



Reprinted
January 29, 2010

SENATE BILL No. 241

DIGEST OF SB 241 (Updated January 28, 2010 6:15 pm - DI 73)

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

Synopsis: Local government issues. Provides that in counties other than Marion County, the county legislative body may adopt an ordinance providing that the voters of the county shall elect a single county chief executive officer to serve as the county executive and a county council that has the legislative and fiscal powers and duties of the county. Provides that such an ordinance to change the structure of county government may be adopted only during an odd-numbered year or before July 1 of an even-numbered year. Specifies that an ordinance providing for a single elected county executive officer must be approved by: (1) a unanimous vote of all the elected members of the county legislative body, in the case of a county legislative body with not more than three members; or (2) a vote of at least two-thirds of all the elected members of the county legislative body, in the case of a county legislative body with more than three members. Provides that in a county with a single county chief executive officer: (1) the initial county chief executive officer is elected in the second general election after the ordinance to change the structure of county government is approved; (2) the board of county commissioners is abolished; and (3) the membership of the county council continues under existing law.
(Continued next page)

Effective: Upon passage; July 1, 2010; January 1, 2011.

Lawson C, Wyss, Sipes

January 11, 2010, read first time and referred to Committee on Elections.
January 21, 2010, reported favorably — Do Pass.
January 28, 2010, read second time, amended, ordered engrossed.

SB 241—LS 6719/DI 73+



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Places city offices on the primary and general election ballots before (rather than after) township offices. Provides that an employee of a political subdivision is considered to have resigned from employment with the political subdivision if the employee assumes the elected executive office of the political subdivision or becomes an elected member of the political subdivision's legislative or fiscal body. Specifies that the restriction applies to an employee of a political subdivision who assumes an elected office after June 30, 2010, but provides that the restriction does not apply to an employee of a political subdivision who holds elective office on June 30, 2010, as long as the individual continues to hold or be reelected to that office. Provides that the restriction does not prohibit an employee of a political subdivision from holding an elected office of a political subdivision other than the political subdivision that employs the government employee. Prohibits a relative of an officer or employee of a political subdivision from being employed by the political subdivision in a position that would put the relative in a direct supervisory or subordinate relationship with the officer or employee. Specifies that an employee of a political subdivision is not required by these provisions to be terminated or reassigned from any position held by that individual before July 1, 2010, but provides that this grandfathering provision expires January 1, 2015. Provides that a political subdivision may not enter into or renew certain contracts. Provides for the adjustment of maximum property tax levies after the consolidation of fire departments in Marion County. Provides that the property tax levy limits do not apply to property taxes imposed by the consolidated city to pay indebtedness assumed or paid under a consolidation of fire departments in Marion County. Specifies that not more than four years after the consolidation of a fire department in Marion County, the consolidated city may levy a tax above the tax rate set for the consolidated fire department in the township as necessary to phase out that township's borrowing for fire and emergency services and any other emergency or temporary loans by the township for fire and emergency services. Requires constables and deputy constables to file an annual statement of economic interests with the commission on judicial qualifications. Provides that a building authority in Marion County must submit its operating and maintenance budget and tax levy to the city-county council for approval. Establishes the use of vote centers as an option for all counties. Requires the county election board (board) to adopt an order designating a county a vote center county, adopt a plan to administer the vote centers, and file the order and the plan with the election division. Requires the board to accept and consider public comment before adopting an order designating the county as a vote center county. Provides that designation of a county as a vote center county remains in effect until the board rescinds the order designating the county as a vote center county and files a copy of the rescission with the election division. Provides that an electronic poll list must be programmed so that access to the list requires the coordinated action of two precinct election officials who are not members of the same political party. Allows an electronic poll list used at a vote center to include an electronic image of the voter's signature, if available. Authorizes a precinct election board administering an election at a vote center to report the vote totals by precinct on election night. Redesignates automatically as a vote center county a county previously designated a vote center pilot county. Provides that school board members selected by election must be elected at general elections beginning in 2010. Repeals the expiration date of the vote center program and provisions that: (1) require the secretary of state's approval of the vote center designation; and (2) allow the secretary of state to revoke the vote center designation. Repeals other obsolete and superseded statutes.

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Reprinted
January 29, 2010

Second Regular Session 116th General Assembly (2010)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

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SENATE BILL No. 241

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

1 SECTION 1. IC 3-5-2-1.7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1.7. "Active voter"
3 refers to a voter who satisfies ~~either~~ **both** of the following:
4 (1) The voter has registered or voted in any election during the
5 preceding four (4) years at the address indicated on the voter's
6 registration record **on the computerized list maintained under**
7 **IC 3-7-26.3 indicates that the voter is a legally registered**
8 **voter.**
9 (2) The voter has not voted in any election during the preceding
10 four (4) years at the address indicated on the voter's registration
11 record and has responded in writing to an address confirmation
12 notice sent under IC 3-7 not later than thirty (30) days after the
13 notice was sent: **not been identified on the computerized list**
14 **maintained under IC 3-7-26.3 as inactive or canceled in**
15 **accordance with federal or state law.**

SB 241—LS 6719/DI 73+



1 SECTION 2. IC 3-5-2-22 IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE UPON PASSAGE]: Sec. 22. "Executive" means **the:**
 3 (1) board of county commissioners, for a county ~~not having that:~~
 4 (A) **does not have** a consolidated city; **and**
 5 (B) **is not subject to IC 36-2-2.5;**
 6 (2) **chief executive officer elected under IC 36-2-2.5, for a**
 7 **county that:**
 8 (A) **does not have a consolidated city; and**
 9 (B) **is subject to IC 36-2-2.5;**
 10 ~~(2)~~ (3) mayor of the consolidated city, for a county having a
 11 consolidated city;
 12 ~~(3)~~ (4) mayor, for a city;
 13 ~~(4)~~ (5) president of the town council, for a town; or
 14 ~~(5)~~ (6) trustee, for a township.

