has received city money and when and to whom the fiscal officer has paid out city money.

(3) Prescribe payroll and account forms for all city offices.

(4) Prescribe the manner in which creditors, officers, and employees shall be paid.

(5) Manage the finances and accounts of the city and make investments of city money.

(6) Prepare for the legislative body the budget estimates of miscellaneous revenue, financial statements, and the proposed tax rate.

(7) Issue all licenses authorized by statute and collect the fees fixed by ordinance.

(8) Serve as clerk of the board of public works by attending meetings, preparing agendas, and recording proceedings.

(9) Perform all other duties prescribed by statute.

(c) A fiscal officer is not liable in an individual capacity for an act or omission occurring in connection with the performance of the duties prescribed by subsection (b), unless the act or omission constitutes gross negligence or an intentional disregard of the fiscal officer's duties.

(d) A fiscal officer shall attend training provided by the state board of accounts concerning the duties and responsibilities of a fiscal officer of a third class city.

SECTION 71. IC 36-5-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section does not apply to a town described by IC 36-5-1-11.5.

(b) A town subject to this chapter may be dissolved if the county election board of the county in which the greatest percentage of

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population of the town is located conducts a public hearing and finds that the town has not elected town officers or had a functioning town government during the preceding ten (10) years.

(c) The county election board shall certify the board's findings to the county executive, who may adopt an ordinance or (in a county subject to **IC 36-2-2.5 or IC 36-2-3.5**) issue an order to dissolve the town.

SECTION 72. IC 36-8-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. **Subject to IC 3-5-9**, members of the safety board and members of any township, town, or city (including a consolidated city) police department, fire department, or volunteer fire department (as defined by IC 36-8-12-2) may:

- (1) be candidates for elective office and serve in that office if elected;
- (2) be appointed to any office and serve in that office if appointed; and
- (3) as long as they are not in uniform and not on duty, solicit votes and campaign funds and challenge voters for the office for which they are candidates.

SECTION 73. IC 36-8-10-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11. (a) The sheriff may dismiss, demote, or temporarily suspend a county police officer for cause after preferring charges in writing and after a fair public hearing before the board, which is reviewable in the circuit court. Written notice of the charges and hearing must be delivered by certified mail to the officer to be disciplined at least fourteen (14) days before the date set for the hearing. The officer may be represented by counsel. The board shall make specific findings of fact in writing to support its decision.

(b) The sheriff may temporarily suspend an officer with or without pay for a period not exceeding fifteen (15) days, without a hearing before the board, after preferring charges of misconduct in writing delivered to the officer.

(c) A county police officer may not be dismissed, demoted, or temporarily suspended because of political affiliation nor after the officer's probationary period, except as provided in this section. **Subject to IC 3-5-9**, an officer may:

- (1) be a candidate for elective office and serve in that office if elected;
- (2) be appointed to an office and serve in that office if appointed; and
- (3) except when in uniform or on duty, solicit votes or campaign

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funds for the officer or others.

(d) The board has subpoena powers enforceable by the circuit court for hearings under this section. An officer on probation may be dismissed by the sheriff without a right to a hearing.

(e) An appeal under subsection (a) must be taken by filing in court, within thirty (30) days after the date the decision is rendered, a verified complaint stating in a concise manner the general nature of the charges against the officer, the decision of the board, and a demand for the relief asserted by the officer. A bond must also be filed that guarantees the appeal will be prosecuted to a final determination and that the plaintiff will pay all costs only if the court finds that the board's decision should be affirmed. The bond must be approved as bonds for costs are approved in other cases. The county must be named as the sole defendant and the plaintiff shall have a summons issued as in other cases against the county. Neither the board nor the members of it may be made parties defendant to the complaint, but all are bound by service upon the county and the judgment rendered by the court.

(f) All appeals shall be tried by the court. The appeal shall be heard de novo only upon any new issues related to the charges upon which the decision of the board was made. Within ten (10) days after the service of summons, the board shall file in court a complete written transcript of all papers, entries, and other parts of the record relating to the particular case. Inspection of these documents by the person affected, or by the person's agent, must be permitted by the board before the appeal is filed, if requested. The court shall review the record and decision of the board on appeal.

(g) The court shall make specific findings and state the conclusions of law upon which its decision is made. If the court finds that the decision of the board appealed from should in all things be affirmed, its judgment should so state. If the court finds that the decision of the board appealed from should not be affirmed in all things, then the court shall make a general finding, setting out sufficient facts to show the nature of the proceeding and the court's decision on it. The court shall either:

- (1) reverse the decision of the board; or
- (2) order the decision of the board to be modified.

(h) The final judgment of the court may be appealed by either party. Upon the final disposition of the appeal by the courts, the clerk shall certify and file a copy of the final judgment of the court to the board, which shall conform its decisions and records to the order and judgment of the court. If the decision is reversed or modified, then the board shall pay to the party entitled to it any salary or wages withheld

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from the party pending the appeal and to which the party is entitled under the judgment of the court.

(i) Either party shall be allowed a change of venue from the court or a change of judge in the same manner as such changes are allowed in civil cases. The rules of trial procedure govern in all matters of procedure upon the appeal that are not otherwise provided for by this section.

(j) An appeal takes precedence over other pending litigation and shall be tried and determined by the court as soon as practical.

SECTION 74. IC 36-9-13-35, AS AMENDED BY P.L.146-2008, SECTION 790, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 35. **(a) In a county not having a consolidated city**, the annual operating budget of a building authority is subject to review by the county board of tax adjustment and then by the department of local government finance as in the case of other political subdivisions.

(b) In a county having a consolidated city, the annual operating budget of a building authority is subject to review and approval by the city-county legislative body as provided by IC 36-3-6-9.

SECTION 75. IC 36-12-2-8, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Except as provided in subsection (b), an appointee to a library board may not serve more than four (4) consecutive terms on the library board. **An unexpired term of two (2) years or less that an individual serves in filling a vacancy on the library board may not be counted in computing consecutive terms for purposes of this subsection.** The consecutive terms are computed without regard to a change in the appointing authority that appointed the member. ~~or the length of any term served by the appointee.~~ If:

(1) a member's term is interrupted due to the merger of at least two (2) public libraries under IC 36-12-4; and

(2) the member is reappointed to the merged public library board; the term that was interrupted may not be considered in determining the number of consecutive terms a member may serve on a library board. **An appointee who has served four (4) consecutive terms may be reappointed to the board at least four (4) years after the date the appointee's most recent term ended.**

(b) This subsection applies to a library board for a library district having a population of less than three thousand (3,000). If an appointing authority conducts a diligent but unsuccessful search for a qualified individual who wishes to be appointed to serve on the library board:

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- (1) the appointing authority may reappoint a board member who has served four (4) or more consecutive terms; and
- (2) state funds may not be withheld from distribution to the library.

