

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1030 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 3-5-2-1.7 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1.7. "Active voter"
- 5 refers to a voter who satisfies ~~either~~ **both** of the following:
- 6 (1) ~~The voter has registered or voted in any election during the~~
- 7 ~~preceding four (4) years at the address indicated on the voter's~~
- 8 ~~registration record on the computerized list maintained under~~
- 9 ~~IC 3-7-26.3 indicates that the voter is a legally registered~~
- 10 ~~voter.~~
- 11 (2) ~~The voter has not voted in any election during the preceding~~
- 12 ~~four (4) years at the address indicated on the voter's registration~~
- 13 ~~record and has responded in writing to an address confirmation~~
- 14 ~~notice sent under IC 3-7 not later than thirty (30) days after the~~
- 15 ~~notice was sent: not been identified on the computerized list~~
- 16 ~~maintained under IC 3-7-26.3 as inactive or canceled in~~
- 17 ~~accordance with federal or state law.~~
- 18 SECTION 2. IC 3-5-2-22 IS AMENDED TO READ AS FOLLOWS
- 19 [EFFECTIVE UPON PASSAGE]: Sec. 22. "Executive" means **the:**
- 20 (1) board of county commissioners, for a county ~~not having that:~~
- 21 **(A) does not have** a consolidated city; **and**
- 22 **(B) is not subject to IC 36-2-2.5;**
- 23 (2) **chief executive officer elected under IC 36-2-2.5, for a**
- 24 **county that:**
- 25 **(A) does not have a consolidated city; and**
- 26 **(B) is subject to IC 36-2-2.5;**
- 27 ~~(2) (3) mayor of the consolidated city, for a county having a~~
- 28 ~~consolidated city;~~
- 29 ~~(3) (4) mayor, for a city;~~
- 30 ~~(4) (5) president of the town council, for a town; or~~
- 31 ~~(5) (6) trustee, for a township.~~

1 SECTION 3. IC 3-5-2-49.9, AS AMENDED BY P.L.108-2008,
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2010]: Sec. 49.9. ~~(a)~~ "Vote center" means a polling place
 4 where a voter who resides in the county in which the vote center is
 5 located may vote without regard to the precinct in which the voter
 6 resides.

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

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

13 (1) IC 20-23-4-30.

14 (2) IC 20-23-7-8 (before its repeal on July 1, 2010) and
 15 IC 20-23-7-8.1 (after June 30, 2010).

16 (3) IC 20-23-8-8.

17 (4) IC 20-23-10-8.

18 (5) IC 20-23-12.

19 (6) IC 20-23-13.

20 (7) IC 20-23-14.

21 (8) IC 20-25-3-4.

22 (b) This subsection applies to a member of a governing body
 23 elected at the 2006 primary election. The successor of such a
 24 member shall:

25 (1) be elected at the 2010 general election; and

26 (2) take office January 1, 2011.

27 (c) This subsection applies to a member of a governing body
 28 elected at the 2008 primary election. The successor of such a
 29 member shall:

30 (1) be elected at the 2012 general election; and

31 (2) take office January 1, 2013.

32 (d) This section expires July 1, 2013.

33 SECTION 5. IC 3-5-9 IS ADDED TO THE INDIANA CODE AS
 34 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2010]:

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

37 **Sec. 1. (a) Except as provided in subsection (b), this chapter**
 38 **applies to a government employee who, after June 30, 2010,**
 39 **assumes an elected office of the political subdivision that employs**
 40 **the individual.**

41 (b) This chapter does not apply to a government employee who,
 42 on June 30, 2010, holds an elected office of the political subdivision
 43 that employs the individual, as long as the individual continues to:

44 (1) hold; or

45 (2) be reelected to;

46 the elected office the individual held on June 30, 2010.

47 **Sec. 2. This chapter does not prohibit a government employee**

1 from holding an elected office of a political subdivision other than
2 the political subdivision that employs the government employee.

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

5 (1) **The elected executive of a political subdivision.**

6 (2) **An elected member of the legislative body or fiscal body of**
7 **a political subdivision.**

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

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

14 SECTION 6. IC 3-8-1-21 IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) A candidate for the
16 office of county commissioner must:

17 (1) have resided in the county for at least one (1) year before the
18 election, as provided in Article 6, Section 4 of the Constitution of
19 the State of Indiana; and

20 (2) have resided in the district in which seeking election, if
21 applicable, for at least six (6) months before the election.

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

28 SECTION 7. IC 3-8-2-15 IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2010]: Sec. 15. (a) A person who files a
30 declaration of candidacy for an elected office for which a per diem or
31 salary is provided for by law is disqualified from filing a declaration of
32 candidacy for another office for which a per diem or salary is provided
33 for by law until the original declaration is withdrawn.

34 (b) A person may file both:

35 (1) a declaration of candidacy under this chapter for nomination
36 to a federal or state office; and

37 (2) a written request under IC 3-8-3-1 that the person's name be
38 placed on the ballot in a primary election as a candidate for
39 nomination for the office of President of the United States.

40 (c) A person may not file:

41 (1) a declaration of candidacy for a nomination; and

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

45 If a person files both a declaration of candidacy and a petition of
46 nomination described in this subsection, the matter shall be referred to
47 the county election board under section 18 of this chapter. The board

1 shall determine which document was most recently filed and shall
2 consider the previously filed document to have been withdrawn.

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

8 (1) The title of each office.

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

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

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

17 ~~(5) (4) The text of any public question to be placed on the ballot.~~

18 ~~(6) (5) The date of the primary election.~~

19 ~~(7) (6) The hours during which the polls will be open.~~

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

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

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

24 (A) with the election division; and

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

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

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

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

32 (1) compilation of the information described in subsection (a) has
33 occurred; or

34 (2) the board determines that it is impractical to recompile
35 completely revised information;

36 the board is only required to file a copy of the amendment with the
37 minutes of the board.

38 SECTION 9. IC 3-8-2.5 IS ADDED TO THE INDIANA CODE AS
39 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
40 1, 2010]:

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

42 **Sec. 1. This chapter applies to a candidate for a school board**
43 **office.**

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

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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**
- (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 _____

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

3 (1) Federal and state offices:

4 (A) President of the United States.

5 (B) United States Senator.

6 (C) Governor.

7 (D) United States Representative.

8 (2) Legislative offices:

9 (A) State senator.

10 (B) State representative.

11 (3) Circuit offices and county judicial offices:

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

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

18 (C) Judge of the probate court.

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

21 (E) Prosecuting attorney.

22 (F) Circuit court clerk.

23 (4) County offices:

24 (A) County auditor.

25 (B) County recorder.

26 (C) County treasurer.

27 (D) County sheriff.

28 (E) County coroner.

29 (F) County surveyor.

30 (G) County assessor.

31 (H) County commissioner, **except in a county that is subject**
 32 **to IC 36-2-2.5.**

33 **(I) County chief executive officer, in a county that is**
 34 **subject to IC 36-2-2.5.**

35 ~~(J)~~ (J) County council member.

36 **(5) City offices:**

37 **(A) Mayor.**

38 **(B) Clerk or clerk-treasurer.**

39 **(C) Judge of the city court.**

40 **(D) City-county council member or common council**
 41 **member.**

42 ~~(6)~~ **(6) Township offices:**

43 (A) Township assessor (only in a township referred to in
 44 IC 36-6-5-1(d)).

45 (B) Township trustee.

46 (C) Township board member.

47 (D) Judge of the small claims court.

- 1 (E) Constable of the small claims court.
- 2 ~~(6) City offices:~~
- 3 ~~(A) Mayor.~~
- 4 ~~(B) Clerk or clerk-treasurer.~~
- 5 ~~(C) Judge of the city court.~~
- 6 ~~(D) City-county council member or common council member.~~
- 7 (7) Town offices:
- 8 (A) Clerk-treasurer.
- 9 (B) Judge of the town court.
- 10 (C) Town council member.
- 11 (c) The political party offices with candidates for election shall be
- 12 placed on the primary election ballot in the following order after the
- 13 offices described in subsection (b):
- 14 (1) Precinct committeeman.
- 15 (2) State convention delegate.
- 16 (d) The following offices and public questions shall be placed on the
- 17 primary election ballot in the following order after the offices described
- 18 in subsection (c):
- 19 ~~(1) School board offices to be elected at the primary election.~~
- 20 ~~(2) Other (1) Local offices to be elected at the primary election.~~
- 21 ~~(3) (2) Local public questions.~~
- 22 (e) The offices and public questions described in subsection (d)
- 23 shall be placed:
- 24 (1) in a separate column on the ballot if voting is by paper ballot;
- 25 (2) after the offices described in subsection (c) in the form
- 26 specified in IC 3-11-13-11 if voting is by ballot card; or
- 27 (3) either:
- 28 (A) on a separate screen for each office or public question; or
- 29 (B) after the offices described in subsection (c) in the form
- 30 specified in IC 3-11-14-3.5;
- 31 if voting is by an electronic voting system.
- 32 (f) A public question shall be placed on the primary election ballot
- 33 in the following form:
- 34 (The explanatory text for the public question,
- 35 if required by law.)
- 36 "Shall (insert public question)?"
- 37 YES
- 38 NO
- 39 SECTION 11. IC 3-10-1-19.2 IS AMENDED TO READ AS
- 40 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 19.2. (a) Whenever
- 41 candidates are to be nominated for an office that includes more than
- 42 one (1) district, the districts shall be placed on the ballot in alphabetical
- 43 or numerical order, according to the designation given to the district.
- 44 (b) Whenever candidates are to be nominated for an office that
- 45 includes both an at-large member and a member representing a district,
- 46 the candidates seeking nomination as an at-large member shall be
- 47 placed on the ballot before candidates seeking nomination to represent

1 a district.

2 (c) ~~This subsection applies to a school board office or political~~
 3 ~~office to be elected at the primary election ballot.~~ Candidates for a
 4 ~~school board office or~~ a political party office shall be placed on the
 5 ballot in accordance with the rules applicable to candidates for
 6 nomination to an office under subsections (a) and (b).

7 SECTION 12. IC 3-10-1-32 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 32. Primary election
 9 returns must contain the whole number of votes cast for **each of the**
 10 **following:**

- 11 (1) Each candidate of each political party.
 12 (2) Each public question voted on at the primary election. ~~and~~
 13 (3) Each candidate for election to a ~~school board office or~~
 14 political party office.

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

- 20 (1) Clerk of the circuit court.
 21 (2) County auditor.
 22 (3) County recorder.
 23 (4) County treasurer.
 24 (5) County sheriff.
 25 (6) County coroner.
 26 (7) County surveyor.
 27 (8) County assessor.
 28 (9) County commissioner, **except in a county that is subject to**
 29 **IC 36-2-2.5.**
 30 **(10) County chief executive officer, in a county that is subject**
 31 **to IC 36-2-2.5.**
 32 ~~(10)~~ **(11)** County council member.
 33 ~~(11)~~ **(12)** Township trustee.
 34 ~~(12)~~ **(13)** Township board member.
 35 ~~(13)~~ **(14)** Township assessor (only in a township referred to in
 36 IC 36-6-5-1(d)).
 37 ~~(14)~~ **(15)** Judge of a small claims court.
 38 ~~(15)~~ **(16)** Constable of a small claims court.

39 SECTION 14. IC 3-11-2-12, AS AMENDED BY P.L.146-2008,
 40 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2010]: Sec. 12. The following offices shall be placed on the
 42 general election ballot in the following order:

- 43 (1) Federal and state offices:
 44 (A) President and Vice President of the United States.
 45 (B) United States Senator.
 46 (C) Governor and lieutenant governor.
 47 (D) Secretary of state.

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

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

9 SECTION 15. IC 3-11-8-10.3 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2010]: **Sec. 10.3. (a) As used in this section,**
 12 **"electronic poll list" refers to a poll list that is maintained in a**
 13 **computer data base.**

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

24 SECTION 16. IC 3-11-18-1, AS ADDED BY P.L.164-2006,
 25 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) This chapter applies to a
 27 county designated as a vote center ~~pilot~~ county under this chapter.

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

34 SECTION 17. IC 3-11-18-3, AS ADDED BY P.L.164-2006,
 35 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) ~~For~~ A county **must comply**
 37 **with this section to be designated become** a vote center ~~pilot~~ county.