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

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

22 SECTION 4. IC 3-5-4-11 IS ADDED TO THE INDIANA CODE
 23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2010]: Sec. 11. (a) **As used in this section, "governing body"**
 25 **refers to the governing body of a school corporation that is subject**
 26 **to any of the following:**

- 27 (1) IC 20-23-4-30.
- 28 (2) IC 20-23-7-8 (before its repeal on July 1, 2010) and
- 29 IC 20-23-7-8.1 (after June 30, 2010).
- 30 (3) IC 20-23-8-8.
- 31 (4) IC 20-23-10-8.
- 32 (5) IC 20-23-12.
- 33 (6) IC 20-23-13.
- 34 (7) IC 20-23-14.
- 35 (8) IC 20-25-3-4.

36 (b) **This subsection applies to a member of a governing body**
 37 **elected at the 2006 primary election. The successor of such a**
 38 **member shall:**

- 39 (1) **be elected at the 2010 general election; and**
- 40 (2) **take office January 1, 2011.**

41 (c) **This subsection applies to a member of a governing body**
 42 **elected at the 2008 primary election. The successor of such a**

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1 member shall:
 2 (1) be elected at the 2012 general election; and
 3 (2) take office January 1, 2013.
 4 (d) This section expires July 1, 2013.
 5 SECTION 5. IC 3-5-9 IS ADDED TO THE INDIANA CODE AS
 6 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 2010]:
 8 Chapter 9. Government Employees Holding Office
 9 Sec. 1. (a) Except as provided in subsection (b), this chapter
 10 applies to a government employee who, after June 30, 2010,
 11 assumes an elected office of the political subdivision that employs
 12 the individual.
 13 (b) This chapter does not apply to a government employee who,
 14 on June 30, 2010, holds an elected office of the political subdivision
 15 that employs the individual, as long as the individual continues to:
 16 (1) hold; or
 17 (2) be reelected to;
 18 the elected office the individual held on June 30, 2010.
 19 Sec. 2. This chapter does not prohibit a government employee
 20 from holding an elected office of a political subdivision other than
 21 the political subdivision that employs the government employee.
 22 Sec. 3. As used in this chapter, "elected office" refers only to the
 23 following:
 24 (1) The elected executive of a political subdivision.
 25 (2) An elected member of the legislative body or fiscal body of
 26 a political subdivision.
 27 Sec. 4. As used in this chapter, "government employee" refers
 28 to an employee of a political subdivision. The term does not include
 29 an individual who holds an elected office.
 30 Sec. 5. An individual is considered to have resigned as a
 31 government employee when the individual assumes an elected
 32 office of the political subdivision that employs the individual.
 33 SECTION 6. IC 3-8-1-21 IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) A candidate for the
 35 office of county commissioner must:
 36 (1) have resided in the county for at least one (1) year before the
 37 election, as provided in Article 6, Section 4 of the Constitution of
 38 the State of Indiana; and
 39 (2) have resided in the district in which seeking election, if
 40 applicable, for at least six (6) months before the election.
 41 (b) This subsection applies to elections in a county in which a
 42 county chief executive officer is elected under IC 36-2-2.5. A

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1 **candidate for the office of county chief executive officer must have**
2 **resided in the county for at least one (1) year before the election, as**
3 **provided in Article 6, Section 4 of the Constitution of the State of**
4 **Indiana.**

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

11 (b) A person may file both:

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

17 (c) A person may not file:

- 18 (1) a declaration of candidacy for a nomination; and
- 19 (2) a petition of nomination or declaration of intent to be a
- 20 write-in candidate for a school board office that is elected at the
- 21 same time as the primary election.

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

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

- 32 (1) The title of each office.
- 33 (2) The name of each individual who has filed a request to be
- 34 placed on the presidential primary ballot.
- 35 (3) The names and addresses of all persons for whom declarations
- 36 of candidacy have been filed for nomination to an office on the
- 37 primary election ballot.
- 38 (4) The names and addresses of all persons who have filed a
- 39 petition of nomination for election to a school board office to be
- 40 chosen at the same time as the primary election.
- 41 (5) (4) The text of any public question to be placed on the ballot.
- 42 (6) (5) The date of the primary election.

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1 ~~(7)~~ **(6)** The hours during which the polls will be open.
2 (b) The county election board shall do the following:
3 (1) Publish the information described in subsection (a) before the
4 primary election in accordance with IC 5-3-1.
5 (2) File a copy of the information described in subsection (a):
6 (A) with the election division; and
7 (B) in the minutes of the county election board.
8 (c) The county election board shall file the copies required under
9 subsection (b)(2) not later than noon ten (10) days before election day.
10 (d) An election is not invalidated by the failure of the board to
11 comply with this section.
12 (e) If the county election board receives an amendment from the
13 election division under section 17 of this chapter after:
14 (1) compilation of the information described in subsection (a) has
15 occurred; or
16 (2) the board determines that it is impractical to recompile
17 completely revised information;
18 the board is only required to file a copy of the amendment with the
19 minutes of the board.
20 SECTION 9. IC 3-8-2.5 IS ADDED TO THE INDIANA CODE AS
21 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 2010]:
23 **Chapter 2.5. Nomination for School Board Office**
24 **Sec. 1. This chapter applies to a candidate for a school board**
25 **office.**
26 **Sec. 2. A candidate for a school board office must file a petition**
27 **of nomination in accordance with IC 3-8-6 and as required under**
28 **IC 20-23 or IC 20-25. The petition of nomination, once filed, serves**
29 **as the candidate's declaration of candidacy for a school board**
30 **office.**
31 **Sec. 3. A candidate for a school board office is not required to**
32 **file a statement of organization for the candidate's principal**
33 **committee unless the candidate has received contributions or made**
34 **expenditures requiring the filing of a statement under IC 3-9-1-5.5.**
35 **If a candidate for a school board office is required to file a**
36 **statement of organization for the candidate's principal committee,**
37 **the statement of organization must be filed by noon seven (7) days**
38 **after the final date for filing a petition of nomination or declaration**
39 **of intent to be a write-in candidate.**
40 **Sec. 4. (a) A petition of nomination for a school board office**
41 **must be filed:**
42 **(1) not earlier than one hundred four (104) days; and**