The appointing authority shall file with the library board a written description of the search that was conducted under this subsection. The record becomes a part of the official records of the library board.

SECTION 76. IC 36-12-2-18, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 18. (a) Subject to subsection (b), the term of a library board member is four (4) years. A member may continue to serve on a library board after the member's term expires until the member's successor is qualified under section 19 of this chapter. The term of the member's successor is not extended by the time that has elapsed before the successor's appointment and qualification. If a member is appointed to fill a vacancy on a library board, the member's term is the unexpired term of the member being replaced.

(b) Except for a library board whose membership is established under section 15 of this chapter, for purposes of establishing staggered terms for the members of a library board, the initial members shall serve the following terms:

- (1) One (1) year for one (1) member appointed under section 9(1), 9(5), 16(b)(1), 16(b)(2), or 17(1) of this chapter.
- (2) Two (2) years for one (1) member appointed under section 9(3)(A), 9(4), 16(b)(3), 16(b)(4), or 17(2) of this chapter.
- (3) Three (3) years for one (1) member appointed under section 9(2), 9(3)(A), 16(b)(4), 16(b)(5), or 17(1) of this chapter.
- (4) Four (4) years for one (1) member appointed under section 9(3)(B), 16(b)(6), or 17(2) of this chapter.

(c) When an appointing authority appoints members to terms of different length under subsection (b), the appointing authority shall designate which member serves each term.

(d) A member may not serve more than four (4) consecutive terms as provided in section 8 of this chapter.

SECTION 77. IC 36-12-2-25, AS AMENDED BY P.L.91-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 25. (a) The residents or real property taxpayers of the library district taxed for the support of the library may use the facilities and services of the public library without charge for library or related purposes. However, the library board may:

- (1) fix and collect fees and rental charges; and
- (2) assess fines, penalties, and damages for the:

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- (A) loss of;
 - (B) injury to; or
 - (C) failure to return;
- any library property or material.
- (b) A library board may issue local library cards to:
- (1) residents of the library district; ~~or~~
 - (2) Indiana residents who are not residents of the library district;
 - (3) library employees of the library district; or**
 - (4) employees of a school corporation or nonpublic school located in the library district;**

who apply for the cards.

(c) Except as provided in subsections (d) and (e), a library board must set and charge a fee for a local library card issued under subsection (b)(2). The minimum fee that the board may set under this subsection is the greater of the following:

- (1) The library district's operating fund expenditure per capita in the most recent year for which that information is available in the Indiana state library's annual "Statistics of Indiana Libraries".
- (2) Twenty-five dollars (\$25).

(d) A library board may charge a reduced fee or not charge a fee for a local library card under subsection (c) that is issued to an Indiana resident who is:

- (1) a student enrolled in a public school corporation that is located at least in part in the library district; and
- (2) not a resident of the library district.

(e) A library board may charge a reduced fee or not charge a fee for a local library card under subsection (c) that is issued to an Indiana resident who is a student enrolled in a nonpublic school that is located at least in part in the library district.

(f) A library board may issue a local library card under subsection (b)(3) or (b)(4):

- (1) to an individual who is not a resident of the library district; and**
- (2) without charging a fee for the card;**

if the board adopts a resolution that is approved by an affirmative vote of a majority of the members appointed to the library board.

SECTION 78. IC 36-12-2-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 26. (a) Dissolution of a library district is initiated when the:**

- (1) legislative body of each municipality, township, or county that is a part of the district; and**

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(2) library board of the district; adopt identical resolutions proposing to dissolve the district by an affirmative vote of a majority of the voting members of each legislative body and library board.

(b) Copies of the resolutions adopted under subsection (a) shall be filed not later than ten (10) days after the resolution is adopted with:

- (1) the state library; and**
- (2) the county recorder of each county in which the library district is located.**

- (c) A dissolution under this section does not take effect until:**
 - (1) all legal and fiscal obligations of the library district have been satisfied;**
 - (2) the assets of the district have been distributed; and**
 - (3) a notice is filed with the agencies listed in subsection (b), indicating that the actions described in subdivisions (1) and (2) have been completed and the dissolution is final.**

SECTION 79. IC 36-12-3-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 16.5. (a) As used in this section, "electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, that is initiated through an electronic terminal, a telephone, or a computer or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account.

(b) A library board may adopt a resolution to authorize an electronic funds transfer method of payment of claims. If the library board adopts the resolution, the public library may pay money from its funds by electronic funds transfer.

(c) A public library that pays a claim by electronic funds transfer shall comply with all other requirements for the payment of claims by the public library.

SECTION 80. IC 36-12-3-18, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 18. (a) ~~Subject to subsection (d)~~; A library board or a person designated in writing by the library board may:

- (1) collect money or library property; or**
- (2) compromise the amount of money;**

that is owed to the library.

(b) A library board:

- (1) shall determine the costs of collecting money or library**

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property under this section; and

(2) may add the costs of collection, including reasonable attorney's fees, to money or library property that is owed and collected under this section.

(c) A library board or the library board's agent that collects money under this section shall deposit the money, less the costs of collection, in the account required by law.

~~(d) A person designated by the library board under subsection (a) may collect money from a person for the library only if the amount to be collected from the person is more than ten dollars (\$10).~~

~~(e)~~ **(d)** A library board may compromise claims made against the library.

SECTION 81. IC 36-12-7-3, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) A library board may issue local library cards to:

- (1) residents of the library district; ~~and~~
- (2) Indiana residents who are not residents of the library district;
- (3) library employees of the library district; or**
- (4) employees of a school corporation or nonpublic school located in the library district;**

who apply for the cards.

(b) Except as provided in subsection (c), a library board must set and charge a fee for a local library card issued under subsection (a)(2). The minimum fee that the board may set under this subsection is the greater of the following:

- (1) The library district's operating fund expenditure per capita in the most recent year for which that information is available in the Indiana state library's annual "Statistics of Indiana Libraries".
- (2) Twenty-five dollars (\$25).

(c) A library board may charge a reduced fee or not charge a fee for a local library card under subsection (b) that is issued to an Indiana resident who is:

- (1) a student enrolled in a public school corporation that is located at least in part in the library district; and
- (2) not a resident of that library district.

(d) A library board may issue a local library card under subsection (a)(3) or (a)(4):

- (1) to an individual who is not a resident of the library district; and**
- (2) without charging a fee for the card;**

if the board adopts a resolution that is approved by an affirmative

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vote of a majority of the members appointed to the library board.