- 38 (b) **As used in this section, "board" refers to either of the**
 39 **following:**
- 40 (1) The county election board. ~~or~~
- 41 (2) **The board of elections and registration established under**
 42 **IC 3-6-5.2 or IC 3-6-5.4.**
- 43 (c) **The board shall hold a public hearing to present a draft plan**
 44 **for administration of vote centers in the county.**
- 45 (d) **After presentation of the draft plan under subsection (c), the**
 46 **board shall accept written public comments on the draft plan.**
- 47 (e) **At least thirty (30) days after the hearing held under**

1 subsection (c), the board shall hold a public hearing to consider the
 2 draft plan, the written public comments, and any other public
 3 comment that the board may permit on the draft plan.

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

6 (1) Adopt an order approving the draft plan.

7 (2) Amend the draft plan and adopt an order approving the
 8 amended draft plan.

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

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

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

17 (1) a resolution adopted by the county executive; and

18 (2) a resolution adopted by the county fiscal body;

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

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

27 (1) The total number of vote centers to be established.

28 (2) The location of each vote center. and the municipality, if any,
 29 in which the vote center is located.

30 ~~(3) A list of each municipality within the county that is entitled to~~
 31 ~~conduct a municipal primary or municipal election, as of the date~~
 32 ~~of the application.~~

33 (3) The effective date of the order.

34 (4) The following information according to the computerized
 35 list (as defined in IC 3-7-26.3-2) as of the date of the order:

36 (A) The total number of voters within each municipality, as of
 37 the date of the application, and the county.

38 (B) The number of those active voters within each
 39 municipality designated as "active" and the county.

40 (C) The number of inactive according to voters within the
 41 county. voter registration office.

42 (5) For each vote center designated under subdivision (2), a list
 43 of the precincts whose polls will be located at the vote center.

44 (6) For each vote center designated under subdivision (2), the
 45 number of precinct election boards that will be appointed to
 46 administer an election at the vote center.

47 (7) For each precinct election board designated under subdivision

- 1 (6), the number and name of each precinct the precinct election
2 board will administer.
- 3 (8) For each vote center designated under subdivision (2), the
4 number and title of the precinct election officers who will be
5 appointed to serve at the vote center.
- 6 (9) For each vote center designated under subdivision (2):
7 (A) the number and type of ballot variations that will be
8 provided at the vote center; and
9 (B) whether these ballots will be:
10 (i) delivered to the vote center before the opening of the
11 polls; or
12 (ii) printed on demand for a voter's use.
- 13 (10) A detailed description of any hardware, firmware, or
14 software used:
15 (A) to create an electronic poll list for each precinct whose
16 polls are to be located at a vote center; or
17 (B) to establish a secure electronic connection between the
18 county election board and the precinct election officials
19 administering a vote center.
- 20 (11) A description of the equipment and procedures to be used to
21 ensure that information concerning a voter entered into any
22 electronic poll list used by precinct election officers at a vote
23 center is immediately accessible to:
24 (A) the county election board; and
25 (B) the electronic poll lists used by precinct election officers
26 at all other vote centers in the county.
- 27 (12) For each precinct designated under subdivision (5), the
28 number of electronic poll lists to be provided for the precinct.
- 29 (13) The security and contingency plans to be implemented by the
30 county to **do all of the following**:
31 (A) Prevent a disruption of the vote center process. ~~and~~
32 (B) Ensure that the election is properly conducted if a
33 disruption occurs.
34 (C) **Prevent access to an electronic poll list without the**
35 **coordinated action of two (2) precinct election officers who**
36 **are not members of the same political party.**
- 37 (14) A certification that the vote center complies with the
38 accessibility requirements applicable to polling places under
39 IC 3-11-8.
- 40 (15) A sketch depicting the planned layout of the vote center,
41 indicating the location of:
42 (A) equipment; and
43 (B) precinct election officers;
44 within the vote center.
- 45 (16) The total number of vote centers to be established at satellite
46 offices that are established under IC 3-11-10-26.3 to allow voters
47 to cast absentee ballots in accordance with IC 3-11.

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

5 SECTION 19. IC 3-11-18-5, AS ADDED BY P.L.164-2006,
 6 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2010]: Sec. 5. ~~(a) Except for a municipality~~
 8 ~~described in subsection (b);~~ A plan must provide a vote center for use
 9 by voters residing in ~~each municipality~~ within the county ~~conducting~~
 10 ~~a municipal primary or a municipal election for use in a primary,~~
 11 **general, or special election conducted on or after the effective date**
 12 **of the county election board's order.**

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

17 SECTION 20. IC 3-11-18-6, AS ADDED BY P.L.164-2006,
 18 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2010]: Sec. 6. When the total number of **active**
 20 voters **in the county** ~~designated under section 4(4) of this chapter as~~
 21 ~~"active"~~ equals at least twenty-five thousand (25,000), ~~in the~~
 22 ~~municipalities listed in the plan;~~ the following apply:

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

28 SECTION 21. IC 3-11-18-7, AS ADDED BY P.L.164-2006,
 29 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2010]: Sec. 7. Before ~~approving an application~~
 31 ~~to designate~~ **adopting an order designating** a county as a vote center
 32 ~~pilot county under this chapter,~~ the ~~secretary of state county election~~
 33 ~~board~~ must determine the following:

- 34 (1) That the secure electronic connection as described under
 35 section 4(10)(B) of this chapter is sufficient to prevent:
 36 (A) any voter from voting more than once; and
 37 (B) unauthorized access by any person to:
 38 (i) the electronic poll lists for a precinct whose polls are to
 39 be located at the vote center; or
 40 (ii) the computerized list of voters of the county.
 41 (2) That the planned design and location of the equipment and
 42 precinct officers will provide the most efficient access for:
 43 (A) voters to enter the polls, cast their ballots, and leave the
 44 vote center; and
 45 (B) precinct election officials, watchers, challengers, and
 46 pollbook holders to exercise their rights and perform their
 47 duties within the vote center.

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

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

10 **(1) rescinds the order designating the county as a vote center**
 11 **county; and**

12 **(2) files a copy of the document rescinding the order with the**
 13 **election division.**

14 SECTION 23. IC 3-11-18-11, AS ADDED BY P.L.164-2006,
 15 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2010]: Sec. 11. Except as otherwise provided
 17 by this chapter, the county shall administer an election conducted at a
 18 vote center in accordance with federal law, this title, and the plan
 19 ~~submitted~~ **adopted** with the ~~application~~ **county election board's order**
 20 under section 4 of this chapter.

21 SECTION 24. IC 3-11-18-12, AS ADDED BY P.L.164-2006,
 22 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2010]: Sec. 12. Notwithstanding any other law,
 24 a voter who resides in a vote center ~~pilot~~ county is entitled to cast an
 25 absentee ballot at a vote center located at a satellite office of the county
 26 election board established under IC 3-11-10-26.3 in the same manner
 27 and subject to the same restrictions applicable to a voter wishing to cast
 28 an absentee ballot before an absentee board located in the office of the
 29 circuit court clerk or board of elections and registration.

30 SECTION 25. IC 3-11-18-13, AS ADDED BY P.L.164-2006,
 31 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2010]: Sec. 13. Notwithstanding any other law,
 33 the electronic poll list used at each vote center:

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

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

38 ~~(2)~~ **(3)** may be in a format approved by the secretary of state.

39 SECTION 26. IC 3-11-18-14, AS ADDED BY P.L.164-2006,
 40 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2010]: Sec. 14. Notwithstanding any other law,
 42 including IC 3-11-8-2 and IC 3-14-2-11, a voter who resides in a vote
 43 center ~~pilot~~ county is entitled to cast a ballot at any vote center
 44 established in the county without regard to the precinct in which the
 45 voter resides.

46 SECTION 27. IC 3-11-18-16, AS ADDED BY P.L.164-2006,
 47 SECTION 119, IS AMENDED TO READ AS FOLLOWS

1 [EFFECTIVE JULY 1, 2010]: Sec. 16. The precinct election board
 2 administering an election at a vote center shall keep the ballots cast in
 3 each precinct separate from the ballots cast in any other precinct whose
 4 election is administered at the vote center, so that the votes cast for
 5 each candidate and on each public question in each of the precincts
 6 administered by the board may be determined **and included on the**
 7 **statement required by IC 3-12-4-9.**

8 SECTION 28. IC 3-11-18-17, AS ADDED BY P.L.164-2006,
 9 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2010]: Sec. 17. (a) ~~The secretary of state may~~
 11 ~~permit~~ A county ~~to~~ **may** amend a plan ~~submitted~~ **adopted with a**
 12 **county election board's order** under section 4 of this chapter.

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

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

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

20 (3) the ~~request~~ **amendment** must be filed with the ~~secretary of~~
 21 ~~state.~~ **election division.**

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

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

27 SECTION 29. IC 6-1.1-17-20, AS AMENDED BY
 28 P.L.182-2009(ss), SECTION 124, IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section
 30 applies to each governing body of a taxing unit that:

31 (1) is not comprised of a majority of officials who are elected to
 32 serve on the governing body; and

33 (2) either:

34 (A) is:

35 (i) a conservancy district subject to IC 14-33-9;

36 (ii) a solid waste management district subject to IC 13-21;

37 or

38 (iii) a fire protection district subject to IC 36-8-11-18; or

39 (B) has a percentage increase in the proposed budget for the
 40 taxing unit for the ensuing calendar year that is more than the
 41 result of:

42 (i) the assessed value growth quotient determined under
 43 IC 6-1.1-18.5-2 for the ensuing calendar year; minus

44 (ii) one (1).

45 For purposes of this section, an individual who qualifies to be
 46 appointed to a governing body or serves on a governing body because
 47 of the individual's status as an elected official of another taxing unit

1 shall be treated as an official who was not elected to serve on the
 2 governing body.

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

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

8 (c) If:

9 (1) the assessed valuation of a taxing unit is entirely contained
 10 within a city or town; or
 11 (2) the assessed valuation of a taxing unit is not entirely contained
 12 within a city or town but the taxing unit was originally established
 13 by the city or town;

14 the governing body shall submit its proposed budget and property tax
 15 levy to the city or town fiscal body. The proposed budget and levy shall
 16 be submitted at least thirty (30) days before the city or town fiscal body
 17 is required to hold budget approval hearings under this chapter.

18 **However, in the case of a public library that is subject to this**
 19 **section and is described in subdivision (2), the public library shall**
 20 **submit its proposed budget and property tax levy to the county**
 21 **fiscal body in the manner provided in subsection (d), rather than**
 22 **to the city or town fiscal body, if more than fifty percent (50%) of**
 23 **the parcels of real property within the jurisdiction of the public**
 24 **library are located outside the city or town.**

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

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

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

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

45 SECTION 2. IC 6-1.1-17-20.5, AS AMENDED BY
 46 P.L.182-2009(ss), SECTION 125, IS AMENDED TO READ AS
 47 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20.5. (a) This

1 section applies to the governing body of a taxing unit unless a majority
 2 of the governing body is comprised of officials who are elected to serve
 3 on the governing body. For purposes of this section, an individual who
 4 qualifies to be appointed to a governing body or serves on a governing
 5 body because of the individual's status as an elected official of another
 6 taxing unit shall be treated as an official who was not elected to serve
 7 on the governing body.

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

10 (1) a school corporation; or

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

13 (c) If:

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

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

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

22 **(d) However, in the case of a public library that is subject to this**
 23 **section and is described in subsection (c), the public library may**
 24 **not issue bonds or enter into a lease payable in whole or in part**
 25 **from property taxes unless it obtains the approval of the county**
 26 **fiscal body, rather than the city or town fiscal body, if more than**
 27 **fifty percent (50%) of the parcels of real property within the**
 28 **jurisdiction of the public library are located outside the city or**
 29 **town. The requirement that the public library must obtain the**
 30 **approval of the county fiscal body (rather than the city or town**
 31 **fiscal body) if more than fifty percent (50%) of the parcels of real**
 32 **property within the jurisdiction of the public library are located**
 33 **outside the city or town does not apply to the issuance of bonds or**
 34 **the execution of a lease:**

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

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

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

45 SECTION 29. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA
 46 CODE AS A NEW SECTION TO READ AS FOLLOWS
 47 [EFFECTIVE JULY 1, 2010]: **Sec. 22. (a) The ad valorem property**

1 tax levy limits imposed by this chapter do not apply to ad valorem
 2 property taxes imposed by a consolidated city to pay or fund any
 3 indebtedness assumed, defeased, paid, or refunded under
 4 IC 36-3-1-6.1.