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1 (2) not later than noon seventy-four (74) days;
2 before the general election. The petition must be subscribed and
3 sworn to before a person authorized to administer oaths.

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

6 (1) not earlier than ninety (90) days before the general
7 election; and

8 (2) not later than noon five (5) days before the final date for
9 the delivery of absentee ballots under IC 3-11-4-15.

10 The declaration must be subscribed and sworn to before a person
11 authorized to administer oaths.

12 SECTION 10. IC 3-10-1-19, AS AMENDED BY P.L.146-2008,
13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2010]: Sec. 19. (a) The ballot for a primary election shall be
15 printed in substantially the following form for all the offices for which
16 candidates have qualified under IC 3-8:

17 OFFICIAL PRIMARY BALLOT

18 _____ Party

19 For paper ballots, print: To vote for a person, make a voting mark
20 (X or ✓) on or in the box before the person's name in the proper
21 column. For optical scan ballots, print: To vote for a person, darken or
22 shade in the circle, oval, or square (or draw a line to connect the arrow)
23 that precedes the person's name in the proper column. For optical scan
24 ballots that do not contain a candidate's name, print: To vote for a
25 person, darken or shade in the oval that precedes the number assigned
26 to the person's name in the proper column. For electronic voting
27 systems, print: To vote for a person, touch the screen (or press the
28 button) in the location indicated.

29 Vote for one (1) only

30 Representative in Congress

31 (1) AB _____

32 (2) CD _____

33 (3) EF _____

34 (4) GH _____

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

- 37 (1) Federal and state offices:
 - 38 (A) President of the United States.
 - 39 (B) United States Senator.
 - 40 (C) Governor.
 - 41 (D) United States Representative.
- 42 (2) Legislative offices:

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

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

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1 the candidates seeking nomination as an at-large member shall be
2 placed on the ballot before candidates seeking nomination to represent
3 a district.

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

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

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

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

- 22 (1) Clerk of the circuit court.
- 23 (2) County auditor.
- 24 (3) County recorder.
- 25 (4) County treasurer.
- 26 (5) County sheriff.
- 27 (6) County coroner.
- 28 (7) County surveyor.
- 29 (8) County assessor.
- 30 (9) County commissioner, **except in a county that is subject to**
- 31 **IC 36-2-2.5.**
- 32 **(10) County chief executive officer, in a county that is subject**
- 33 **to IC 36-2-2.5.**
- 34 ~~(10)~~ **(11)** County council member.
- 35 ~~(11)~~ **(12)** Township trustee.
- 36 ~~(12)~~ **(13)** Township board member.
- 37 ~~(13)~~ **(14)** Township assessor (only in a township referred to in
- 38 IC 36-6-5-1(d)).
- 39 ~~(14)~~ **(15)** Judge of a small claims court.
- 40 ~~(15)~~ **(16)** Constable of a small claims court.

41 SECTION 14. IC 3-11-2-12, AS AMENDED BY P.L.146-2008,
42 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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- 1 JULY 1, 2010]: Sec. 12. The following offices shall be placed on the
- 2 general election ballot in the following order:
- 3 (1) Federal and state offices:
- 4 (A) President and Vice President of the United States.
- 5 (B) United States Senator.
- 6 (C) Governor and lieutenant governor.
- 7 (D) Secretary of state.
- 8 (E) Auditor of state.
- 9 (F) Treasurer of state.
- 10 (G) Attorney general.
- 11 (H) Superintendent of public instruction.
- 12 (I) United States Representative.
- 13 (2) Legislative offices:
- 14 (A) State senator.
- 15 (B) State representative.
- 16 (3) Circuit offices and county judicial offices:
- 17 (A) Judge of the circuit court, and unless otherwise specified
- 18 under IC 33, with each division separate if there is more than
- 19 one (1) judge of the circuit court.
- 20 (B) Judge of the superior court, and unless otherwise specified
- 21 under IC 33, with each division separate if there is more than
- 22 one (1) judge of the superior court.
- 23 (C) Judge of the probate court.
- 24 (D) Judge of the county court, with each division separate, as
- 25 required by IC 33-30-3-3.
- 26 (E) Prosecuting attorney.
- 27 (F) Clerk of the circuit court.
- 28 (4) County offices:
- 29 (A) County auditor.
- 30 (B) County recorder.
- 31 (C) County treasurer.
- 32 (D) County sheriff.
- 33 (E) County coroner.
- 34 (F) County surveyor.
- 35 (G) County assessor.
- 36 (H) County commissioner, **except in a county that is subject**
- 37 **to IC 36-2-2.5.**
- 38 **(I) County chief executive officer, in a county that is**
- 39 **subject to IC 36-2-2.5.**
- 40 **(J) County council member.**
- 41 (5) City offices:
- 42 (A) Mayor.