SECTION 82. IC 36-12-7-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 9. (a) Dissolution of a library district is initiated when the:**

- (1) legislative body of each municipality, township, or county that is a part of the district; and**
- (2) library board of the district;**

adopt identical resolutions proposing to dissolve the district by an affirmative vote of a majority of the voting members of each legislative body and library board.

(b) Copies of the resolutions adopted under subsection (a) shall be filed not later than ten (10) days after the resolution is adopted with:

- (1) the state library; and**
- (2) the county recorder of each county in which the library district is located.**

(c) A dissolution under this section does not take effect until:

- (1) all legal and fiscal obligations of the library district have been satisfied;**
- (2) the assets of the district have been distributed; and**
- (3) a notice is filed with the agencies listed in subsection (b), indicating that the actions described in subdivisions (1) and (2) have been completed and the dissolution is final.**

SECTION 83. IC 36-12-7-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 10. (a) As used in this section, "electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, that is initiated through an electronic terminal, telephone, or computer or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account.**

(b) A library board may adopt a resolution to authorize an electronic funds transfer method of payment of claims. If the library board adopts the resolution, the public library may pay money from its funds by electronic funds transfer.

(c) A public library that pays a claim by electronic funds transfer shall comply with all other requirements for the payment of claims by the public library.

SECTION 84. IC 36-12-7-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2010]: **Sec. 11. (a) A library board or a person designated in writing by the library board may:**

- (1) collect money or library property; or**
- (2) compromise the amount of money;**

that is owed to the library.

(b) A library board:

- (1) shall determine the costs of collecting money or library property under this section; and**
- (2) may add the costs of collection, including reasonable attorney's fees, to money or library property that is owed and collected under this section.**

(c) A library board or the library board's agent that collects money under this section shall deposit the money, less the costs of collection, in the account required by law.

(d) A library board may compromise claims made against the library.

SECTION 85. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2010]: IC 3-8-2-2.2; IC 3-11-18-2; IC 3-11-18-18; IC 3-11-18-19; IC 3-11-18-20; IC 20-23-4-29; IC 20-23-7-8; IC 20-23-13-2."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1030 as printed February 12, 2010.)

LAWSON C

SENATE MOTION

Madam President: I move that Engrossed House Bill 1030 be amended to read as follows:

Page 6, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 5. IC 36-4-6-5, AS AMENDED BY P.L.230-2005, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) This section applies to third class cities having a population of less than ten thousand (10,000). The legislative body of such a city may, by ordinance adopted ~~before September 1, 1982;~~ **after June 30, 2010, and during a year in which an election of the legislative body will not occur**, decide to be governed by this section instead of section 4 of this chapter. ~~If this ordinance is repeated after August 31, 1982;~~ **except as a part of a codification of ordinances that reenacts the ordinance under IC 36-1-5-6,** then section 4 of this chapter again applies to the city. ~~The legislative body districts~~

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created by an ordinance adopted under this subsection apply to the first election of the legislative body held after the date the ordinance is adopted. The clerk of the legislative body shall send a certified copy of any ordinance adopted under this subsection to the secretary of the county election board.

(b) This subsection does not apply to a city with an ordinance described by subsection (j). The legislative body shall adopt an ordinance to divide the city into four (4) districts that:

- (1) are composed of contiguous territory, except for territory that is not contiguous to any other part of the city;
- (2) are reasonably compact;
- (3) do not cross precinct boundary lines except as provided in subsection (c) or (d); and
- (4) contain, as nearly as is possible, equal population.

(c) The boundary of a city legislative body district may cross a precinct boundary line if:

- (1) more than one (1) member of the legislative body elected from the districts established under subsection (b) or (j) resides in one (1) precinct established under IC 3-11-1.5 after the most recent municipal election; and
- (2) following the establishment of a legislative body district whose boundary crosses a precinct boundary line, not more than one (1) member of the legislative body elected from the districts resides within the same city legislative body district.

(d) The boundary of a city legislative body district may cross a precinct line if the districts would not otherwise contain, as nearly as is possible, equal population.

(e) A city legislative body district with a boundary described by subsection (c) or (d) may not cross a census block boundary line:

- (1) except when following a precinct boundary line; or
- (2) unless the city legislative body certifies in the ordinance that the census block has no population, and is not likely to ever have population.

(f) The legislative body may not adopt an ordinance dividing the city into districts with boundaries described by subsection (c) or (d) unless the clerk of the city mails a written notice to the circuit court clerk. The notice must:

- (1) state that the legislative body is considering the adoption of an ordinance described by this subsection; and
- (2) be mailed not later than ten (10) days before the legislative body adopts the ordinance.

(g) The division under subsection (b) or (j) shall be made:

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- (1) during the second year after a year in which a federal decennial census is conducted; and
- (2) when required to assign annexed territory to a district.

This division may be made at any other time, subject to IC 3-11-1.5-32.

(h) This subsection does not apply to a city with an ordinance described by subsection (j). The legislative body is composed of four (4) members elected from the districts established under subsection (b) and one (1) at-large member.

(i) This subsection does not apply to a city with an ordinance described by subsection (j). Each voter may vote for one (1) candidate for at-large membership and one (1) candidate from the district in which the voter resides. The at-large candidate receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(j) A city may adopt an ordinance under this subsection to divide the city into three (3) districts that:

- (1) are composed of contiguous territory, except for territory that is not contiguous to any other part of the city;
- (2) are reasonably compact;
- (3) do not cross precinct boundary lines, except as provided in subsection (c) or (d); and
- (4) contain, as nearly as is possible, equal population.

(k) This subsection applies to a city with an ordinance described by subsection (j). The legislative body is composed of three (3) members elected from the districts established under subsection (j) and two (2) at-large members.

(l) This subsection applies to a city with an ordinance described by subsection (j). Each voter of the city may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The two (2) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(m) This subsection applies to a city having a population of less than seven thousand (7,000). A legislative body of such a city that has, by resolution adopted before May 7, 1991, decided to continue an election process that permits each voter of the city to vote for one (1) candidate at large and one (1) candidate from each of its four (4) council districts may hold elections using that voting arrangement. The at-large candidate and the candidate from each district receiving the most votes from the whole city are elected to the legislative body. The districts established in cities adopting such a resolution may cross precinct

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boundary lines.

(n) A copy of the ordinance establishing districts under this section must be filed with the circuit court clerk of the county that contains the greatest population of the city not later than thirty (30) days after the ordinance is adopted.