5 (b) For purposes of this section:

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

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

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

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

25 SECTION 30. IC 13-11-2-74 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 74. "Executive"
 27 means the:

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

29 (A) does not have a consolidated city; and

30 (B) is not subject to IC 36-2-2.5;

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

33 (A) does not have a consolidated city; and

34 (B) is subject to IC 36-2-2.5;

35 ~~(3)~~ (3) mayor of the consolidated city, for a county having a
 36 consolidated city;

37 ~~(4)~~ (4) mayor of a city; or

38 ~~(5)~~ (5) president of the town council of a town.

39 SECTION 31. IC 20-23-4-12, AS AMENDED BY P.L.2-2006,
 40 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2010]: Sec. 12. (a) In formulating a preliminary reorganization
 42 plan and with respect to each of the community school corporations
 43 that are a part of the reorganization plan, the county committee shall
 44 determine the following:

45 (1) The name of the community school corporation.

46 (2) Subject to subsection (e), a general description of the
 47 boundaries of the community school corporation.

- 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;
- 43 (C) assessed valuation per student referred to in clause (B);
- 44 and
- 45 (D) property tax levies;
- 46 of each existing school corporation to which the plan applies.
- 47 (3) The:

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

1 services of the county surveyor in preparing a description of a boundary
2 line.

3 (f) A member of the board of school trustees:

4 (1) may not serve an appointive or elective term of more than four
5 (4) years; and

6 (2) may serve more than one (1) consecutive appointive or
7 elective term.

8 SECTION 32. IC 20-23-4-29.1 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2010]: **Sec. 29.1. (a) This section applies to**
11 **each school corporation.**

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

19 **(c) All nominations shall be listed for each office in the form**
20 **prescribed by IC 3-11-2, but without party designation. Voting and**
21 **tabulation of votes shall be conducted in the same manner as voting**
22 **and tabulation in general elections are conducted. The precinct**
23 **election boards serving in each county shall conduct the election**
24 **for members of the governing body. If a school corporation is**
25 **located in more than one (1) county, each county election board**
26 **shall print the ballots required for voters in that county to vote for**
27 **candidates for members of the governing body.**

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

33 **(e) If the plan provides that members of the governing body are**
34 **to be elected from residence districts by all voters in the**
35 **community school corporation, nominees for the governing body**
36 **shall be placed on the ballot in the form prescribed by IC 3-11-2,**
37 **by residence districts without party designation. The ballot must**
38 **state the number of members to be voted on and the maximum**
39 **number of members that may be elected from each residence**
40 **district as provided in the plan. A ballot is not valid if more than**
41 **the maximum number of members are voted on from a board**
42 **member residence district. The candidates who receive the most**
43 **votes are elected. However, if more than the maximum number**
44 **that may be elected from a residence district are among those**
45 **receiving the most votes, the candidates from the residence districts**
46 **exceeding the maximum number who receive the fewest votes shall**
47 **be eliminated in determining the candidates who are elected.**

48 **(f) If the plan provides that members of the governing body are**

1 to be elected from electoral districts solely by the voters of each
 2 district, nominees residing in each electoral district shall be placed
 3 on the ballot in the form prescribed by IC 3-11-2, without party
 4 designation. The ballot must state the number of members to be
 5 voted on from the electoral district. The candidates residing in the
 6 electoral district who receive the most votes are elected.

7 SECTION 33. IC 20-23-4-30, AS ADDED BY P.L.230-2005,
 8 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2010]: Sec. 30. (a) This section applies to each school
 10 corporation.

11 ~~(b)~~ If the governing body is to be elected at the primary election,
 12 each registered voter may vote in the governing body election without
 13 otherwise voting in the primary election.

14 ~~(c)~~ (b) If a tie vote occurs among any of the candidates, the tie vote
 15 shall be resolved under IC 3-12-9-4.

16 ~~(d)~~ (c) If after the first governing body takes office, there is a
 17 vacancy on the governing body for any reason, including the failure of
 18 the sufficient number of petitions for candidates being filed, whether
 19 the vacating member was elected or appointed, the remaining members
 20 of the governing body, whether or not a majority of the governing body,
 21 shall by a majority vote fill the vacancy by appointing a person from
 22 within the boundaries of the community school corporation to serve for
 23 the term or balance of the term. An individual appointed under this
 24 subsection must possess the qualifications provided for a regularly
 25 elected or appointed governing body member filling the office. If:

26 (1) a tie vote occurs among the members of the governing body
 27 under this subsection or IC 3-12-9-4; or

28 (2) the governing body fails to act within thirty (30) days after any
 29 vacancy occurs;

30 the judge of the circuit court in the county where the majority of
 31 registered voters of the school corporation reside shall make the
 32 appointment.

33 ~~(e)~~ (d) A vacancy in the governing body occurs if a member ceases
 34 to be a resident of any community school corporation. A vacancy does
 35 not occur when the member moves from a district of the school
 36 corporation from which the member was elected or appointed if the
 37 member continues to be a resident of the school corporation.

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

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

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

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

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

2 ~~(1) in November~~ take office and assume their duties on January
3 1 or July 1 after their election, as determined by the board of
4 school trustees before the election. ~~and~~

5 ~~(2) in May~~ take office and assume their duties on July ~~1~~ after their
6 election:

7 SECTION 34. IC 20-23-7-6, AS ADDED BY P.L.1-2005,
8 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2010]: Sec. 6. (a) The first metropolitan board of education
10 shall be composed of the:

11 (1) trustees; and

12 (2) members of school boards;

13 of the school corporations forming the metropolitan board of education.

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

18 (c) If a metropolitan school district is comprised of only two (2)
19 board members, the two (2) members shall appoint a third board
20 member not more than ten (10) days after the creation of the
21 metropolitan school district. If the two (2) members are unable to agree
22 on or do not make the appointment of a third board member within the
23 ten (10) day period after the creation of the metropolitan school district,
24 the third member shall be appointed not more than twenty (20) days
25 after the creation of the metropolitan school district by the judge of the
26 circuit court of the county in which the metropolitan school district is
27 located. If the metropolitan school district is located in two (2) or more
28 counties, the judge of the circuit court of the county containing that part
29 of the metropolitan school district having more students than the part
30 or parts located in another county or counties shall appoint the third
31 member. The members of the metropolitan board of education serve
32 until their successors are elected or appointed and qualified.

33 (d) The first meeting of the first metropolitan board of education
34 shall be held not more than one (1) month after the creation of the
35 metropolitan school district. The first meeting shall be called by the
36 superintendent of schools, or township trustee of a school township, of
37 the school corporation in the district having the largest number of
38 students. At the first meeting, the board shall organize, and **each year**
39 during the first ten (10) days ~~of each July~~ **after the board members**
40 **that are elected or appointed to a new term take office**, the board
41 shall reorganize, by electing a president, a vice president, a secretary,
42 and a treasurer.

43 (e) The secretary of the board shall keep an accurate record of the
44 minutes of the metropolitan board of education, and the minutes shall
45 be kept in the superintendent's office. When a metropolitan school
46 district is formed, the metropolitan superintendent shall act as
47 administrator of the board and shall carry out the acts and duties as

1 designated by the board. A quorum consists of a majority of the
 2 members of the board. A quorum is required for the transaction of
 3 business. The vote of a majority of those present is required for a:

- 4 (1) motion;
- 5 (2) ordinance; or
- 6 (3) resolution;

7 to pass.

8 (f) The board shall conduct its affairs in the manner described in this
 9 section. Except in unusual cases, the board shall hold its meetings at
 10 the office of the metropolitan superintendent or at a place mutually
 11 designated by the board and the superintendent. Board records are to
 12 be maintained and board business is to be conducted from the office of
 13 the metropolitan superintendent or a place designated by the board and
 14 the superintendent.

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

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

23 SECTION 35. IC 20-23-7-8.1 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2010]: **Sec. 8.1. (a) The registered voters of
 26 the metropolitan school district shall elect the members of the
 27 metropolitan board of education at general elections held
 28 biennially, beginning with the next general election that is held
 29 more than sixty (60) days after the creation of the metropolitan
 30 school district as provided in this chapter.**

31 **(b) Each nominee for the board must file a petition of
 32 nomination signed by the nominee and by ten (10) registered voters
 33 residing in the same board member district as the nominee. The
 34 petition must be filed in accordance with IC 3-8-2.5 with the circuit
 35 court clerk of each county in which the metropolitan school district
 36 is located.**

37 **(c) Nominees for the board shall be listed on the general election
 38 ballot:**

- 39 (1) in the form prescribed by IC 3-11-2;
- 40 (2) by board member districts; and
- 41 (3) without party designation.

42 **The ballot must state the number of board members to be voted on
 43 and the maximum number of members that may be elected from
 44 each board member district as provided under section 5 of this
 45 chapter. A ballot that contains more votes than the maximum
 46 number allowed from a board member district is invalid.**

47 **(d) The precinct election boards in each county serving at the**

1 general election shall conduct the election for school board
2 members.

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

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

9 (1) the number of candidates elected is the greatest number
10 that may be elected from the board member district;

11 (2) the candidates elected are those who, among the
12 candidates from the board member district, receive the most
13 votes; and

14 (3) the other candidates from the board member district are
15 eliminated.

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

21 (h) If, at any time after the first board member election a
22 vacancy on the board occurs for any reason, including an
23 insufficient number of petitions for candidates being filed, and
24 regardless of whether the vacating member was elected or
25 appointed, the remaining members of the board, whether or not a
26 majority of the board, shall by a majority vote fill the vacancy by:

27 (1) appointing a person from the board member district from
28 which the person who vacated the board was elected; or

29 (2) if the person was appointed, appointing a person from the
30 board member district from which the last elected
31 predecessor of the person was elected.

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

37 (i) At a general election held on the earlier of:

38 (1) more than sixty (60) days after an elected board member
39 vacates membership on the board; or

40 (2) immediately before the end of the term for which the
41 vacating member was elected;

42 a successor to a board member appointed under subsection (h)
43 shall be elected. Unless the successor takes office at the end of the
44 term of the vacating member, the member shall serve only for the
45 balance of the vacating member's term. In an election for a
46 successor board member to fill a vacancy for a two (2) year
47 balance of a term, candidates for board membership need not file
48 for or with reference to the vacancy. However, as required by

1 **IC 3-11-2, candidates for at-large seats must be distinguished on**
 2 **the ballot from candidates for district seats. If there is more than**
 3 **one (1) at-large seat on the ballot due to this vacancy, the elected**
 4 **candidate who receives the fewest votes at the election at which the**
 5 **successor is elected shall serve a two (2) year term.**

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

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

14 SECTION 36. IC 20-23-7-12, AS AMENDED BY P.L.1-2007,
 15 SECTION 143, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2010]: Sec. 12. (a) As used in this section,
 17 "county" means the county in which the school township is located.

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

20 (1) for the last full school semester immediately preceding:

21 (A) the adoption of a preliminary resolution by the township
 22 trustee and the township board under subsection (f); or

23 (B) the adoption of a resolution of disapproval by the township
 24 trustee and the township board under subsection (g);

25 had an ADM of at least six hundred (600) students in
 26 kindergarten through grade 12 in the public schools of the school
 27 township; or

28 (2) is part of a township in which there were more votes cast for
 29 township trustee outside the school township than inside the
 30 school township in the general election at which the trustee was
 31 elected and that preceded the adoption of the preliminary or
 32 disapproving resolution.

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

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

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

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
43 office, shall sign and file with the township trustee a petition
44 requesting the creation of a metropolitan school district under this
45 section.

46 (2) The township trustee and a majority of the township board
47 shall, not more than ten (10) days after the filing of a petition:

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

1 metropolitan school district shall be filed in the records of the township
 2 board and recorded with the county recorder. If the special election is
 3 not conducted at a primary or general election, the school township
 4 shall pay the expense of holding the election out of the school general
 5 fund that is appropriated for this purpose.

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

19 (l) A metropolitan school district is known as "The Metropolitan
 20 School District of _____ Township, _____ County,
 21 Indiana". The first metropolitan board of education in a metropolitan
 22 school district created under this section consists of five (5) members.
 23 The township trustee and the township board members are ex officio
 24 members of the first board, subject to the laws concerning length of
 25 their respective terms of office, manner of election or appointment, and
 26 the filling of vacancies applicable to their respective offices. The ex
 27 officio members serve without compensation or reimbursement for
 28 expenses, other than that which they may receive from their respective
 29 offices. The township board shall, by a resolution recorded in its
 30 records, appoint the fifth member of the metropolitan board of
 31 education. The fifth member shall meet the qualifications of a member
 32 of a metropolitan board of education under this chapter, with the
 33 exception of the board member district requirements provided in
 34 sections 4, 5, and ~~8~~ **8.1** of this chapter.