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- 1 **(B) Clerk or clerk-treasurer.**
- 2 **(C) Judge of the city court.**
- 3 **(D) City-county council member or common council**
- 4 **member.**
- 5 ~~(5)~~ **(6) Township offices:**
- 6 (A) Township assessor (only in a township referred to in
- 7 IC 36-6-5-1(d)).
- 8 (B) Township trustee.
- 9 (C) Township board member.
- 10 (D) Judge of the small claims court.
- 11 (E) Constable of the small claims court.
- 12 ~~(6)~~ **City offices:**
- 13 ~~(A) Mayor.~~
- 14 ~~(B) Clerk or clerk-treasurer.~~
- 15 ~~(C) Judge of the city court.~~
- 16 ~~(D) City-county council member or common council member.~~
- 17 **(7) Town offices:**
- 18 (A) Clerk-treasurer.
- 19 (B) Judge of the town court.
- 20 (C) Town council member.

21 SECTION 15. IC 13-11-2-74 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 74. "Executive"
 23 means the:

- 24 (1) board of commissioners of a county ~~not having that:~~
- 25 **(A) does not have a consolidated city; and**
- 26 **(B) is not subject to IC 36-2-2.5;**
- 27 (2) **chief executive officer elected under IC 36-2-2.5, for a**
- 28 **county that:**
- 29 **(A) does not have a consolidated city; and**
- 30 **(B) is subject to IC 36-2-2.5;**
- 31 ~~(2)~~ **(3) mayor of the consolidated city, for a county having a**
- 32 **consolidated city;**
- 33 ~~(3)~~ **(4) mayor of a city; or**
- 34 ~~(4)~~ **(5) president of the town council of a town.**

35 SECTION 16. IC 3-11-8-10.3 IS ADDED TO THE INDIANA
 36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2010]: **Sec. 10.3. (a) As used in this section,**
 38 **"electronic poll list" refers to a poll list that is maintained in a**
 39 **computer data base.**

- 40 **(b) An electronic poll list must satisfy all of the following:**
- 41 **(1) An electronic poll list must be programmed so that the**
- 42 **coordinated action of two (2) precinct election officers who**

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1 **are not members of the same political party is necessary to**
2 **obtain access to the electronic poll list.**
3 **(2) An electronic poll list may not be connected to a voting**
4 **system.**
5 **(3) An electronic poll list may not permit access to voter**
6 **information other than information provided on the certified**
7 **list of voters prepared under IC 3-7-29-1.**
8 SECTION 17. IC 3-11-18-1, AS ADDED BY P.L.164-2006,
9 SECTION 119, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2010]: Sec. 1. **(a) This chapter applies to a**
11 **county designated as a vote center pilot county under this chapter.**
12 **(b) On July 1, 2010, a county designated as a vote center pilot**
13 **county under:**
14 **(1) P.L.164-2006, SECTION 148 (before its expiration); or**
15 **(2) P.L.108-2008, SECTION 4;**
16 **is automatically redesignated as a vote center county under this**
17 **chapter.**
18 SECTION 18. IC 3-11-18-3, AS ADDED BY P.L.164-2006,
19 SECTION 119, IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2010]: Sec. 3. **(a) For A county must comply**
21 **with this section to be designated become a vote center pilot county.**
22 **(b) As used in this section, "board" refers to either of the**
23 **following:**
24 **(1) The county election board. or**
25 **(2) The board of elections and registration established under**
26 **IC 3-6-5.2 or IC 3-6-5.4.**
27 **(c) The board shall hold a public hearing to present a draft plan**
28 **for administration of vote centers in the county.**
29 **(d) After presentation of the draft plan under subsection (c), the**
30 **board shall accept written public comments on the draft plan.**
31 **(e) At least thirty (30) days after the hearing held under**
32 **subsection (c), the board shall hold a public hearing to consider the**
33 **draft plan, the written public comments, and any other public**
34 **comment that the board may permit on the draft plan.**
35 **(f) After consideration of the draft plan and the public**
36 **comments, the board may do the following:**
37 **(1) Adopt an order approving the draft plan.**
38 **(2) Amend the draft plan and adopt an order approving the**
39 **amended draft plan.**
40 **The board may adopt the order to approve a plan only by**
41 **unanimous vote of the entire membership of the board. must approve**
42 **the filing of an application to be designated a vote center pilot county;**