(o) If any territory in the city is not included in one (1) of the districts established under this section, the territory is included in the district that:

- (1) is contiguous to that territory; and
- (2) contains the least population of all districts contiguous to that territory.

(p) If any territory in the city is included in more than one (1) of the districts established under this section, the territory is included in the district that:

- (1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;
- (2) is contiguous to that territory; and (3) contains the least population of all districts contiguous to that territory."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1030 as printed February 12, 2010.)

BRODEN

SENATE MOTION

Madam President: I move that Engrossed House Bill 1030 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-1.5-4-5, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: Sec. 5. (a) Except as provided in subsection (b), a reorganization approved under this chapter takes effect when all of the following have occurred:

- (1) The later of:
 - (A) the date that a copy of a joint certification from the county election board in each county in which reorganizing political subdivisions are located that indicates that:
 - (i) the reorganization has been approved by the voters of each reorganizing political subdivision; or
 - (ii) in the case of a reorganization described in section



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1(a)(9) of this chapter, the reorganization has been approved as set forth in section 32(b) of this chapter;

is recorded as required by section 31 of this chapter; or

(B) the date specified in the finally adopted plan of reorganization.

(2) The appointed or elected officers of the reorganized political subdivision are elected (as prescribed by section 36 of this chapter) or appointed and qualified, if:

(A) the reorganized political subdivision is a new political subdivision and reorganizing political subdivisions are not being consolidated into one (1) of the reorganizing political subdivisions;

(B) the reorganized political subdivision will have different boundaries than any of the reorganizing political subdivisions;

(C) the reorganized political subdivision will have different appointment or election districts than any of the reorganizing political subdivisions; or

(D) the finally adopted plan of reorganization requires new appointed or elected officers before the reorganization becomes effective.

(b) A reorganization approved under this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. A consolidation that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 21 of the year in which a federal decennial census is conducted.

(c) Notwithstanding subsection (b) as that subsection existed on December 31, 2009, a reorganization that took effect January 2, 2010, because of the application of subsection (b), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without the adoption of an amended reorganization plan."

Page 4, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 5. IC 36-2-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:

Sec. 2. (a) If the resident voters in a specified territory in two (2) or more contiguous counties desire to change the boundaries of their respective counties, they may file a petition with the executives of their respective counties requesting that the territory be transferred. The petition must:

(1) be signed by at least the number of voters resident in the territory requested to be transferred required to place a candidate

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- on the ballot under IC 3-8-6-3;
- (2) contain a clear, distinct description of the requested boundary change; and
- (3) not propose to decrease the area of any county below four hundred (400) square miles in compliance with Article 15, Section 7 of the Constitution of the State of Indiana.

(b) Whenever a petition under subsection (a) is filed with a county executive, the executive shall determine, at its first meeting after the petition is filed:

- (1) whether the signatures on the petition are genuine; and
- (2) whether the petition complies with subsection (a).

(c) If the determinations under subsection (b) are affirmative, the executive shall certify the question to the county election board of each affected county. The county election boards shall jointly order a special election to be held, scheduling the election so that the election is held on the same date in each county interested in the change, but not later than thirty (30) days and not on the same date as a general election. The election shall be conducted under IC 3-10-8-6. All voters of each interested county are entitled to vote on the question. The question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the boundaries of _____ County and _____ County change?".

(d) After an election under subsection (c), the clerk of each county shall make a certified copy of the election returns and not later than five (5) days after the election file the copy with the auditor of the county. The auditor shall, not later than five (5) days after the filing of the returns in the auditor's office, make a true and complete copy of the returns, certified under the auditor's hand and seal, and deposit the copy with the auditor of every other county interested in the change.

(e) After copies have been filed under subsection (d), the auditor of each county shall call a meeting of the executive of the county, which shall examine the returns. If a majority of the voters of each interested county voted in favor of change, the executive shall:

- (1) enter an order declaring their boundaries to be changed as described in the petition; and
- (2) if the county has received territory from the transfer, adopt revised descriptions of:

(A) county commissioner districts under IC 36-2-2-4; and

(B) county council districts under IC 36-2-3-4;

so that the transferred territory is assigned to at least one (1) county commissioner district and at least one (1) county council district.

(f) The executive of each county shall file a copy of the order

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described in subsection (e)(1) with:

- (1) the office of the secretary of state; and
- (2) the circuit court clerk of the county.

Except as provided in subsection (g), the transfer of territory becomes effective when the last county order is filed under this subsection.

(g) An order declaring county boundaries to be changed may not take effect during the year preceding a year in which a federal decennial census is conducted. An order that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2nd 1 of the year in which a federal decennial census is conducted.

(h) An election under this section may be held only once every three (3) years.

(i) Notwithstanding subsection (g) as that subsection existed on December 31, 2009, a boundary change that took effect January 2, 2010, because of the application of subsection (g), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without an amended order or any other additional action being required."

Page 6, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 7. IC 36-3-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:

Sec. 7. (a) This section governs the transfer of territory that is either:

- (1) inside the corporate boundaries of the consolidated city and contiguous to an excluded city; or
- (2) inside the corporate boundaries of an excluded city and contiguous to the consolidated city.

IC 36-4-3 does not apply to such a transfer.

(b) If the owners of land located in territory described in subsection (a) want to have that territory transferred from one (1) municipality to the other, they must file:

- (1) a petition for annexation of that territory with the legislative body of the contiguous municipality; and
- (2) a petition for disannexation of that territory with the legislative body of the municipality containing that territory.

Each petition must be signed by at least fifty-one percent (51%) of the owners of land in the territory sought to be transferred. The territory must be reasonably compact in configuration, and its boundaries must generally follow streets or natural boundaries.

(c) Each legislative body shall, not later than sixty (60) days after a petition is filed with it under subsection (b), either approve or disapprove the petition, with the following results:

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(1) Except as provided in subsection (g), if both legislative bodies approve, the transfer of territory takes effect:

(A) on the effective date of the approval of the latter legislative body to act; and

(B) when a copy of each transfer approval has been filed under subsection (f).

(2) If the legislative body of the contiguous municipality disapproves or fails to act within the prescribed period, the proceedings are terminated.

(3) If the legislative body of the contiguous municipality approves but the legislative body of the other municipality disapproves or fails to act within the prescribed period, the proceedings are terminated unless there is an appeal under subsection (d).

(d) In the case described by subsection (c)(3), the petitioners may, not later than sixty (60) days after the disapproval or expiration of the prescribed period, appeal to the circuit court. The appeal must allege that the benefits to be derived by the petitioners from the transfer outweigh the detriments to the municipality that has failed to approve, which is defendant in the appeal.