35 (m) A fifth board member shall be appointed not more than fifteen
 36 (15) days after the date of the adoption of the confirming resolution
 37 under subsection (f)(2) or an election held under subsection (h). The
 38 first board shall hold its first meeting not more than fifteen (15) days
 39 after the date when the fifth board member is appointed or elected, on
 40 a date established by the township board in the resolution in which it
 41 appoints the fifth board member. The first board shall serve until ~~July~~
 42 **† January 1** following the election of a metropolitan school board at
 43 the first ~~primary~~ **general** election held more than sixty (60) days
 44 following the creation of the metropolitan school district.

45 (n) After the creation of a metropolitan school district under this
 46 section, the president of the metropolitan school board of the district
 47 shall serve as a member of the county board of education and perform

1 the duties on the county board of education that were previously
 2 performed by the township trustee. The metropolitan school board and
 3 superintendent of the district may call upon the assistance of and use
 4 the services provided by the county superintendent of schools. This
 5 subsection does not limit or take away the powers, rights, privileges, or
 6 duties of the metropolitan school district or the board or superintendent
 7 of the district provided in this chapter.

8 SECTION 37. IC 20-23-8-7, AS ADDED BY P.L.1-2005,
 9 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2010]: Sec. 7. (a) A plan or proposed plan must contain the
 11 following items:

12 (1) The number of members of the governing body, which shall
 13 be:

14 (A) three (3);

15 (B) five (5); or

16 (C) seven (7);

17 members.

18 (2) Whether the governing board shall be elected or appointed.

19 (3) If appointed, when and by whom, and a general description of
 20 the manner of appointment that conforms with the requirements
 21 of IC 20-23-4-28.

22 ~~(4) If elected, whether the election shall be at the primary or at the~~
 23 ~~general election that county officials are nominated or elected,~~
 24 ~~and a general description of the manner of election that conforms~~
 25 ~~with the requirements of IC 20-23-4-27.~~

26 **(4) A provision that the members of an elected governing**
 27 **board shall be elected at the general election at which county**
 28 **officials are elected.**

29 (5) The limitations on:

30 (A) residence;

31 (B) term of office; and

32 (C) other qualifications;

33 required by members of the governing body.

34 (6) The time the plan takes effect.

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

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

43 SECTION 38. IC 20-23-8-21, AS ADDED BY P.L.1-2005,
 44 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 45 JULY 1, 2010]: Sec. 21. An election may not be held under this chapter
 46 more than once each eighteen (18) months. A plan for a governing
 47 body may not be adopted more than once each six (6) years, except if

1 **either of the following applies:**

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

5 ~~(2)~~ (1) A plan adopted is declared or held to be invalid by a
6 binding judgment or order in a United States or an Indiana court
7 that no appeal or further approval can be taken. ~~or~~

8 ~~(3)~~ (2) The plan provides solely for changes in items specified in
9 section 7(a)(5) of this chapter.

10 SECTION 39. IC 20-23-10-8, AS ADDED BY P.L.1-2005,
11 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2010]: Sec. 8. (a) The board members of a merged school
13 corporation shall be elected at the first **primary general** election
14 following the merged school corporation's creation, and vacancies shall
15 be filled in accordance with IC 20-23-4-30.

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

18 (1) the members of the governing body of a school corporation in
19 the county other than a school township; and

20 (2) the township trustee of a school township in the county.

21 (c) The first board of trustees shall select the name of the merged
22 school corporation by a majority vote. The name may be changed by
23 unanimous vote of the governing body of the merged school
24 corporation.

25 SECTION 40. IC 20-23-12-3, AS ADDED BY P.L.1-2005,
26 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2010]: Sec. 3. (a) The governing body of the school
28 corporation consists of seven (7) members elected as follows:

29 (1) On a nonpartisan basis.

30 (2) In a **primary general** election ~~held~~ in the county.

31 (b) Six (6) of the members shall be elected from the school districts
32 drawn under section 4 of this chapter. Each member:

33 (1) is elected from the school district in which the member
34 resides; and

35 (2) upon election and in conducting the business of the governing
36 body, represents the interests of the entire school corporation.

37 (c) One (1) of the members elected:

38 (1) is the at-large member of the governing body;

39 (2) may reside in any of the districts drawn under section 4 of this
40 chapter; and

41 (3) upon election and in conducting the business of the governing
42 body, represents the interests of the entire school corporation.

43 SECTION 41. IC 20-23-12-8, AS ADDED BY P.L.1-2005,
44 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
45 JULY 1, 2010]: Sec. 8. (a) The term of each person elected to serve on
46 the governing body

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

1 ~~(2) begins~~

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

5 SECTION 42. IC 20-23-12-9, AS ADDED BY P.L.1-2005,
6 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2010]: Sec. 9. The members are elected as follows:

8 (1) Three (3) of the members elected under section 3(b) of this
9 chapter are elected at the **primary general** election to be held in
10 ~~2008~~ **2012** and every four (4) years thereafter.

11 (2) Three (3) of the members elected under section 3(b) of this
12 chapter are elected at the **primary general** election to be held in
13 ~~2006~~ **2010** and every four (4) years thereafter.

14 (3) The at-large member elected under section 3(c) of this chapter
15 is elected at the **primary general** election to be held in ~~2008~~ **2012**
16 and every four (4) years thereafter.

17 SECTION 43. IC 20-23-13-1, AS ADDED BY P.L.230-2005,
18 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2010]: Sec. 1. (a) In a community school corporation
20 established under IC 20-23-4 that:

21 (1) has a population of more than seventy-five thousand (75,000)
22 but less than ninety thousand (90,000); and

23 (2) is the successor in interest to a school city having the same
24 population;

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

27 ~~(b) At the 2008 primary election and at each primary election every~~
28 ~~four (4) years thereafter, there shall be elected in each school~~
29 ~~corporation covered by this chapter two (2) governing body members,~~
30 ~~each of whom shall serve for four (4) years. The two (2) candidates for~~
31 ~~the office of school trustee receiving the highest number of votes at the~~
32 ~~election take office on July + next following the election.~~

33 ~~(c) At the 2006 primary election and at each primary election every~~
34 ~~four (4) years thereafter, there shall be elected in each school city~~
35 ~~covered by this chapter three (3) governing body members, each of~~
36 ~~whom shall serve for four (4) years. The three (3) candidates for the~~
37 ~~office of school trustee receiving the highest number of votes at the~~
38 ~~election take office on July + next following the election.~~

39 ~~(d)~~ **(b)** The governing body members shall be elected at the times
40 provided and shall succeed the retiring members in the order and
41 manner as set forth in this ~~section.~~ **chapter.**

42 SECTION 44. IC 20-23-13-2.1 IS ADDED TO THE INDIANA
43 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
44 [EFFECTIVE JULY 1, 2010]: **Sec. 2.1. (a) As used in this section,**
45 **"county election board" includes a board of elections and**
46 **registration established under IC 3-6-5.2.**

47 **(b) The voters of the school corporation shall elect the members**

1 of the governing body at a general election for a term of four (4)
2 years. The members shall be elected from the city at large without
3 reference to district.

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

9 (1) The petition must be signed by at least two hundred (200)
10 legal voters of the school corporation.

11 (2) Each petition may nominate only one (1) candidate.

12 (3) The number of petitions signed by a legal voter may not
13 exceed the number of school trustees to be elected.

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

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

23 (1) in alphabetical order;

24 (2) without party designation; and

25 (3) in the form prescribed by IC 3-11-2.

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

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

31 SECTION 45. IC 20-23-13-3, AS ADDED BY P.L.1-2005,
32 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2010]: Sec. 3. The intent of this chapter is to provide that the
34 governing body of the school corporations to which it relates shall be
35 elected as provided in:

36 (1) IC 20-23-4-27; and ~~IC 20-23-4-29~~ through

37 (2) IC 20-23-4-29.1;

38 (3) IC 20-23-4-30; and

39 (4) IC 20-23-4-31;

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

42 SECTION 46. IC 20-23-14-5, AS ADDED BY P.L.230-2005,
43 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
44 JULY 1, 2010]: Sec. 5. To be eligible to be a candidate for the
45 governing body under this chapter, the following apply:

46 (1) Each prospective candidate must file a **petition of nomination**
47 ~~petition~~ with the board of elections and registration not earlier

1 than one hundred four (104) days and not later than noon
 2 seventy-four (74) days before the **primary general** election at
 3 which the members are to be elected. ~~that includes~~ **The petition**
 4 **of nomination must include** the following: ~~information:~~

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

34 SECTION 47. IC 20-23-14-8, AS ADDED BY P.L.1-2005,
 35 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2010]: Sec. 8. **(a)** The term of each person elected to serve on
 37 the governing body

- 38 ~~(1)~~ is four (4) years. ~~and~~
 39 ~~(2)~~ begins

40 **(b) The term of each person elected to serve on the governing**
 41 **body begins on the July 1** that next follows the person's
 42 election.

43 SECTION 48. IC 20-23-14-9, AS ADDED BY P.L.1-2005,
 44 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 45 JULY 1, 2010]: Sec. 9. The members are elected as follows:

- 46 (1) Three (3) of the members are elected at the **primary general**
 47 election to be held in ~~2008~~ **2012** and every four (4) years

1 thereafter.

2 (2) Two (2) of the members are elected at the **primary general**
3 election to be held in ~~2006~~ **2010** and every four (4) years
4 thereafter.

5 SECTION 49. IC 20-25-3-4, AS AMENDED BY P.L.1-2006,
6 SECTION 322, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) The board consists of seven
8 (7) members. A member:

9 (1) must be elected on a nonpartisan basis in **primary general**
10 elections held in the county as specified in this section; and

11 (2) serves a four (4) year term.

12 (b) Five (5) members shall be elected from the school board districts
13 in which the members reside, and two (2) members must be elected at
14 large. Not more than two (2) of the members who serve on the board
15 may reside in the same school board district.

16 (c) If a candidate runs for one (1) of the district positions on the
17 board, only eligible voters residing in the candidate's district may vote
18 for that candidate. If a person is a candidate for one (1) of the at-large
19 positions, eligible voters from all the districts may vote for that
20 candidate.

21 (d) If a candidate files to run for a position on the board, the
22 candidate must specify whether the candidate is running for a district
23 or an at-large position.

24 (e) A candidate who runs for a district or an at-large position wins
25 if the candidate receives the greatest number of votes of all the
26 candidates for the position.

27 (f) Districts shall be established within the school city by the state
28 board. The districts must be drawn on the basis of precinct lines, and
29 as nearly as practicable, of equal population with the population of the
30 largest district not to exceed the population of the smallest district by
31 more than five percent (5%). District lines must not cross precinct
32 lines. The state board shall establish:

33 (1) balloting procedures for the election under IC 3; and

34 (2) other procedures required to implement this section.

35 (g) A member of the board serves under section 3 of this chapter.

36 (h) In accordance with subsection (k), a vacancy in the board shall
37 be filled temporarily by the board as soon as practicable after the
38 vacancy occurs. The member chosen by the board to fill a vacancy
39 holds office until the member's successor is elected and qualified. The
40 successor shall be elected at the next regular school board election
41 occurring after the date on which the vacancy occurs. The successor
42 fills the vacancy for the remainder of the term.

43 (i) An individual elected to serve on the board begins the
44 individual's term on ~~July 1 of the year of~~ **January 1 immediately**
45 **following** the individual's election.

46 (j) Notwithstanding any law to the contrary, each voter must cast a
47 vote for a school board candidate or school board candidates by voting

1 system or paper ballot. However, the same method used to cast votes
2 for all other offices for which candidates have qualified to be on the
3 election ballot must be used for the board offices.

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

8 SECTION 50. IC 33-33-53-5, AS AMENDED BY P.L.2-2006,
9 SECTION 183, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2010]: Sec. 5. In accordance with rules adopted
11 by the judges of the court under section 6 of this chapter, the presiding
12 judge shall do the following:

13 (1) Ensure that the court operates efficiently and judicially under
14 rules adopted by the court.

15 (2) Annually submit to the fiscal body of Monroe County a budget
16 for the court, including amounts necessary for:

17 (A) the operation of the circuit's probation department;

18 (B) the defense of indigents; and

19 (C) maintaining an adequate law library.