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- 1 ~~(2)~~ **(g)** All members of the board must sign the ~~application~~; and
- 2 **order adopting the plan.**
- 3 ~~(3)~~ **(h)** The ~~application order and the adopted plan~~ must be filed
- 4 with the ~~secretary of state~~; ~~(b)~~ The ~~application election division and~~
- 5 must include **a copy of:**
- 6 (1) a resolution adopted by the county executive; and
- 7 (2) a resolution adopted by the county fiscal body;
- 8 approving the ~~submission designation~~ of the ~~application~~; ~~county as a~~
- 9 **vote center county.**
- 10 SECTION 19. IC 3-11-18-4, AS ADDED BY P.L.164-2006,
- 11 SECTION 119, IS AMENDED TO READ AS FOLLOWS
- 12 [EFFECTIVE JULY 1, 2010]: Sec. 4. ~~The application must include a~~
- 13 ~~plan for the administration of vote centers in the county.~~ The plan
- 14 **required by section 3 of this chapter** must include at least the
- 15 following:
- 16 (1) The total number of vote centers to be established.
- 17 (2) The location of each vote center. ~~and the municipality, if any,~~
- 18 ~~in which the vote center is located.~~
- 19 ~~(3) A list of each municipality within the county that is entitled to~~
- 20 ~~conduct a municipal primary or municipal election; as of the date~~
- 21 ~~of the application.~~
- 22 **(3) The effective date of the order.**
- 23 **(4) The following information according to the computerized**
- 24 **list (as defined in IC 3-7-26.3-2) as of the date of the order:**
- 25 **(A)** The total number of voters within ~~each municipality, as of~~
- 26 ~~the date of the application, and the county.~~
- 27 **(B)** The number of ~~those active~~ voters within ~~each~~
- 28 ~~municipality designated as "active" and the county.~~
- 29 **(C) The number of inactive according to voters within** the
- 30 ~~county. voter registration office.~~
- 31 (5) For each vote center designated under subdivision (2), a list
- 32 of the precincts whose polls will be located at the vote center.
- 33 (6) For each vote center designated under subdivision (2), the
- 34 number of precinct election boards that will be appointed to
- 35 administer an election at the vote center.
- 36 (7) For each precinct election board designated under subdivision
- 37 (6), the number and name of each precinct the precinct election
- 38 board will administer.
- 39 (8) For each vote center designated under subdivision (2), the
- 40 number and title of the precinct election officers who will be
- 41 appointed to serve at the vote center.
- 42 (9) For each vote center designated under subdivision (2):

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

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1 persons who are entitled to receive the data under this title.
2 Data must be provided to all persons entitled to the data
3 without unreasonable delay.

4 SECTION 20. IC 3-11-18-5, AS ADDED BY P.L.164-2006,
5 SECTION 119, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) ~~Except for a municipality~~
7 ~~described in subsection (b);~~ A plan must provide a vote center for use
8 by voters residing in each municipality within the county conducting
9 a municipal primary or a municipal election for use in a primary,
10 general, or special election conducted on or after the effective date
11 of the county election board's order.

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

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

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

27 SECTION 22. IC 3-11-18-7, AS ADDED BY P.L.164-2006,
28 SECTION 119, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2010]: Sec. 7. Before approving an application
30 to designate adopting an order designating a county as a vote center
31 pilot county under this chapter, the secretary of state county election
32 board must determine the following:

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

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1 vote center; and
2 (B) precinct election officials, watchers, challengers, and
3 pollbook holders to exercise their rights and perform their
4 duties within the vote center.

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

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

14 (1) **rescinds the order designating the county as a vote center**
15 **county; and**

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

18 SECTION 24. IC 3-11-18-11, AS ADDED BY P.L.164-2006,
19 SECTION 119, IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2010]: Sec. 11. Except as otherwise provided
21 by this chapter, the county shall administer an election conducted at a
22 vote center in accordance with federal law, this title, and the plan
23 ~~submitted~~ **adopted** with the ~~application~~ **county election board's order**
24 under section 4 of this chapter.

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

34 SECTION 26. IC 3-11-18-13, AS ADDED BY P.L.164-2006,
35 SECTION 119, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2010]: Sec. 13. Notwithstanding any other law,
37 the electronic poll list used at each vote center:

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

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

42 ~~(2)~~ (3) **may be in a format approved by the secretary of state.**

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1 SECTION 27. IC 3-11-18-14, AS ADDED BY P.L.164-2006,
2 SECTION 119, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2010]: Sec. 14. Notwithstanding any other law,
4 including IC 3-11-8-2 and IC 3-14-2-11, a voter who resides in a vote
5 center ~~pirot~~ county is entitled to cast a ballot at any vote center
6 established in the county without regard to the precinct in which the
7 voter resides.

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

17 SECTION 29. IC 3-11-18-17, AS ADDED BY P.L.164-2006,
18 SECTION 119, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2010]: Sec. 17. (a) ~~The secretary of state may~~
20 ~~permit~~ A county ~~to may~~ amend a plan ~~submitted~~ **adopted with a**
21 **county election board's order** under section 4 of this chapter.

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

- 23 (1) the county election board (or board of elections and
- 24 registration established under IC 3-6-5.2 or IC 3-6-5.4), by
- 25 unanimous vote of the entire membership of the board, must
- 26 approve the ~~filing of a request to amend the plan~~ **amendment;**
- 27 (2) all members of the board must sign the ~~request;~~ **amendment;**
- 28 and
- 29 (3) the ~~request~~ **amendment** must be filed with the secretary of
- 30 ~~state.~~ **election division.**

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

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

36 SECTION 30. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA
37 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2010]: **Sec. 22. (a) The ad valorem property**
39 **tax levy limits imposed by this chapter do not apply to ad valorem**
40 **property taxes imposed by a consolidated city to pay or fund any**
41 **indebtedness assumed, defeased, paid, or refunded under**
42 **IC 36-3-1-6.1.**

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(b) For purposes of this section:

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

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

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

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

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

- (1) The name of the community school corporation.
- (2) Subject to subsection (e), a general description of the boundaries of the community school corporation.
- (3) With respect to the board of school trustees, **the following:**
 - (A) Whether the number of members is:
 - (i) three (3);
 - (ii) five (5); or
 - (iii) seven (7).
 - (B) Whether the members are elected or appointed.
 - (C) If the members are appointed:
 - (i) when the appointments are made; and
 - (ii) who makes the appointments.
 - (D) If the members are elected, ~~whether that~~ the election is at
 - (i) ~~the primary election at which county officials are nominated; or~~
 - (ii) the general election at which county officials are elected.

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1 ~~and~~

2 (E) Subject to sections 21 and 22 of this chapter, the manner

3 in which members are elected or appointed.