(e) The court shall try an appeal under subsection (d) as other civil actions, but without a jury. If the court determines that:

(1) the requirements of this section have been met; and

(2) the benefits to be derived by the petitioners outweigh the detriments to the municipality;

it shall order the transfer of territory to take effect on the date its order becomes final, subject to subsection (g), and shall file the order under subsection (f). However, if the municipality, or a district of it, is furnishing sanitary sewer service or municipal water service in the territory, or otherwise has expended substantial sums for public facilities (other than roads) specially benefiting the territory, the court shall deny the transfer.

(f) A municipal legislative body that approves a transfer of territory under subsection (c) or a court that approves a transfer under subsection (e) shall file a copy of the approval or order, setting forth a legal description of the territory to be transferred, with:

(1) the office of the secretary of state; and

(2) the circuit court clerk of each county in which the municipality is located.

(g) A transfer of territory under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A transfer of territory that would otherwise take effect during the year preceding a year in which a federal decennial census is

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conducted takes effect January \pm 1 of the year in which a federal decennial census is conducted.

(h) A petition for annexation or disannexation under this section may not be filed with respect to land as to which a transfer of territory has been disapproved or denied within the preceding three (3) years.

(i) The legislative body of a municipality annexing territory under this section shall assign the territory to at least one (1) municipal legislative body district under IC 36-3-4-3 or IC 36-4-6 not later than thirty (30) days after the transfer of territory becomes effective under this section.

(j) Notwithstanding subsection (g) as that subsection existed on December 31, 2009, a transfer of territory that took effect January 2, 2010, because of the application of subsection (g), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required.

SECTION 8. IC 36-4-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: 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, as prescribed by section 13 of this chapter; and
- (2) a copy of the agreement under section 2 of this chapter or the certified election results under section 7 of this chapter are filed with:

- (A) the office of the secretary of state; and
- (B) the circuit court clerk of each county in which the municipality is located.

(b) On the effective date of the merger, the merging municipalities cease to exist and are merged into a single municipality of the class created by the combined population of the merging municipalities. The new municipality shall be governed by the laws applicable to that class.

(c) A merger approved under this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. A merger that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January \pm 1 of the year in which a federal decennial census is conducted.

(d) Notwithstanding subsection (c) as that subsection existed on December 31, 2009, a merger that took effect January 2, 2010, because of the application of subsection (c), as that subsection existed on December 31, 2009, is instead considered to take effect

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January 1, 2010, without any additional action being required.

SECTION 9. IC 36-4-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: Sec. 7. (a) After an ordinance is adopted under section 3, 4, 5, or 5.1 of this chapter, it must be published in the manner prescribed by IC 5-3-1. Except as provided in subsection (b), (c), or (f), in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter, the ordinance takes effect at least ninety (90) days after its publication and upon the filing required by section 22(a) of this chapter.

(b) An ordinance described in subsection (d) or adopted under section 3, 4, 5, or 5.1 of this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. An ordinance that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January ~~2~~ **1** of the year in which a federal decennial census is conducted.

(c) Subsections (d) and (e) apply to fire protection districts that are established after June 14, 1987.

(d) Except as provided in subsection (b), whenever a municipality annexes territory, all or part of which lies within a fire protection district (IC 36-8-11), the annexation ordinance (in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter) takes effect the second January 1 that follows the date the ordinance is adopted and upon the filing required by section 22(a) of this chapter. The municipality shall:

- (1) provide fire protection to that territory beginning the date the ordinance is effective; and
- (2) send written notice to the fire protection district of the date the municipality will begin to provide fire protection to the annexed territory within ten (10) days of the date the ordinance is adopted.

(e) If the fire protection district from which a municipality annexes territory under subsection (d) is indebted or has outstanding unpaid bonds or other obligations at the time the annexation is effective, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the annexed territory (that is part of the fire protection district) bears to the assessed valuation of all property in the fire protection district, as shown by the most recent assessment for taxation before the annexation, unless the assessed property within the municipality is already liable for the indebtedness. The annexing municipality shall pay its indebtedness under this section to the board of fire trustees. If the indebtedness consists of outstanding unpaid bonds or notes of the fire protection

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district, the payments to the board of fire trustees shall be made as the principal or interest on the bonds or notes becomes due.

(f) This subsection applies to an annexation initiated by property owners under section 5.1 of this chapter in which all property owners within the area to be annexed petition the municipality to be annexed. Subject to subsections (b) and (d), and in the absence of an appeal under section 15.5 of this chapter, an annexation ordinance takes effect at least thirty (30) days after its publication and upon the filing required by section 22(a) of this chapter.

SECTION 10. IC 36-4-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:

Sec. 12. (a) The circuit or superior court shall:

- (1) on the date fixed under section 11 of this chapter, hear and determine the remonstrance without a jury; and
- (2) without delay, enter judgment on the question of the annexation according to the evidence that either party may introduce.

(b) If the court enters judgment in favor of the annexation, the annexation may not take effect during the year preceding the year in which a federal decennial census is conducted. An annexation that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 21 of the year in which a federal decennial census is conducted.

SECTION 11. IC 36-4-3-15.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:

Sec. 15.5. (a) Except as provided in subsection (b), an owner of land within one-half (1/2) mile of territory proposed to be annexed under this chapter may, not later than sixty (60) days after the publication of the annexation ordinance, appeal that annexation to a circuit court or superior court of a county in which the annexed territory is located. The complaint must state that the reason the annexation should not take place is that the territory sought to be annexed is not contiguous to the annexing municipality.

(b) This subsection applies to an annexation initiated by property owners under section 5.1 of this chapter in which all property owners within the area to be annexed petition the municipality to be annexed. An owner of land within one-half (1/2) mile of the territory proposed to be annexed under this chapter may, not later than thirty (30) days after the publication of the annexation ordinance, appeal that annexation to a circuit court or superior court of a county in which the annexed territory is located. The complaint must state that the reason the annexation should not take place is that the territory sought to be

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annexed is not contiguous to the annexing municipality.

(c) Upon the determination of the court that the complaint is sufficient, the judge shall fix a time for a hearing to be held not later than sixty (60) days after the determination. Notice of the proceedings shall be served by summons upon the proper officers of the annexing municipality. The municipality shall become a defendant in the cause and be required to appear and answer. The judge of the circuit or superior court shall, upon the date fixed, proceed to hear and determine the appeal without a jury, and shall, without delay, give judgment upon the question of the annexation according to the evidence introduced by the parties. If the evidence establishes that the territory sought to be annexed is contiguous to the annexing municipality, the court shall deny the appeal and dismiss the proceeding. If the evidence does not establish the foregoing factor, the court shall issue an order to prevent the proposed annexation from taking effect. The laws providing for change of venue from the county do not apply, but changes of venue from the judge may be had. Costs follow judgment. Pending the appeal, and during the time within which the appeal may be taken, the territory sought to be annexed is not a part of the annexing municipality.