20 (3) Make the appointments or selections required of a circuit or
21 superior court judge under the following statutes:

22 IC 8-4-21-2

23 IC 11-12-2-2

24 IC 16-22-2-4

25 IC 16-22-2-11

26 IC 16-22-7

27 IC 20-23-4

28 IC 20-23-7-6

29 ~~IC 20-23-7-8~~ IC 20-23-7-8.1

30 IC 20-26-7-8

31 IC 20-26-7-14

32 IC 20-47-2-15

33 IC 20-47-3-13

34 IC 36-9

35 IC 36-10

36 IC 36-12-10-10.

37 (4) Make appointments or selections required of a circuit or
38 superior court judge by any other statute, if the appointment or
39 selection is not required of the court because of an action before
40 the court.

41 SECTION 51. IC 33-34-6-4 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. (a) The voters
43 of each township having a small claims court shall elect a constable for
44 the small claims court at the general election every four (4) years for a
45 term of office of four (4) years, beginning January 1 after election and
46 continuing until a successor is elected and qualified. The ballot must
47 state the:

- 1 (1) name of the candidate; and
 2 (2) court for which the candidate is to serve.
- 3 (b) Each small claims court shall have a constable who:
 4 (1) acts as the bailiff of the court;
 5 (2) serves the court's personal service of process;
 6 (3) has police powers to:
 7 (A) make arrests **under a court order or to maintain order**
 8 **in the court;**
 9 (B) keep the peace **in the court during court proceedings;**
 10 and
 11 (C) carry out the orders of the court;
 12 (4) must meet the qualifications prescribed by IC 3-8-1-31;
 13 (5) is compensated for each process that is delivered to effect
 14 personal service when serving as the bailiff for the court;
 15 (6) is responsible for:
 16 (A) the preparation and mailing of all registered or certified
 17 service and is compensated for each process served by mail;
 18 and
 19 (B) all the official acts of the deputies;
 20 (7) is compensated solely from the service of process fees
 21 collected under IC 33-34-8-1; ~~and~~
 22 (8) may require a deputy to give a bond for the proper discharge
 23 of the deputy's duties for an amount fixed by the constable; **and**
 24 **(9) must file an annual statement of economic interests under**
 25 **IC 33-23-11-14.**
- 26 (c) The elected constable may appoint full-time and part-time
 27 deputies for assistance in the performance of official duties who:
 28 (1) perform all the official duties required to be performed by the
 29 constable;
 30 (2) possess the same statutory ~~and common law~~ powers ~~and~~
 31 ~~authority~~ as the constable;
 32 (3) must take the same oath required of the constable;
 33 (4) are compensated solely from the service of process fees
 34 collected under IC 33-34-8-1; ~~and~~
 35 (5) serve at the pleasure of the constable and may be dismissed at
 36 any time with or without cause; **and**
 37 **(6) if the deputy is a full-time deputy, must file an annual**
 38 **statement of economic interests under IC 33-23-11-14.**
- 39 (d) If there is an:
 40 (1) emergency; or
 41 (2) inability of a constable to carry out the constable's duties;
 42 the judge may appoint a special constable to carry out the duties of the
 43 constable during the emergency or inability.
- 44 SECTION 52. IC 36-1-2-5 IS AMENDED TO READ AS
 45 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. "Executive"
 46 means **the:**
 47 (1) board of commissioners, for a county ~~not having that:~~

- 1 (A) does not have a consolidated city; and
- 2 (B) is not subject to IC 36-2-2.5;
- 3 (2) chief executive officer elected under IC 36-2-2.5, for a
- 4 county that:
- 5 (A) does not have a consolidated city; and
- 6 (B) is subject to IC 36-2-2.5;
- 7 ~~(2)~~ (3) mayor of the consolidated city, for a county having a
- 8 consolidated city;
- 9 ~~(3)~~ (4) mayor, for a city;
- 10 ~~(4)~~ (5) president of the town council, for a town;
- 11 ~~(5)~~ (6) trustee, for a township;
- 12 ~~(6)~~ (7) superintendent, for a school corporation; or
- 13 ~~(7)~~ (8) chief executive officer, for any other political subdivision.
- 14 SECTION 53. IC 36-1-2-9, AS AMENDED BY P.L.186-2006,
- 15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 UPON PASSAGE]: Sec. 9. "Legislative body" means the:
- 17 (1) board of county commissioners, for a county not subject to
- 18 **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1;
- 19 (2) county council, for a county subject to **IC 36-2-2.5** or
- 20 IC 36-2-3.5;
- 21 (3) city-county council, for a consolidated city or county having
- 22 a consolidated city;
- 23 (4) common council, for a city other than a consolidated city;
- 24 (5) town council, for a town;
- 25 (6) township board, for a township;
- 26 (7) governing body of any other political subdivision that has a
- 27 governing body; or
- 28 (8) chief executive officer of any other political subdivision that
- 29 does not have a governing body.
- 30 SECTION 54. IC 36-1-3-6 IS AMENDED TO READ AS
- 31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If there is a
- 32 constitutional or statutory provision requiring a specific manner for
- 33 exercising a power, a unit wanting to exercise the power must do so in
- 34 that manner.
- 35 (b) If there is no constitutional or statutory provision requiring a
- 36 specific manner for exercising a power, a unit wanting to exercise the
- 37 power must either:
- 38 (1) if the unit is a county or municipality, adopt an ordinance
- 39 prescribing a specific manner for exercising the power;
- 40 (2) if the unit is a township, adopt a resolution prescribing a
- 41 specific manner for exercising the power; or
- 42 (3) comply with a statutory provision permitting a specific manner
- 43 for exercising the power.
- 44 (c) An ordinance under subsection (b)(1) must be adopted as
- 45 follows:
- 46 (1) In a municipality, by the legislative body of the municipality.
- 47 (2) In a county subject to **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1,

- 1 by the legislative body of the county.
 2 (3) In any other county, by the executive of the county.
 3 (d) A resolution under subsection (b)(2) must be adopted by the
 4 legislative body of the township.
 5 SECTION 55. IC 36-1-8-10.5, AS AMENDED BY P.L.1-2005,
 6 SECTION 231, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2010]: Sec. 10.5. (a) This section does not
 8 apply to the following:
 9 (1) An elected or appointed officer.
 10 (2) An individual described in IC 20-26-4-11.
 11 (b) **Subject to IC 3-5-9**, an employee of a political subdivision may:
 12 (1) be a candidate for any elected office and serve in that office if
 13 elected; or
 14 (2) be appointed to any office and serve in that office if appointed;
 15 without having to resign as an employee of the political subdivision.
 16 SECTION 56. IC 36-1-20 IS ADDED TO THE INDIANA CODE
 17 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2010]:
 19 **Chapter 20. Employment of Relatives; Contracting With**
 20 **Relatives**
 21 **Sec. 1. This chapter does not apply to the following:**
 22 (1) **An individual who is a contractor or employed by a**
 23 **contractor for the design or construction of a public works**
 24 **project.**
 25 (2) **An individual who is a vendor or employed by a vendor for**
 26 **a purchase of mowing services or property maintenance**
 27 **services.**
 28 (3) **An individual who is a member of a paid fire department**
 29 **or a volunteer fire department that renders fire protection**
 30 **services to the political subdivision.**
 31 **Sec. 2. For purposes of this chapter, the performance of the**
 32 **duties of a precinct election officer (as defined in IC 3-5-2-40.1)**
 33 **that are imposed by IC 3 is not considered employment by a**
 34 **political subdivision.**
 35 **Sec. 3. As used in this chapter, "employee" means an individual**
 36 **who is employed by a political subdivision on a full time, a part**
 37 **time, a temporary, an intermittent, or an hourly basis. The term**
 38 **does not include a member of a paid fire department or a volunteer**
 39 **fire department that renders fire protection services to the political**
 40 **subdivision.**
 41 **Sec. 4. (a) As used in this chapter, "relative" means any of the**
 42 **following:**
 43 (1) **A husband.**
 44 (2) **A wife.**
 45 (3) **A father, grandfather, or stepfather.**
 46 (4) **A mother, grandmother, or stepmother.**
 47 (5) **A son, grandson, stepson, or son-in-law.**

- 1 (6) A daughter, granddaughter, stepdaughter, or
2 daughter-in-law.
3 (7) A brother or stepbrother.
4 (8) A sister or stepsister.
5 (9) An aunt.
6 (10) An uncle.
7 (11) A niece.
8 (12) A nephew.
9 (13) A first cousin.

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

13 Sec. 5. An individual who is a relative of an officer or employee
14 of a political subdivision may not be employed by the political
15 subdivision in a position in which the individual would have a
16 direct supervisory or subordinate relationship with the officer or
17 employee who is the individual's relative.

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

- 20 (1) an individual to provide goods or services to the political
21 subdivision, if the individual is a relative of an individual who:
22 (A) is the executive of the political subdivision; or
23 (B) is a member of the executive of the political
24 subdivision; or
25 (2) a business entity to provide goods or services, if:
26 (A) a relative of the executive of the political subdivision;
27 or
28 (B) a relative of a member of the executive of the political
29 subdivision;
30 has an ownership interest in the business entity.

31 (b) This section does not prohibit a political subdivision from
32 entering into a contract or renewing a contract if an employee of:

- 33 (1) an individual contractor under subsection (a)(1); or
34 (2) a business entity under subsection (a)(2);
35 is a relative of the executive of the political subdivision or a
36 member of the executive of the political subdivision.

37 (c) This section does not affect the initial term of a contract in
38 existence at the time the term of office of the executive of the
39 political subdivision or the member of the executive of the political
40 subdivision begins.

41 Sec. 7. This chapter does not require the termination or
42 reassignment of any employee of a political subdivision from any
43 position held by that individual before July 1, 2010. This section
44 expires January 1, 2015."

45 Page 6, between lines 1 and 2, begin a new paragraph and insert:
46 "SECTION 58. IC 36-2-2-1 IS AMENDED TO READ AS
47 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **Except as**
48 **specifically provided**, this chapter ~~applies to all counties~~ **not does not**

1 **apply to the following:**

2 (1) **A county** having a consolidated city.

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

5 SECTION 59. IC 36-2-2-4, AS AMENDED BY P.L.230-2005,
6 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a
8 county having a population of:

9 (1) more than four hundred thousand (400,000) but less than
10 seven hundred thousand (700,000); or

11 (2) more than two hundred thousand (200,000) but less than three
12 hundred thousand (300,000).

13 The executive shall divide the county into three (3) districts that are
14 composed of contiguous territory and are reasonably compact. The
15 district boundaries drawn by the executive must not cross precinct
16 boundary lines and must divide townships only when a division is
17 clearly necessary to accomplish redistricting under this section. If
18 necessary, the county auditor shall call a special meeting of the
19 executive to establish or revise districts.

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

25 (1) the members of the Indiana election commission;

26 (2) two (2) members of the senate selected by the president pro
27 tempore, one (1) from each political party; and

28 (3) two (2) members of the house of representatives selected by
29 the speaker, one (1) from each political party.

30 The legislative members of the commission have no vote and may act
31 only in an advisory capacity. A majority vote of the voting members is
32 required for the commission to take action. The commission may meet
33 as frequently as necessary to perform its duty under this subsection.