4 (4) The compensation, if any, of the members of the regular and

5 interim board of school trustees, which may not exceed the

6 amount provided in IC 20-26-4-7.

7 (5) Subject to subsection (f), qualifications required of the

8 members of the board of school trustees, including limitations on:

9 (A) residence; and

10 (B) term of office.

11 (6) If an existing school corporation is divided in the

12 reorganization, the disposition of assets and liabilities.

13 (7) The disposition of school aid bonds, if any.

14 (b) If existing school corporations are not divided in the

15 reorganization, the:

16 (1) assets;

17 (2) liabilities; and

18 (3) obligations;

19 of the existing school corporations shall be transferred to and assumed

20 by the new community school corporation of which they are a part,

21 regardless of whether the plan provides for transfer and assumption.

22 (c) The preliminary plan must be supported by a summary statement

23 of **the following:**

24 (1) The educational improvements the plan's adoption will make

25 possible.

26 (2) Data showing the:

27 (A) assessed valuation;

28 (B) number of resident students in ADA in grades 1 through

29 12;

30 (C) assessed valuation per student referred to in clause (B);

31 and

32 (D) property tax levies;

33 of each existing school corporation to which the plan applies.

34 (3) The:

35 (A) assessed valuation;

36 (B) resident ADA; and

37 (C) assessed valuation per student;

38 data referred to in subdivision 2(A) through 2(C) that would have

39 applied for each proposed community school corporation if the

40 corporation existed in the year the preliminary plan is prepared or

41 notice of a hearing or hearings on the preliminary plan is given by

42 the county committee. ~~and~~

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

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- 1 (1) may not serve an appointive or elective term of more than four
- 2 (4) years; and
- 3 (2) may serve more than one (1) consecutive appointive or
- 4 elective term.

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

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

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

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

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

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1 exceeding the maximum number who receive the fewest votes shall
2 be eliminated in determining the candidates who are elected.

3 (f) If the plan provides that members of the governing body are
4 to be elected from electoral districts solely by the voters of each
5 district, nominees residing in each electoral district shall be placed
6 on the ballot in the form prescribed by IC 3-11-2, without party
7 designation. The ballot must state the number of members to be
8 voted on from the electoral district. The candidates residing in the
9 electoral district who receive the most votes are elected.

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

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

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

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

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

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

33 the judge of the circuit court in the county where the majority of
34 registered voters of the school corporation reside shall make the
35 appointment.

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

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

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

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

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

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

10 ~~(1) in November~~ take office and assume their duties on January
 11 1 or July 1 after their election, as determined by the board of
 12 school trustees before the election. ~~and~~

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

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

19 (1) trustees; and

20 (2) members of school boards;

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

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

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

41 (d) The first meeting of the first metropolitan board of education
 42 shall be held not more than one (1) month after the creation of the

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1 metropolitan school district. The first meeting shall be called by the
2 superintendent of schools, or township trustee of a school township, of
3 the school corporation in the district having the largest number of
4 students. At the first meeting, the board shall organize, and **each year**
5 **during the first ten (10) days of each July after the board members**
6 **that are elected or appointed to a new term take office**, the board
7 shall reorganize, by electing a president, a vice president, a secretary,
8 and a treasurer.

9 (e) The secretary of the board shall keep an accurate record of the
10 minutes of the metropolitan board of education, and the minutes shall
11 be kept in the superintendent's office. When a metropolitan school
12 district is formed, the metropolitan superintendent shall act as
13 administrator of the board and shall carry out the acts and duties as
14 designated by the board. A quorum consists of a majority of the
15 members of the board. A quorum is required for the transaction of
16 business. The vote of a majority of those present is required for a:

- 17 (1) motion;
- 18 (2) ordinance; or
- 19 (3) resolution;

20 to pass.

21 (f) The board shall conduct its affairs in the manner described in this
22 section. Except in unusual cases, the board shall hold its meetings at
23 the office of the metropolitan superintendent or at a place mutually
24 designated by the board and the superintendent. Board records are to
25 be maintained and board business is to be conducted from the office of
26 the metropolitan superintendent or a place designated by the board and
27 the superintendent.

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

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

36 SECTION 35. IC 20-23-7-8.1 IS ADDED TO THE INDIANA
37 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
38 **[EFFECTIVE JULY 1, 2010]: Sec. 8.1. (a) The registered voters of**
39 **the metropolitan school district shall elect the members of the**
40 **metropolitan board of education at general elections held**
41 **biennially, beginning with the next general election that is held**
42 **more than sixty (60) days after the creation of the metropolitan**

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1 school district as provided in this chapter.

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

8 (c) Nominees for the board shall be listed on the general election
9 ballot:

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

13 The ballot must state the number of board members to be voted on
14 and the maximum number of members that may be elected from
15 each board member district as provided under section 5 of this
16 chapter. A ballot that contains more votes than the maximum
17 number allowed from a board member district is invalid.

18 (d) The precinct election boards in each county serving at the
19 general election shall conduct the election for school board
20 members.

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

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

- 27 (1) the number of candidates elected is the greatest number
28 that may be elected from the board member district;
29 (2) the candidates elected are those who, among the
30 candidates from the board member district, receive the most
31 votes; and
32 (3) the other candidates from the board member district are
33 eliminated.

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

39 (h) If, at any time after the first board member election, a
40 vacancy on the board occurs for any reason, including an
41 insufficient number of petitions for candidates being filed, and
42 regardless of whether the vacating member was elected or

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1 appointed, the remaining members of the board, whether or not a
2 majority of the board, shall by a majority vote fill the vacancy by:

- 3 (1) appointing a person from the board member district from
- 4 which the person who vacated the board was elected; or
- 5 (2) if the person was appointed, appointing a person from the
- 6 board member district from which the last elected
- 7 predecessor of the person was elected.