(d) If the court enters a judgment in favor of the municipality, the annexation may not take effect during the year preceding a year in which a federal decennial census is conducted. An annexation that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

SECTION 12. IC 36-4-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 Sec. 19. (a) If disannexation is ordered under this chapter by the works board of a municipality and no appeal is taken, the clerk of the municipality shall, without compensation and not later than ten (10) days after the order is made, make and certify a complete transcript of the disannexation proceedings to the auditor of each county in which the disannexed lots or lands lie and to the office of the secretary of state. The county auditor shall list those lots or lands appropriately for taxation. The proceedings of the works board shall not be certified to the county auditor or to the office of the secretary of state if an appeal to the circuit court has been taken.

(b) In all proceedings begun in or appealed to the circuit court, if vacation or disannexation is ordered, the clerk of the court shall immediately after the judgment of the court, or after a decision on appeal to the supreme court or court of appeals if the judgment on appeal is not reversed, certify the judgment of the circuit court, as

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affirmed or modified, to each of the following:

- (1) The auditor of each county in which the lands or lots affected lie, on receipt of one dollar (\$1) for the making and certifying of the transcript from the petitioners for the disannexation.
- (2) The office of the secretary of state.
- (3) The circuit court clerk of each county in which the lands or lots affected are located.
- (4) The county election board of each county in which the lands or lots affected are located.
- (5) If a board of registration exists, the board of each county in which the lands or lots affected are located.
- (6) The office of census data established by IC 2-5-1.1-12.2.

(c) The county auditor shall forward a list of lots or lands disannexed under this section to the following:

- (1) The county highway department of each county in which the lands or lots affected are located.
- (2) The county surveyor of each county in which the lands or lots affected are located.
- (3) Each plan commission, if any, that lost or gained jurisdiction over the disannexed territory.
- (4) The township trustee of each township that lost or gained jurisdiction over the disannexed territory.
- (5) The sheriff of each county in which the lands or lots affected are located.
- (6) The office of the secretary of state.
- (7) The office of census data established by IC 2-5-1.1-12.2.

The county auditor may require the clerk of the municipality to furnish an adequate number of copies of the list of disannexed lots or lands or may charge the clerk a fee for photoreproduction of the list.

(d) A disannexation described by this section takes effect upon the clerk of the municipality filing the order with:

- (1) the county auditor of each county in which the annexed territory is located; and
- (2) the circuit court clerk, or if a board of registration exists, the board of each county in which the annexed territory is located.

(e) The clerk of the municipality shall notify the office of the secretary of state and the office of census data established by IC 2-5-1.1-12.2 of the date a disannexation is effective under this chapter.

(f) A disannexation order under this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. A disannexation order that would otherwise take effect

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during the year preceding a year in which a federal decennial census is conducted takes effect January 2 1 of the year in which a federal decennial census is conducted.

SECTION 13. IC 36-4-3-23 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:** **Sec. 23. Notwithstanding sections 7, 12, 15.5, and 19 of this chapter, as those sections existed on December 31, 2009, an annexation or disannexation that took effect January 2, 2010, because of the application of section 7(b), 12(b), 15.5(d), or 19(f) of this chapter, as those sections existed on December 31, 2009, is instead considered to take effect January 1, 2010, without the adoption of an amended ordinance or the entry of an amended judgment or order under this chapter.**

SECTION 14. IC 36-5-1-10.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: Sec. 10.1. (a) Except as provided in subsection (g), if the county executive makes the findings required by section 8 of this chapter, it may adopt an ordinance incorporating the town. The ordinance must:

(1) provide that:

(A) all members of the town legislative body are to be elected at large (if the town would have a population of less than three thousand five hundred (3,500)); or

(B) divide the town into not less than three (3) nor more than seven (7) districts; and

(2) direct the county election board to conduct an election in the town on the date of the next general or municipal election to be held in any precincts in the county.

An election conducted under this section must comply with IC 3 concerning town elections. If, on the date that an ordinance was adopted under this section, absentee ballots for a general or municipal election have been delivered under IC 3-11-4-15 for voters within a precinct in the town, the election must be conducted on the date of the next general or municipal election held in any precincts in the county after the election for which absentee balloting is being conducted. However, a primary election may not be conducted before an election conducted under this section, regardless of the population of the town.

(b) Districts established by an ordinance adopted under this section must comply with IC 3-11-1.5.

(c) If any territory in the town is not included in one (1) of the districts established under this section, the territory is included in the district that:

(1) is contiguous to that territory; and

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(2) contains the least population of all districts contiguous to that territory.

(d) If any territory in the town is included in more than one (1) of the districts established under this section, the territory is included in the district that:

- (1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;
- (2) is contiguous to that territory; and
- (3) contains the least population of all districts contiguous to that territory.

(e) Except as provided in subsection (f), an ordinance adopted under this section becomes effective when filed with:

- (1) the office of the secretary of state; and
- (2) the circuit court clerk of each county in which the town is located.

(f) An ordinance incorporating a town under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. An ordinance under this section that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2nd 1 of the year in which a federal decennial census is conducted.

(g) Proceedings to incorporate a town across county boundaries must have the approval of the county executive of each county that contains a part of the proposed town. Each county that contains a part of the proposed town must adopt identical ordinances providing for the incorporation of the town.

(h) Notwithstanding subsection (f) as that subsection existed on December 31, 2009, an ordinance that took effect January 2, 2010, because of the application of subsection (f), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without the adoption of an ordinance or an amended ordinance or any other additional action being required.

SECTION 15. IC 36-5-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:

Sec. 18. (a) If at least two-thirds (2/3) of the votes cast in an election under section 16 of this chapter are affirmative, and at least four-fifths (4/5) of all the voters listed in the census voted in the election, the dissolution or change of name takes effect in the manner prescribed by this section.

(b) A change of name takes effect thirty (30) days after the filing of the statement required by section 17 of this chapter.

(c) Except as provided in subsection (d), a dissolution takes effect

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six (6) months after the filing of the statement required by section 17 of this chapter. The property owned by the town after payment of debts and liabilities shall be disposed of in the manner chosen by a majority of the voters of the town at a special election for that purpose. Dissolution of a town does not affect the validity of a contract to which the town is a party.