34 The commission's members serve without additional compensation
35 above that provided for them as members of the Indiana election
36 commission, the senate, or the house of representatives. **If a county to**
37 **which this subsection applies adopts a county government**
38 **structure in which a chief executive officer is elected under**
39 **IC 36-2-2.5, the county redistricting commission under this**
40 **subsection is not abolished and continues in existence for purposes**
41 **of dividing, as necessary, the county into county council districts.**

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

46 (d) Single-member districts established under subsection (b) or (c)
47 must:

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

13 SECTION 60. IC 36-2-2.4 IS ADDED TO THE INDIANA CODE
 14 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 15 UPON PASSAGE]:

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

17 **Sec. 1. This chapter does not apply to a county having a**
 18 **consolidated city.**

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

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

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

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

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

32 SECTION 61. IC 36-2-2.5 IS ADDED TO THE INDIANA CODE
 33 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 34 UPON PASSAGE]:

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

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

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

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

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

- 45 (1) the voters of the county:
 46 (A) shall elect one (1) chief executive officer in the second
 47 general election after the ordinance under IC 36-2-2.4 is

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

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

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

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

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

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

36 **Sec. 6. (a) All powers and duties of the county that are executive**
 37 **or administrative in nature (including any power of appointment**
 38 **related to executive or administrative functions) shall be exercised**
 39 **or performed by the chief executive officer, except to the extent**
 40 **that these powers and duties are expressly assigned by law to**
 41 **another elected or appointed officer. The chief executive officer**
 42 **shall transact the business of the county in the name of "The Chief**
 43 **Executive Officer of the County of _____".**

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

- 47 **(1) in the Indiana Code;**
 48 **(2) in the Indiana Administrative Code;**

- 1 **(3) in an ordinance or resolution; or**
 2 **(4) in any deed, lease, contract, or other official document or**
 3 **instrument;**

4 **to the board of commissioners pertaining to the executive powers**
 5 **of a county shall be considered a reference to the chief executive**
 6 **officer of the county.**

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

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

15 **related to the executive powers and duties of the board of county**
 16 **commissioners shall be considered a reference to the powers and**
 17 **duties of the chief executive officer of the county.**

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

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

- 23 **(1) Report on the condition of the county before March 1 of**
 24 **each year to the county legislative body and to the residents of**
 25 **the county.**
 26 **(2) Recommend before March 1 of each year to the county**
 27 **legislative body any action or program the chief executive**
 28 **officer considers necessary for the improvement of the county**
 29 **and the welfare of county residents.**
 30 **(3) Submit to the county legislative body an annual budget in**
 31 **accordance with IC 36-2-5.**
 32 **(4) Establish the procedures to be followed by all county**
 33 **departments, offices, and agencies under the chief executive**
 34 **officer's jurisdiction to the extent these procedures are not**
 35 **expressly assigned by law to another elected or appointed**
 36 **officer.**
 37 **(5) Administer all statutes, ordinances, and regulations**
 38 **applicable to the county, to the extent the administration of**
 39 **these matters is not expressly assigned by law to another**
 40 **elected or appointed officer.**
 41 **(6) Supervise the care and custody of all county property.**
 42 **(7) Supervise the collection of revenues and control all**
 43 **disbursements and expenditures, and prepare a complete**
 44 **account of all expenditures, to the extent these matters are not**
 45 **expressly assigned by law to another elected or appointed**
 46 **officer.**
 47 **(8) Review, analyze, and forecast trends for county services**
 48 **and finances and programs of all county governmental**

1 entities, and report and recommend on these to the county
2 legislative body by March 15 of each year.

3 (9) Negotiate contracts for the county.

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

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

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

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

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

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

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

24 (1) Order any department, office, or agency under the chief
25 executive officer's jurisdiction to undertake any task for
26 another department, office, or agency under the chief
27 executive officer's jurisdiction on a temporary basis, if
28 necessary for the proper and efficient administration of
29 county government.

30 (2) Establish and administer centralized budgeting,
31 centralized personnel selection, and centralized purchasing.

32 (3) Audit the accounts of officers who deal with money
33 belonging to or appropriated for the benefit of the county.

34 (4) Approve accounts chargeable against the county and
35 direct the raising of money necessary for county expenses.

36 (5) Make orders concerning county property, including orders
37 for:

38 (A) the sale of the county's public buildings and the
39 acquisition of land in the county seat on which to build new
40 public buildings; and

41 (B) the acquisition of land for a public square and the
42 maintenance of that square.

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

47 **Sec. 9. (a) The chief executive officer shall establish and**
48 **maintain a county courthouse, county jail, and public offices for**

1 the county clerk, the county auditor, the county recorder, the
2 county treasurer, the county sheriff, and the county surveyor.

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

5 (c) Offices for the sheriff may be located:

6 (1) in the courthouse;

7 (2) inside the corporate limits of the county seat; or

8 (3) outside the corporate limits of the county seat but within
9 the limits of the county.

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

13 (1) are not exclusive;

14 (2) are of a definite duration; and

15 (3) are assignable only with the consent of the chief executive
16 officer.

17 (b) If a public utility or municipally owned or operated utility
18 that carries on business outside the corporate boundaries of
19 municipalities in the county is engaged in an activity substantially
20 similar to that for which a license, permit, or franchise for the use
21 of county property is sought, the chief executive officer may grant
22 the license, permit, or franchise only with the consent of the utility
23 regulatory commission. The commission may give its consent only
24 if it determines, after a public hearing of all interested parties, that
25 public necessity and convenience require the substantially similar
26 activity.

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

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

34 Sec. 12. (a) If the chief executive officer is disqualified from
35 acting in a quasi-judicial proceeding, the chief executive officer
36 shall cease to act in that proceeding. Not later than ten (10) days
37 after the finding that the chief executive officer is disqualified to
38 act in a proceeding, the county auditor shall send a certified copy
39 of the record of the proceeding to the judge of the circuit court for
40 the county. If the judge affirms the disqualification of the chief
41 executive officer, the judge shall appoint a disinterested and
42 competent person to serve as a special executive in the proceeding.

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

1 **Sec. 13. The chief executive officer shall keep the chief executive**
 2 **officer's office open on each business day.**

3 **Sec. 14. Appointments made by the chief executive officer shall**
 4 **be certified by the county auditor, under the seal of the chief**
 5 **executive officer.**

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

7 **(1) to perform a duty required of a county officer by statute;**

8 **or**

9 **(2) on a commission or percentage basis;**

10 **only if the employment is expressly authorized by statute or is**
 11 **found by the chief executive officer to be necessary to the public**
 12 **interest.**

13 **(b) If a person's employment under subsection (a) is not**
 14 **expressly authorized by statute, the contract for the person's**
 15 **employment must be filed with the circuit court for the county, and**
 16 **the person must file the person's claims for compensation with that**
 17 **court. Any taxpayer may contest a claim under this section.**

18 **(c) A chief executive officer who recklessly violates this section**
 19 **commits a Class C misdemeanor and forfeits the person's office.**

20 **Sec. 16. The chief executive officer shall appear before the**
 21 **legislative body of the county at least once each month and at other**
 22 **times as needed to conduct all necessary county business.**

23 **Sec. 17. (a) A party to a proceeding before the chief executive**
 24 **officer who is aggrieved by a decision of the chief executive officer**
 25 **may appeal that decision to the circuit court for the county.**

26 **(b) A person who is not a party to a proceeding before the chief**
 27 **executive officer may appeal a decision of the chief executive**
 28 **officer only if the person files with the county auditor an affidavit:**

29 **(1) specifically setting forth the person's interest in the matter**
 30 **decided; and**

31 **(2) alleging that the person is aggrieved by the decision of the**
 32 **chief executive officer.**

33 **(c) An appeal under this section must be taken not later than**
 34 **thirty (30) days after the chief executive officer makes the decision**
 35 **by which the appellant is aggrieved.**

36 **(d) An appellant under this section must file with the county**
 37 **auditor a bond conditioned on due prosecution of the appeal. The**
 38 **bond is subject to approval by the county auditor and must be in**
 39 **an amount sufficient to provide security for court costs.**

40 **(e) Not later than twenty (20) days after the county auditor**
 41 **receives the appeal bond, the county auditor shall prepare a**
 42 **complete transcript of the proceedings of the chief executive officer**
 43 **related to the decision appealed from and shall deliver the**
 44 **transcript, all documents filed during the proceedings, and the**
 45 **appeal bond to the clerk of the circuit court.**

46 **Sec. 18. (a) An appeal under section 17 of this chapter shall be**
 47 **docketed among the other causes pending in the circuit court and**
 48 **shall be tried as an original cause.**

1 **(b) A court may decide an appeal under section 17 of this**
 2 **chapter by:**

3 **(1) affirming the decision of the chief executive officer; or**

4 **(2) remanding the cause to the chief executive officer with**
 5 **directions as to how to proceed;**

6 **and may require the chief executive officer to comply with this**
 7 **decision.**

8 **Sec. 19. (a) The county auditor or the chief executive officer may**
 9 **administer any oaths required by this chapter.**

10 **(b) The county sheriff or a county police officer shall attend the**
 11 **meetings of the chief executive officer, if requested by the chief**
 12 **executive officer, and shall execute the chief executive officer's**
 13 **orders.**

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

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

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

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

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

32 **SECTION 62. IC 36-2-2.6 IS ADDED TO THE INDIANA CODE**
 33 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
 34 **JULY 1, 2010]:**

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

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

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

41 **Sec. 3. A petition may be submitted to the county council, signed**
 42 **by at least the number of registered voters equal to two percent**
 43 **(2%) of the votes cast in the last election for secretary of state in**
 44 **the county, requesting the county council to adopt an ordinance**
 45 **changing county government structure as follows:**

46 **(1) The county executive would be a three (3) member board**
 47 **of county commissioners, elected under IC 36-2-2.**

48 **(2) The office of county chief executive officer would be**

- 1 **abolished.**
 2 **(3) If the county is not subject to IC 36-2-3.5, the county**
 3 **legislative body would be the board of county commissioners.**
 4 **(4) If the county is subject to IC 36-2-3.5, the county**
 5 **legislative body would be the county council.**
 6 **(5) The county council would continue to be the county fiscal**
 7 **body.**

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

- 11 **(1) not earlier than January 1; and**
 12 **(2) not later than July 1;**
 13 **of the year preceding the year in which a county chief executive**
 14 **officer would be elected.**

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

- 17 **(1) a three (3) member board of commissioners that has the:**
 18 **(A) executive and legislative powers and duties of the**
 19 **county if the county is not subject to IC 36-2-3.5; or**
 20 **(B) executive powers and duties of the county if the county**
 21 **is subject to IC 36-2-3.5; and**
 22 **(2) a county council that has the:**
 23 **(A) fiscal powers and duties of the county if the county is**
 24 **not subject to IC 36-2-3.5; or**
 25 **(B) fiscal and legislative powers and duties of the county if**
 26 **the county is subject to IC 36-2-3.5.**

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

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

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

- 45 **(1) The office of county chief executive officer is abolished and**
 46 **the term of the county chief executive officer expires.**
 47 **(2) The county is not subject to IC 36-2-2.5 and IC 36-2-3.7.**
 48 **(3) The county executive is the board of county commissioners**

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

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

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

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

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

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

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

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

37 SECTION 62. IC 36-2-3-4, AS AMENDED BY P.L.230-2005,
 38 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a
 40 county having a population of:

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

45 The county executive shall by ordinance **or, in a county subject to**
 46 **IC 36-2-2.5, by resolution** divide the county into four (4) contiguous,
 47 single-member districts that comply with subsection (d). If necessary,
 48 the county auditor shall call a special meeting of the executive to

1 establish or revise districts. One (1) member of the fiscal body shall be
 2 elected by the voters of each of the four (4) districts. Three (3) at-large
 3 members of the fiscal body shall be elected by the voters of the whole
 4 county.

5 (b) This subsection applies to a county having a population of more
 6 than four hundred thousand (400,000) but less than seven hundred
 7 thousand (700,000). The county redistricting commission established
 8 under IC 36-2-2-4 shall divide the county into seven (7) single-member
 9 districts that comply with subsection (d). One (1) member of the fiscal
 10 body shall be elected by the voters of each of these seven (7)
 11 single-member districts.

12 (c) This subsection applies to a county having a population of more
 13 than two hundred thousand (200,000) but less than three hundred
 14 thousand (300,000). The fiscal body shall divide the county into nine
 15 (9) single-member districts that comply with subsection (d). Three (3)
 16 of these districts must be contained within each of the three (3) districts
 17 established under IC 36-2-2-4(c). One (1) member of the fiscal body
 18 shall be elected by the voters of each of these nine (9) single-member
 19 districts.

20 (d) Single-member districts established under subsection (a), (b), or
 21 (c) must:

- 22 (1) be compact, subject only to natural boundary lines (such as
- 23 railroads, major highways, rivers, creeks, parks, and major
- 24 industrial complexes);
- 25 (2) not cross precinct boundary lines;
- 26 (3) contain, as nearly as possible, equal population; and
- 27 (4) include whole townships, except when a division is clearly
- 28 necessary to accomplish redistricting under this section.

29 (e) A division under subsection (a), (b), or (c) shall be made:

- 30 (1) during the first year after a year in which a federal decennial
- 31 census is conducted; and
- 32 (2) when the county executive adopts an order declaring a county
- 33 boundary to be changed under IC 36-2-1-2.

34 (f) A division under subsection (a), (b), or (c) may be made in any
 35 odd-numbered year not described in subsection (e).

36 SECTION 63. IC 36-2-3.5-1 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a) Except as**
 38 **provided in subsection (b)**, this chapter applies to:

- 39 (1) a county having a population of:
 - 40 (A) more than four hundred thousand (400,000) but less than
 - 41 seven hundred thousand (700,000); or
 - 42 (B) more than two hundred thousand (200,000) but less than
 - 43 three hundred thousand (300,000); and
- 44 (2) any other county not having a consolidated city, if both the
- 45 county executive and the county fiscal body adopt identical
- 46 ordinances providing for the county to be governed by this
- 47 chapter beginning on a specified effective date.