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

- 13 (i) At a general election held on the earlier of:
- 14 (1) more than sixty (60) days after an elected board member
- 15 vacates membership on the board; or
- 16 (2) immediately before the end of the term for which the
- 17 vacating member was elected;

18 a successor to a board member appointed under subsection (h)
19 shall be elected. Unless the successor takes office at the end of the
20 term of the vacating member, the member shall serve only for the
21 balance of the vacating member's term. In an election for a
22 successor board member to fill a vacancy for a two (2) year
23 balance of a term, candidates for board membership need not file
24 for or with reference to the vacancy. However, as required by
25 IC 3-11-2, candidates for at-large seats must be distinguished on
26 the ballot from candidates for district seats. If there is more than
27 one (1) at-large seat on the ballot due to this vacancy, the elected
28 candidate who receives the fewest votes at the election at which the
29 successor is elected shall serve a two (2) year term.

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

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

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

42 (b) As used in this section, "school township" means a school

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1 township in Indiana that:

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

3 (A) the adoption of a preliminary resolution by the township

4 trustee and the township board under subsection (f); or

5 (B) the adoption of a resolution of disapproval by the township

6 trustee and the township board under subsection (g);

7 had an ADM of at least six hundred (600) students in

8 kindergarten through grade 12 in the public schools of the school

9 township; or

10 (2) is part of a township in which there were more votes cast for

11 township trustee outside the school township than inside the

12 school township in the general election at which the trustee was

13 elected and that preceded the adoption of the preliminary or

14 disapproving resolution.

15 (c) As used in this section, "township board" means the township

16 board of a township in which the school township is located.

17 (d) As used in this section, "township trustee" means the township

18 trustee of the township in which the school township is located.

19 (e) In a school township, a metropolitan school district may be

20 created by complying with this section. A metropolitan school district

21 created under this section shall have the same boundaries as the school

22 township. After a district has been created under this section, the

23 school township that preceded the metropolitan school district is

24 abolished. The procedures or provisions governing the creation of a

25 metropolitan school district under another section of this chapter do not

26 apply to the creation of a district under this section. After a

27 metropolitan school district is created under this section, the district

28 shall, except as otherwise provided in this section, be governed by and

29 operate in accordance with this chapter governing the operation of a

30 metropolitan school district as established under section 2 of this

31 chapter.

32 (f) Except as provided in subsection (g), a metropolitan school

33 district provided for in subsection (e) may be created in the following

34 manner:

35 (1) The township trustee shall call a meeting of the township

36 board. At the meeting, the township trustee and a majority of the

37 township board shall adopt a resolution that a metropolitan school

38 district shall be created in the school township. The township

39 trustee shall then give notice:

40 (A) by two (2) publications one (1) week apart in a newspaper

41 of general circulation published in the school township; or

42 (B) if there is no newspaper as described in clause (A), in a

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newspaper of general circulation in the county;
of the adoption of the resolution setting forth the text of the
resolution.

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

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

(1) A number of registered voters of the school township, equal
to five percent (5%) or more of the votes cast in the school
township for secretary of state at the last general election for that
office, shall sign and file with the township trustee a petition
requesting the creation of a metropolitan school district under this
section.

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

(A) adopt a preliminary resolution that a metropolitan school
district shall be created in the school township and proceed as
provided in subsection (f); or

(B) adopt a resolution disapproving the creation of the district.

(3) If either the township trustee or a majority of township board
members vote in favor of disapproving the resolution, an election
must be held to determine whether or not a metropolitan school
district shall be created in the school township in the same

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1 manner as is provided in subsection (f) if an election is requested
2 by petition.

3 (h) An election required under subsection (f) or (g) may, at the
4 option of the township trustee, be held either as a special election or in
5 conjunction with a primary or general election to be held not more than
6 one hundred twenty (120) days after the filing of a petition under
7 subsection (f) or the adoption of the disapproving resolution under
8 subsection (g). The township trustee shall certify the question to the
9 county election board under IC 3-10-9-3 and give notice of an election:

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

12 (2) if a newspaper described in subdivision (1) does not exist, in
13 a newspaper of general circulation published in the county.

14 The notice must provide that on a day and time named in the notice, the
15 polls shall be opened at the usual voting places in the various precincts
16 in the school township for the purpose of taking the vote of the
17 registered voters of the school township regarding whether a
18 metropolitan school district shall be created in the township. The
19 election shall be held not less than twenty (20) days and not more than
20 thirty (30) days after the last publication of the notice unless a primary
21 or general election will be conducted not more than six (6) months after
22 the publication. In that case, the county election board shall place the
23 public question on the ballot at the primary or general election. If the
24 election is to be a special election, the township trustee shall give
25 notice not more than thirty (30) days after the filing of the petition or
26 the adoption of the disapproving resolution.

27 (i) On the day and time named in the notice, the polls shall be
28 opened and the votes of the voters shall be taken regarding whether a
29 metropolitan school district shall be created in the school township.
30 IC 3 governs the election except as otherwise provided in this chapter.
31 The county election board shall conduct the election. The public
32 question shall be placed on the ballot in the form prescribed by
33 IC 3-10-9-4 and must state, "Shall a metropolitan school district under
34 IC 20-23-7 be formed in the _____ School Township of
35 _____ County, Indiana?". The name of the school township
36 shall be inserted in the blanks.