(d) A dissolution under this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. A dissolution that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.

(e) Notwithstanding subsection (d) as that subsection existed on December 31, 2009, a dissolution that took effect January 2, 2010, because of the application of subsection (d), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required.

SECTION 16. IC 36-5-1.1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
 Sec. 9. (a) A person aggrieved by a decision made by the county executive under section 6 of this chapter may, within thirty (30) days, appeal that decision or result to the circuit court for the county containing more than fifty percent (50%) in assessed valuation of the land in the town. The appeal is instituted by giving written notice to the clerk of the circuit court and filing with the county executive a bond for five hundred dollars (\$500), with surety approved by the county executive. The bond must provide:

- (1) that the appeal will be duly prosecuted; and
- (2) that the appellants will pay all costs if the appeal is decided against them.

(b) When an appeal is instituted, the county executive shall file with the clerk of the circuit court a transcript of all proceedings in the case, together with all papers filed in the case. The county executive may not take further action in the case until the appeal is heard and determined.

(c) An appeal under this section shall be heard by the circuit court without a jury. Change of venue from the judge may be granted, but change of venue from the county may not be granted. If the court orders the dissolution to take place, the circuit court clerk shall, immediately after the judgment of the court, certify the judgment of the circuit court to:

- (1) the clerk of the municipality;
- (2) the circuit court clerk of any other county in which the town

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is located; and

(3) the office of the secretary of state.

(d) Except as provided in subsection (e), the dissolution takes effect sixty (60) days after the order is certified.

(e) A dissolution under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A dissolution under this section that would otherwise take effect during the year preceding the year in which the federal decennial census is conducted takes effect January 2 1 of the year in which a federal decennial census is conducted.

(f) Notwithstanding subsection (e) as that subsection existed on December 31, 2009, a dissolution that took effect January 2, 2010, because of the application of subsection (e), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required.

SECTION 17. IC 36-5-1.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
Sec. 10. (a) If the county executive approves dissolution under section 6 of this chapter, the county executive shall adopt:

- (1) an ordinance; or
- (2) an order in a county having a consolidated city;

dissolving the town.

(b) Except as provided in subsection (e), a dissolution takes effect:

- (1) at least sixty (60) days after the ordinance or order under subsection (a) is adopted; and
- (2) when the county auditor files a copy of the ordinance or order with:

- (A) the circuit court clerk of each county in which the town is located; and
- (B) the office of the secretary of state.

(c) The property owned by the town after payment of debts and liabilities shall be disposed of by the county executive. Any proceeds remaining shall be deposited in the county general fund. Dissolution of a town does not affect the validity of a contract to which the town is a party.

(d) After dissolution, the books and records of the town become the property of the county executive for safekeeping.

(e) A dissolution under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A dissolution under this section that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 1 of the year in which a federal

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decennial census is conducted.

(f) Notwithstanding subsection (e) as that subsection existed on December 31, 2009, a dissolution that took effect January 2, 2010, because of the application of subsection (e), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required.

SECTION 18. IC 36-5-1.1-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
Sec. 10.5. (a) This section applies to the dissolution of an included town.

(b) The town legislative body may adopt a resolution to consider dissolution of the town under this section. The resolution must state the following:

- (1) That the town legislative body conduct a public hearing at a stated date, place, and time concerning the dissolution of the town.
- (2) That the town legislative body will hear all statements presented in favor of or in opposition to dissolution.
- (3) That the town legislative body may adopt an ordinance to dissolve the town at the conclusion of the public hearing.

(c) The town clerk shall publish a notice of the public hearing in accordance with IC 5-3-1.

(d) The town legislative body may continue a public hearing under this section. If a hearing is continued, the clerk is not required to publish an additional notice under subsection (c).

(e) The town legislative body may adopt an ordinance following the conclusion of the public hearing under subsection (b). The town clerk shall file a copy of the ordinance with:

- (1) the circuit court clerk of the county; and
- (2) the office of the secretary of state.

(f) Except as provided in subsection (g), the ordinance dissolving the town takes effect:

- (1) at least sixty (60) days after adoption; and
- (2) when the ordinance is filed under subsection (e).

(g) A dissolution under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A dissolution under this section that would otherwise take effect during the year preceding a year in which the federal decennial census is conducted takes effect January 2 1 of the year in which a federal decennial census is conducted.

(h) When an ordinance dissolving a town becomes effective:

- (1) the territory included within the town when the ordinance was

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adopted becomes a part of the consolidated city;

(2) the books and records of the town become the property of the county executive;

(3) the property owned by the town after payment of debts and liabilities shall be disposed of by the county executive; and

(4) the county executive shall deposit any proceeds remaining after payment of debts and liabilities into the county general fund.

(i) The dissolution of a town under this section does not affect the validity of a contract to which the town is a party.

(j) Notwithstanding subsection (g) as that subsection existed on December 31, 2009, a dissolution that took effect January 2, 2010, because of the application of subsection (g), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required.

SECTION 19. IC 36-5-1.1-10.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
Sec. 10.6. (a) This section applies to included towns.

(b) The dissolution of a town under this section may be instituted by filing a petition with the county board of registration. The petition must be signed by at least the number of the registered voters of the town required to place a candidate on the ballot under IC 3-8-6-3. The petition must be filed not later than June 1 of a year in which a general or municipal election will be held.

(c) If a petition meets the criteria set forth in subsection (b), the county board of registration shall certify the public question to the county election board under IC 3-10-9-3. The county election board shall place the question of dissolution on the ballot provided for voters in the included town at the first general or municipal election following certification. The question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the town of _____ dissolve?".

(d) If the public question is approved by a majority of the voters voting on the question, the county election board shall file a copy of the certification prepared under IC 3-12-4-9 concerning the public question described by this section with the following:

(1) The circuit court clerk of the county.

(2) The office of the secretary of state.

(e) Except as provided in subsection (f), dissolution occurs:

(1) at least sixty (60) days after certification under IC 3-12-4-9; and

(2) when the certification is filed under subsection (d).

(f) A dissolution under this section may not take effect during the

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year preceding a year in which a federal decennial census is conducted. A dissolution under this section that would otherwise take effect during the year preceding a year in which the federal decennial census is conducted takes effect January 2 1 of the year in which a federal decennial census is conducted.

(g) When a town is dissolved under this section:

- (1) the territory included within the town when the ordinance was adopted becomes a part of the consolidated city;
- (2) the books and records of the town become the property of the county executive;
- (3) the property owned by the town after payment of debts and liabilities shall be disposed of by the county executive; and
- (4) the county executive shall deposit any proceeds remaining after payment of debts and liabilities into the county general fund.