1 **(b) Except as provided in section 6(c) of this chapter, this**
 2 **chapter does not apply to a county beginning after December 31 of**
 3 **the year in which a chief executive officer is first elected under**
 4 **IC 36-2-2.5.**

5 SECTION 64. IC 36-2-3.5-6 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A court may
 7 issue an order, before final hearing, to stay an election if there is
 8 sufficient evidence to withstand a motion for summary judgment that
 9 the county has not been divided into districts that comply with
 10 IC 36-2-2-4 or IC 36-2-3-4. A preliminary hearing on the question may
 11 be held upon the court's own motion.

12 (b) Final judgment on the merits in such a case shall be made within
 13 thirty (30) days of the stay of election order. If the redistricting is found
 14 not to be in compliance with law, the court shall retain jurisdiction and
 15 shall order the proper officials to submit within thirty (30) days a
 16 redistricting plan complying with law. If the proper officials fail to
 17 comply with the order, the court shall order the Indiana election
 18 commission to divide the county into districts in compliance with law.

19 **(c) If this chapter applied to a county at the time a chief**
 20 **executive officer is first elected under IC 36-2-2.5, this section**
 21 **continues to apply to the county after the election of the chief**
 22 **executive officer.**

23 SECTION 65. IC 36-2-3.7 IS ADDED TO THE INDIANA CODE
 24 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]:

26 **Chapter 3.7. County Council as the County Legislative Body**

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

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

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

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

- 36 **(1) the voters of the county shall continue to elect members of**
 37 **the county council; and**
 38 **(2) beginning on January 1 following the year in which the**
 39 **first county chief executive officer is elected:**

40 **(A) the executive and legislative powers of the county are**
 41 **divided between separate branches of county government,**
 42 **and a power belonging to one (1) branch of county**
 43 **government may not be exercised by the other branch of**
 44 **county government;**

45 **(B) the county council is the county legislative body as well**
 46 **as the county fiscal body; and**

47 **(C) the chief executive officer is the county executive of the**

1 county and has the executive and administrative powers
2 and duties of the county as provided in IC 36-2-2.5.

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

7 **(b) The county council has the same legislative powers and**
8 **duties that the board of county commissioners in the county had**
9 **before the board of county commissioners was abolished.**

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

- 13 **(1) in the Indiana Code;**
14 **(2) in the Indiana Administrative Code;**
15 **(3) in an ordinance or resolution; or**
16 **(4) in any deed, lease, contract, or other official document or**
17 **instrument;**

18 **to the board of commissioners pertaining to the legislative powers**
19 **of a county shall be considered a reference to the county council of**
20 **the county.**

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

- 24 **(1) in the Indiana Code;**
25 **(2) in the Indiana Administrative Code;**
26 **(3) in an ordinance or resolution; or**
27 **(4) in any deed, lease, contract, or other official document or**
28 **instrument;**

29 **related to the legislative powers and duties of the board of county**
30 **commissioners shall be considered a reference to the powers and**
31 **duties of the county council of the county.**

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

- 33 **(1) Establish committees that are necessary to carry out the**
34 **county council's functions.**
35 **(2) Employ legal and administrative personnel necessary to**
36 **carry out the county council's functions.**
37 **(3) Pass all ordinances, orders, resolutions, and motions for**
38 **the government of the county, in the manner prescribed by**
39 **IC 36-2-4.**
40 **(4) Receive gifts, bequests, and grants from public or private**
41 **sources.**
42 **(5) Conduct investigations into the conduct of county business**
43 **for the purpose of correcting deficiencies and ensuring**
44 **adherence to law and county ordinances and policies.**
45 **(6) Establish, by ordinance, new county departments,**
46 **divisions, or agencies whenever necessary to promote efficient**
47 **county government.**

48 **SECTION 66. IC 36-2-4-8, AS AMENDED BY P.L.78-2009,**

1 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 8. (a) An ordinance, order, or resolution is
3 considered adopted when it is signed by the presiding officer. If
4 required, an adopted ordinance, order, or resolution must be
5 promulgated or published according to statute before it takes effect.

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

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

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

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

19 (A) approved by signature of a majority of the county
20 executive;

21 (B) neither approved nor vetoed by a majority of the executive,
22 within ten (10) days after passage by the legislative body; or

23 (C) passed over the veto of the executive by a two-thirds (2/3)
24 vote of the legislative body, within sixty (60) days after
25 presentation of the ordinance or resolution to the executive.

26 (2) The legislative body of a county shall:

27 (A) subject to subdivision (3), give written notice to the
28 department of environmental management not later than sixty
29 (60) days before amendment or repeal of an environmental
30 restrictive ordinance; and

31 (B) give written notice to the department of environmental
32 management not later than thirty (30) days after passage,
33 amendment, or repeal of an environmental restrictive
34 ordinance.

35 (3) Upon written request by the legislative body, the department
36 of environmental management may waive the notice requirement
37 of subdivision (2)(A).

38 (4) An environmental restrictive ordinance passed or amended
39 after 2009 by the legislative body must state the notice
40 requirements of subdivision (2).

41 (5) The failure of an environmental restrictive ordinance to
42 comply with subdivision (4) does not void the ordinance.

43 (d) After an ordinance or resolution passed by the legislative body
44 of a county subject to IC 36-2-3.5 has been signed by the presiding
45 officer, the county auditor shall present it to the county executive, and
46 record the time of the presentation. Within ten (10) days after an
47 ordinance or resolution is presented to it, the executive shall:

- 1 (1) approve the ordinance or resolution, by signature of a majority
 2 of the executive, and send the legislative body a message
 3 announcing its approval; or
 4 (2) veto the ordinance or resolution, by returning it to the
 5 legislative body with a message announcing its veto and stating
 6 its reasons for the veto.

7 (e) This section does not apply to a zoning ordinance or amendment
 8 to a zoning ordinance, or a resolution approving a comprehensive plan,
 9 that is adopted under IC 36-7.

10 (f) An ordinance increasing a building permit fee on new
 11 development must:

- 12 (1) be published:
 13 (A) one (1) time in accordance with IC 5-3-1; and
 14 (B) not later than thirty (30) days after the ordinance is
 15 adopted by the legislative body in accordance with IC 5-3-1;
 16 and
 17 (2) delay the implementation of the fee increase for ninety (90)
 18 days after the date the ordinance is published under subdivision
 19 (1).

20 SECTION 67. IC 36-3-3-10 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The board
 22 of commissioners of the county is composed of the county treasurer, the
 23 county auditor, and the county assessor. These officers shall serve ex
 24 officio as commissioners without additional compensation for
 25 performing the duties of the board.

- 26 (b) The board of commissioners:
 27 (1) shall make the appointments required by statute to be made by
 28 the board of commissioners of a county;
 29 (2) shall perform the duties and exercise the powers prescribed by
 30 statutes pertaining to the issuance and payment of bonds of the
 31 county and the expenditure of the unexpended proceeds of those
 32 bonds; and
 33 (3) may exercise the powers granted it by Article 9, Section 3 of
 34 the Constitution of the State of Indiana and by IC 12-30-3.

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

42 SECTION 68. IC 36-3-6-9, AS AMENDED BY P.L.182-2009(ss),
 43 SECTION 401, IS AMENDED TO READ AS FOLLOWS
 44 [EFFECTIVE JULY 1, 2010]: Sec. 9. (a) Except as provided in
 45 subsection (d), the city-county legislative body shall review the
 46 proposed operating and maintenance budgets and tax levies and adopt
 47 final operating and maintenance budgets and tax levies for each of the

1 following entities in the county:

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

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

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

21 (c) The city-county legislative body or, when subsection (d) applies,
 22 the fiscal body of an excluded city or town shall review the issuance of
 23 bonds of an entity listed in subsection (a). Approval of the city-county
 24 legislative body or, when subsection (d) applies, the fiscal body of an
 25 excluded city or town is required for the issuance of bonds. The
 26 city-county legislative body or the fiscal body of an excluded city or
 27 town may not reduce or modify a budget or tax levy of an entity listed
 28 in subsection (a) in a manner that would:

- 29 (1) limit or restrict the rights vested in the entity to fulfill the
 30 terms of any agreement made with the holders of the entity's
 31 bonds; or
 32 (2) in any way impair the rights or remedies of the holders of the
 33 entity's bonds.

34 (d) If the assessed valuation of a taxing unit is entirely contained
 35 within an excluded city or town (as described in IC 36-3-1-7) that is
 36 located in a county having a consolidated city, the governing body of
 37 the taxing unit shall submit its proposed operating and maintenance
 38 budget and tax levies to the city or town fiscal body for approval and
 39 not the city-county legislative body. Except as provided in subsection
 40 (c), the fiscal body of the excluded city or town may reduce or modify
 41 but not increase a proposed operating and maintenance budget or tax
 42 levy under this section.

43 SECTION 69. IC 36-4-4-2 IS AMENDED TO READ AS
 44 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) The powers of a
 45 city are divided between the executive and legislative branches of its
 46 government. A power belonging to one (1) branch of a city's
 47 government may not be exercised by the other branch.

1 (b) **Subject to IC 3-5-9**, a city employee other than an elected or
2 appointed public officer may:

3 (1) be a candidate for any elective office and serve in that office
4 if elected; or

5 (2) be appointed to any office and serve in that office if appointed;
6 without having to resign as a city employee.

7 SECTION 70. IC 36-4-10-4.5 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4.5. (a) This section
9 applies to third class cities.

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

12 (1) Receive and care for all city money and pay the money out
13 only on order of the approving body.

14 (2) Keep accounts showing when and from what sources the fiscal
15 officer has received city money and when and to whom the fiscal
16 officer has paid out city money.

17 (3) Prescribe payroll and account forms for all city offices.

18 (4) Prescribe the manner in which creditors, officers, and
19 employees shall be paid.

20 (5) Manage the finances and accounts of the city and make
21 investments of city money.

22 (6) Prepare for the legislative body the budget estimates of
23 miscellaneous revenue, financial statements, and the proposed tax
24 rate.

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

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

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

30 (c) A fiscal officer is not liable in an individual capacity for an act
31 or omission occurring in connection with the performance of the duties
32 prescribed by subsection (b), unless the act or omission constitutes
33 gross negligence or an intentional disregard of the fiscal officer's
34 duties.

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

38 SECTION 71. IC 36-5-1-20 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section
40 does not apply to a town described by IC 36-5-1-11.5.

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

46 (c) The county election board shall certify the board's findings to the
47 county executive, who may adopt an ordinance or (in a county subject

1 to **IC 36-2-2.5** or IC 36-2-3.5) issue an order to dissolve the town.

2 SECTION 72. IC 36-8-3-12 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. **Subject to**
4 **IC 3-5-9**, members of the safety board and members of any township,
5 town, or city (including a consolidated city) police department, fire
6 department, or volunteer fire department (as defined by IC 36-8-12-2)
7 may:

- 8 (1) be candidates for elective office and serve in that office if
9 elected;
10 (2) be appointed to any office and serve in that office if appointed;
11 and
12 (3) as long as they are not in uniform and not on duty, solicit votes
13 and campaign funds and challenge voters for the office for which
14 they are candidates.

15 SECTION 73. IC 36-8-10-11 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11. (a) The sheriff may
17 dismiss, demote, or temporarily suspend a county police officer for
18 cause after preferring charges in writing and after a fair public hearing
19 before the board, which is reviewable in the circuit court. Written
20 notice of the charges and hearing must be delivered by certified mail
21 to the officer to be disciplined at least fourteen (14) days before the
22 date set for the hearing. The officer may be represented by counsel. The
23 board shall make specific findings of fact in writing to support its
24 decision.

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

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

- 33 (1) be a candidate for elective office and serve in that office if
34 elected;
35 (2) be appointed to an office and serve in that office if appointed;
36 and
37 (3) except when in uniform or on duty, solicit votes or campaign
38 funds for the officer or others.

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

42 (e) An appeal under subsection (a) must be taken by filing in court,
43 within thirty (30) days after the date the decision is rendered, a verified
44 complaint stating in a concise manner the general nature of the charges
45 against the officer, the decision of the board, and a demand for the
46 relief asserted by the officer. A bond must also be filed that guarantees
47 the appeal will be prosecuted to a final determination and that the

1 plaintiff will pay all costs only if the court finds that the board's
 2 decision should be affirmed. The bond must be approved as bonds for
 3 costs are approved in other cases. The county must be named as the
 4 sole defendant and the plaintiff shall have a summons issued as in other
 5 cases against the county. Neither the board nor the members of it may
 6 be made parties defendant to the complaint, but all are bound by
 7 service upon the county and the judgment rendered by the court.

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

17 (g) The court shall make specific findings and state the conclusions
 18 of law upon which its decision is made. If the court finds that the
 19 decision of the board appealed from should in all things be affirmed,
 20 its judgment should so state. If the court finds that the decision of the
 21 board appealed from should not be affirmed in all things, then the court
 22 shall make a general finding, setting out sufficient facts to show the
 23 nature of the proceeding and the court's decision on it. The court shall
 24 either:

25 (1) reverse the decision of the board; or

26 (2) order the decision of the board to be modified.

27 (h) The final judgment of the court may be appealed by either party.
 28 Upon the final disposition of the appeal by the courts, the clerk shall
 29 certify and file a copy of the final judgment of the court to the board,
 30 which shall conform its decisions and records to the order and
 31 judgment of the court. If the decision is reversed or modified, then the
 32 board shall pay to the party entitled to it any salary or wages withheld
 33 from the party pending the appeal and to which the party is entitled
 34 under the judgment of the court.

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

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

42 SECTION 74. IC 36-9-13-35, AS AMENDED BY P.L.146-2008,
 43 SECTION 790, IS AMENDED TO READ AS FOLLOWS
 44 [EFFECTIVE JULY 1, 2010]: Sec. 35. **(a) In a county not having a**
 45 **consolidated city**, the annual operating budget of a building authority
 46 is subject to review by the county board of tax adjustment and then by
 47 the department of local government finance as in the case of other

1 political subdivisions.

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

5 SECTION 75. IC 36-12-2-8, AS ADDED BY P.L.1-2005,
6 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: Sec. 8. (a) Except as provided in subsection (b), an
8 appointee to a library board may not serve more than four (4)
9 consecutive terms on the library board. **An unexpired term of two (2)**
10 **years or less that an individual serves in filling a vacancy on the**
11 **library board may not be counted in computing consecutive terms**
12 **for purposes of this subsection.** The consecutive terms are computed
13 without regard to a change in the appointing authority that appointed
14 the member. ~~or the length of any term served by the appointee.~~ If:

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

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

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

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

30 (2) state funds may not be withheld from distribution to the
31 library.

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

35 SECTION 76. IC 36-12-2-18, AS ADDED BY P.L.1-2005,
36 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2010]: Sec. 18. (a) Subject to subsection (b), the term of a
38 library board member is four (4) years. A member may continue to
39 serve on a library board after the member's term expires until the
40 member's successor is qualified under section 19 of this chapter. The
41 term of the member's successor is not extended by the time that has
42 elapsed before the successor's appointment and qualification. If a
43 member is appointed to fill a vacancy on a library board, the member's
44 term is the unexpired term of the member being replaced.

45 (b) Except for a library board whose membership is established
46 under section 15 of this chapter, for purposes of establishing staggered
47 terms for the members of a library board, the initial members shall

1 serve the following terms:

- 2 (1) One (1) year for one (1) member appointed under section 9(1),
 3 9(5), 16(b)(1), 16(b)(2), or 17(1) of this chapter.
 4 (2) Two (2) years for one (1) member appointed under section
 5 9(3)(A), 9(4), 16(b)(3), 16(b)(4), or 17(2) of this chapter.
 6 (3) Three (3) years for one (1) member appointed under section
 7 9(2), 9(3)(A), 16(b)(4), 16(b)(5), or 17(1) of this chapter.
 8 (4) Four (4) years for one (1) member appointed under section
 9 9(3)(B), 16(b)(6), or 17(2) of this chapter.

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

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

15 SECTION 77. IC 36-12-2-25, AS AMENDED BY P.L.91-2009,
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2010]: Sec. 25. (a) The residents or real property taxpayers of
 18 the library district taxed for the support of the library may use the
 19 facilities and services of the public library without charge for library or
 20 related purposes. However, the library board may:

- 21 (1) fix and collect fees and rental charges; and
 22 (2) assess fines, penalties, and damages for the:
 23 (A) loss of;
 24 (B) injury to; or
 25 (C) failure to return;

26 any library property or material.

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

- 28 (1) residents of the library district; ~~or~~
 29 (2) Indiana residents who are not residents of the library district;
 30 **(3) library employees of the library district; or**
 31 **(4) employees of a school corporation or nonpublic school**
 32 **located in the library district;**

33 who apply for the cards.

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

- 38 (1) The library district's operating fund expenditure per capita in
 39 the most recent year for which that information is available in the
 40 Indiana state library's annual "Statistics of Indiana Libraries".
 41 (2) Twenty-five dollars (\$25).

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

- 45 (1) a student enrolled in a public school corporation that is located
 46 at least in part in the library district; and
 47 (2) not a resident of the library district.

1 (e) A library board may charge a reduced fee or not charge a fee for
 2 a local library card under subsection (c) that is issued to an Indiana
 3 resident who is a student enrolled in a nonpublic school that is located
 4 at least in part in the library district.

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

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

9 **(2) without charging a fee for the card;**

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

12 SECTION 78. IC 36-12-2-26 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2010]: **Sec. 26. (a) Dissolution of a library**
 15 **district is initiated when the:**

16 **(1) legislative body of each municipality, township, or county**
 17 **that is a part of the district; and**

18 **(2) library board of the district;**

19 **adopt identical resolutions proposing to dissolve the district by an**
 20 **affirmative vote of a majority of the voting members of each**
 21 **legislative body and library board.**

22 **(b) Copies of the resolutions adopted under subsection (a) shall**
 23 **be filed not later than ten (10) days after the resolution is adopted**
 24 **with:**

25 **(1) the state library; and**

26 **(2) the county recorder of each county in which the library**
 27 **district is located.**

28 **(c) A dissolution under this section does not take effect until:**

29 **(1) all legal and fiscal obligations of the library district have**
 30 **been satisfied;**

31 **(2) the assets of the district have been distributed; and**

32 **(3) a notice is filed with the agencies listed in subsection (b),**
 33 **indicating that the actions described in subdivisions (1) and**

34 **(2) have been completed and the dissolution is final.**

35 SECTION 79. IC 36-12-3-16.5 IS ADDED TO THE INDIANA
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2010]: **Sec. 16.5. (a) As used in this section,**
 38 **"electronic funds transfer" means any transfer of funds, other than**
 39 **a transaction originated by check, draft, or similar paper**
 40 **instrument, that is initiated through an electronic terminal, a**
 41 **telephone, or a computer or magnetic tape for the purpose of**
 42 **ordering, instructing, or authorizing a financial institution to debit**
 43 **or credit an account.**

44 **(b) A library board may adopt a resolution to authorize an**
 45 **electronic funds transfer method of payment of claims. If the**
 46 **library board adopts the resolution, the public library may pay**
 47 **money from its funds by electronic funds transfer.**

48 **(c) A public library that pays a claim by electronic funds**

1 **transfer shall comply with all other requirements for the payment**
 2 **of claims by the public library.**

3 SECTION 80. IC 36-12-3-18, AS ADDED BY P.L.1-2005,
 4 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2010]: Sec. 18. (a) ~~Subject to subsection (d)~~; A library board
 6 or a person designated in writing by the library board may:

- 7 (1) collect money or library property; or
 8 (2) compromise the amount of money;

9 that is owed to the library.

10 (b) A library board:

- 11 (1) shall determine the costs of collecting money or library
 12 property under this section; and
 13 (2) may add the costs of collection, including reasonable
 14 attorney's fees, to money or library property that is owed and
 15 collected under this section.

16 (c) A library board or the library board's agent that collects money
 17 under this section shall deposit the money, less the costs of collection,
 18 in the account required by law.

19 ~~(d) A person designated by the library board under subsection (a)~~
 20 ~~may collect money from a person for the library only if the amount to~~
 21 ~~be collected from the person is more than ten dollars (\$10):~~

22 ~~(e)~~ **(d)** A library board may compromise claims made against the
 23 library.

24 SECTION 81. IC 36-12-7-3, AS ADDED BY P.L.1-2005,
 25 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2010]: Sec. 3. (a) A library board may issue local library cards
 27 to:

- 28 (1) residents of the library district; ~~and~~
 29 (2) Indiana residents who are not residents of the library district;
 30 **(3) library employees of the library district; or**
 31 **(4) employees of a school corporation or nonpublic school**
 32 **located in the library district;**

33 who apply for the cards.

34 (b) Except as provided in subsection (c), a library board must set
 35 and charge a fee for a local library card issued under subsection (a)(2).
 36 The minimum fee that the board may set under this subsection is the
 37 greater of the following:

- 38 (1) The library district's operating fund expenditure per capita in
 39 the most recent year for which that information is available in the
 40 Indiana state library's annual "Statistics of Indiana Libraries".
 41 (2) Twenty-five dollars (\$25).

42 (c) A library board may charge a reduced fee or not charge a fee for
 43 a local library card under subsection (b) that is issued to an Indiana
 44 resident who is:

- 45 (1) a student enrolled in a public school corporation that is located
 46 at least in part in the library district; and
 47 (2) not a resident of that library district.

1 (d) A library board may issue a local library card under
2 subsection (a)(3) or (a)(4):

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

5 (2) without charging a fee for the card;

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

8 SECTION 82. IC 36-12-7-9 IS ADDED TO THE INDIANA CODE
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2010]: Sec. 9. (a) Dissolution of a library district is initiated when
11 the:

12 (1) legislative body of each municipality, township, or county
13 that is a part of the district; and

14 (2) library board of the district;

15 adopt identical resolutions proposing to dissolve the district by an
16 affirmative vote of a majority of the voting members of each
17 legislative body and library board.

18 (b) Copies of the resolutions adopted under subsection (a) shall
19 be filed not later than ten (10) days after the resolution is adopted
20 with:

21 (1) the state library; and

22 (2) the county recorder of each county in which the library
23 district is located.

24 (c) A dissolution under this section does not take effect until:

25 (1) all legal and fiscal obligations of the library district have
26 been satisfied;

27 (2) the assets of the district have been distributed; and

28 (3) a notice is filed with the agencies listed in subsection (b),
29 indicating that the actions described in subdivisions (1) and

30 (2) have been completed and the dissolution is final.

31 SECTION 83. IC 36-12-7-10 IS ADDED TO THE INDIANA
32 CODE AS A NEW SECTION TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2010]: Sec. 10. (a) As used in this section,
34 "electronic funds transfer" means any transfer of funds, other than
35 a transaction originated by check, draft, or similar paper
36 instrument, that is initiated through an electronic terminal,
37 telephone, or computer or magnetic tape for the purpose of
38 ordering, instructing, or authorizing a financial institution to debit
39 or credit an account.

40 (b) A library board may adopt a resolution to authorize an
41 electronic funds transfer method of payment of claims. If the
42 library board adopts the resolution, the public library may pay
43 money from its funds by electronic funds transfer.

44 (c) A public library that pays a claim by electronic funds
45 transfer shall comply with all other requirements for the payment
46 of claims by the public library.

47 SECTION 84. IC 36-12-7-11 IS ADDED TO THE INDIANA
48 CODE AS A NEW SECTION TO READ AS FOLLOWS

1 [EFFECTIVE JULY 1, 2010]: **Sec. 11. (a) A library board or a**
2 **person designated in writing by the library board may:**
3 **(1) collect money or library property; or**
4 **(2) compromise the amount of money;**
5 **that is owed to the library.**
6 **(b) A library board:**
7 **(1) shall determine the costs of collecting money or library**
8 **property under this section; and**
9 **(2) may add the costs of collection, including reasonable**
10 **attorney's fees, to money or library property that is owed and**
11 **collected under this section.**
12 **(c) A library board or the library board's agent that collects**
13 **money under this section shall deposit the money, less the costs of**
14 **collection, in the account required by law.**
15 **(d) A library board may compromise claims made against the**
16 **library.**
17 SECTION 85. THE FOLLOWING ARE REPEALED [EFFECTIVE
18 JULY 1, 2010]: IC 3-8-2-2.2; IC 3-11-18-2; IC 3-11-18-18;
19 IC 3-11-18-19; IC 3-11-18-20; IC 20-23-4-29; IC 20-23-7-8;
20 IC 20-23-13-2."
21 Renumber all SECTIONS consecutively.
(Reference is to EHB 1030 as printed February 12, 2010.)

Senator LAWSON C