(h) The dissolution of a town under this section does not affect the validity of a contract to which the town is a party.

(i) Notwithstanding subsection (f) as that subsection existed on December 31, 2009, a dissolution that took effect January 2, 2010, because of the application of subsection (f), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required.

SECTION 20. IC 36-6-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]:
Sec. 3. (a) When part of a township is owned by the state or the United States, devoted to a public use, and withdrawn from taxation for local purposes, and:

- (1) less than eighteen (18) square miles of the township remains subject to taxation; or
- (2) the township is divided into two (2) or more separate sections by the government owned part;

the county executive may issue an order to alter the boundaries of the township and adjoining townships on receipt of a petition signed by at least thirty-five percent (35%) of the resident freeholders of a part of the township adjoining another township.

(b) Except as provided in subsection (c), a boundary alteration under this section is effective when a copy of the order is filed with:

- (1) the circuit court clerk; and
- (2) the office of the secretary of state.

(c) A boundary alteration under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A boundary alteration that would otherwise take effect during the year preceding a year in which a federal decennial census is

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conducted takes effect January 2 1 of the year in which a federal decennial census is conducted.

(d) Notwithstanding subsection (c) as that subsection existed on December 31, 2009, a boundary alteration that took effect January 2, 2010, because of the application of subsection (c), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without any additional action being required."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1030 as printed February 12, 2010.)

KENLEY

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SENATE MOTION

Madam President: I move that Engrossed House Bill 1030 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-1-9-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 13. (a) Legislative and congressional districts established under this article must satisfy the following standards:**

- (1) Districts must preserve traditional neighborhoods.**
- (2) Districts must preserve local communities of interest based upon cultural, ethnic, geographic, and socioeconomic similarities.**
- (3) Districts must protect minority voting rights consistent with Indiana and federal law, as interpreted by the Indiana and federal courts.**
- (4) Districts must be compact, particularly where population density is greatest, to avoid dividing communities of interest.**
- (5) Districts must have simple shapes. However, rational and logical deviations may occur in a district's boundaries to follow a political subdivision's boundaries or to follow natural geographic boundaries.**
- (6) Districts must respect county boundary lines. However, a district boundary may cross a county boundary to preserve**



economic, social, and geographic populations and to approximate the ideal population of the district as closely as possible. The number of counties used to comprise a district should be kept to a minimum, and the counties within a district should be as contiguous as possible.

(7) To prevent division of communities of interest, prevent voter confusion, and minimize administrative costs of elections, districts must, when practicable, not divide precincts.

(b) Districts may deviate from the standards stated in subsection (a) and may satisfy other factors when appropriate.

SECTION 2. IC 2-5.5-5.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 5.6. Redistricting Study Committee

Sec. 1. The redistricting study committee is established.

Sec. 2. The committee consists of the following members:

(1) Four (4) members of the senate appointed by the president pro tempore of the senate. Not more than two (2) members of the committee appointed under this subdivision may be members of the same political party.

(2) Four (4) members of the house of representatives appointed by the speaker of the house of representatives. Not more than two (2) members of the committee appointed under this subdivision may be members of the same political party.

(3) The following members:

(A) Two (2) citizens of Indiana appointed by the president pro tempore of the senate.

(B) Two (2) citizens of Indiana appointed by the speaker of the house of representatives.

(C) Two (2) citizens of Indiana appointed by the minority leader of the senate.

(D) Two (2) citizens of Indiana appointed by the minority leader of the house of representatives.

(4) The chief justice of the supreme court.

Sec. 3. The chief justice of the supreme court is the chair of the committee.

Sec. 4. The committee shall do the following:

(1) Study the topic of redistricting and make recommendations on ways to improve the redistricting process, including a review of:

(A) computer programs that are available to assist in the

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redistricting process; and

(B) methods that are available to include the public in the redistricting process.

(2) Study proposals to amend the Constitution of the State of Indiana to establish an independent commission to draw legislative and congressional district boundaries, beginning with the 2021 redistricting.

(3) Prepare draft legislation to create a redistricting commission if the voters of Indiana adopt an amendment to the Constitution of the State of Indiana described in subdivision (2).

(4) Examine the successes and failures of redistricting commissions in other states and analyze the results of the 2010 election in Indiana and other states to make recommendations to the general assembly.

(5) Consider the following standards for drawing legislative and congressional districts:

(A) The first principle for redistricting should be that populations of House districts and Senate districts, respectively, should be as nearly equal as practicable.

(B) Because the protection of the representation and interests of the people of Indiana is of paramount importance, districts should not be drawn to improperly favor any person or political party.

(C) Traditional neighborhoods should be preserved.

(D) Local communities of interest based upon cultural, ethnic, geographic, and socioeconomic similarities should be preserved.

(E) Minority voting rights must be protected consistent with the Constitution of the United States and the Constitution of the State of Indiana, as interpreted by federal and Indiana courts.

(F) Districts should be compact, particularly where population density is greatest, to avoid dividing communities of interest.

(G) Districts should have simple shapes. However, rational and logical deviations may occur in a district's boundaries to follow a political subdivision's boundaries or to follow natural geographic boundaries.

(H) Districts must respect county boundary lines. However, a district boundary may cross a county boundary to preserve economic, social, and geographic

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populations and to approximate the ideal population of the district as closely as possible. The number of counties used to comprise a district should be kept to a minimum, and the counties within a district should be as contiguous as possible.

(I) To prevent division of communities of interest, prevent voter confusion, and minimize administrative costs of elections, districts must, when practicable, not divide precincts."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1030 as printed February 12, 2010.)

LANDSKE

SENATE MOTION

Madam President: I move that Engrossed House Bill 1030 be amended to read as follows:

Page 5, delete lines 20 through 24.

Page 5, line 25, delete "(c)" and insert "(b)".

Page 5, between lines 29 and 30, begin a new paragraph and insert:
"(c) This subsection applies to a member of a governing body elected at the 2010 primary election. The successor of such a member shall:

(1) be elected at the 2014 general election; and

(2) take office January 1, 2015."

Page 5, line 30, delete "2013." and insert "2015".

Page 5, line 36, delete "June 30, 2010," and insert "**January 1, 2011,**".

Page 5, line 40, delete "June 30, 2010," and insert "**January 1, 2011,**".

Page 6, line 2, delete "June 30, 2010." and insert "**January 1, 2011."**

Page 38, line 37, delete "2010" and insert "**2014**".

Page 41, line 42, delete "2010" and insert "**2014**".

(Reference is to EHB 1030 as reprinted February 19, 2010.)

LAWSON C

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