37 (j) The votes cast in the election shall be canvassed at a place in the
38 school township determined by the county election board. The
39 certificate of the votes cast for and against the creation of a
40 metropolitan school district shall be filed in the records of the township
41 board and recorded with the county recorder. If the special election is
42 not conducted at a primary or general election, the school township

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1 shall pay the expense of holding the election out of the school general
2 fund that is appropriated for this purpose.

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

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

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

42 (n) After the creation of a metropolitan school district under this

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

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

14 (1) The number of members of the governing body, which shall
15 be:

16 (A) three (3);

17 (B) five (5); or

18 (C) seven (7);

19 members.

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

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

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

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

31 (5) The limitations on:

32 (A) residence;

33 (B) term of office; and

34 (C) other qualifications;

35 required by members of the governing body.

36 (6) The time the plan takes effect.

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

41 (b) Except as provided in subsection (a)(1), in a city having a
42 population of more than fifty-nine thousand seven hundred (59,700)

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1 but less than sixty-five thousand (65,000), the governing body
2 described in a plan may have up to nine (9) members.

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

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

12 ~~(2) (1) A plan adopted is declared or held to be invalid by a~~
13 ~~binding judgment or order in a United States or an Indiana court~~
14 ~~that no appeal or further approval can be taken. or~~

15 ~~(3) (2) The plan provides solely for changes in items specified in~~
16 ~~section 7(a)(5) of this chapter.~~

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

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

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

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

28 (c) The first board of trustees shall select the name of the merged
29 school corporation by a majority vote. The name may be changed by
30 unanimous vote of the governing body of the merged school
31 corporation.

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

36 (1) On a nonpartisan basis.

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

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

40 (1) is elected from the school district in which the member
41 resides; and

42 (2) upon election and in conducting the business of the governing

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

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

12 ~~(1)~~ is four (4) years. ~~and~~
 13 ~~(2)~~ begins

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

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

20 (1) Three (3) of the members elected under section 3(b) of this
 21 chapter are elected at the **primary general** election to be held in
 22 ~~2008~~ **2012** and every four (4) years thereafter.

23 (2) Three (3) of the members elected under section 3(b) of this
 24 chapter are elected at the **primary general** election to be held in
 25 ~~2006~~ **2010** and every four (4) years thereafter.

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

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

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

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

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

39 (b) ~~At the 2008 primary election and at each primary election every~~
 40 ~~four (4) years thereafter; there shall be elected in each school~~
 41 ~~corporation covered by this chapter two (2) governing body members;~~
 42 ~~each of whom shall serve for four (4) years. The two (2) candidates for~~

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1 the office of school trustee receiving the highest number of votes at the
2 election take office on July 1 next following the election:

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

9 (d) **(b)** The governing body members shall be elected at the times
10 provided and shall succeed the retiring members in the order and
11 manner as set forth in this section: **chapter.**

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

17 **(b) The voters of the school corporation shall elect the members**
18 **of the governing body at a general election for a term of four (4)**
19 **years. The members shall be elected from the city at large without**
20 **reference to district.**

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

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

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

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

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

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

40 **(1) in alphabetical order;**

41 **(2) without party designation; and**

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

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

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

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

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

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

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

21 (1) Each prospective candidate must file a **petition of nomination**
22 ~~petition~~ with the board of elections and registration not earlier
23 than one hundred four (104) days and not later than noon
24 seventy-four (74) days before the **primary general** election at
25 which the members are to be elected. ~~that includes~~ **The petition**
26 **of nomination must include** the following: ~~information:~~

- 27 (A) The name of the prospective candidate.
- 28 (B) Whether the prospective candidate is a district candidate
- 29 or an at-large candidate.
- 30 (C) A certification that the prospective candidate meets the
- 31 qualifications for candidacy imposed under this chapter.
- 32 (D) The signatures of at least one hundred (100) registered
- 33 voters residing in the school corporation.
- 34 (2) Each prospective candidate for a district position must:
- 35 (A) reside in the district; and
- 36 (B) have resided in the district for at least the three (3) years
- 37 immediately preceding the election.
- 38 (3) Each prospective candidate for an at-large position must:
- 39 (A) reside in the school corporation; and
- 40 (B) have resided in the school corporation for at least the three
- 41 (3) years immediately preceding the election.
- 42 (4) Each prospective candidate (regardless of whether the

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- 1 candidate is a district candidate or an at-large candidate) must:
- 2 (A) be a registered voter;
- 3 (B) have been a registered voter for at least the three (3) years
- 4 immediately preceding the election; and
- 5 (C) be a high school graduate or have received a:
- 6 (i) high school equivalency certificate; or
- 7 (ii) state general educational development (GED) diploma
- 8 under IC 20-20-6.
- 9 (5) A prospective candidate may not:
- 10 (A) hold any other elective or appointive office; or
- 11 (B) have a pecuniary interest in any contract with the school
- 12 corporation or its governing body;
- 13 as prohibited by law.

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

- 18 ~~(1)~~ is four (4) years. ~~and~~
- 19 ~~(2)~~ begins

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

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

- 26 (1) Three (3) of the members are elected at the **primary general**
- 27 election to be held in ~~2008~~ **2012** and every four (4) years
- 28 thereafter.
- 29 (2) Two (2) of the members are elected at the **primary general**
- 30 election to be held in ~~2006~~ **2010** and every four (4) years
- 31 thereafter.

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

- 36 (1) must be elected on a nonpartisan basis in **primary general**
- 37 elections held in the county as specified in this section; and
- 38 (2) serves a four (4) year term.

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

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

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

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

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

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

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

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

21 (h) In accordance with subsection (k), a vacancy in the board shall
 22 be filled temporarily by the board as soon as practicable after the
 23 vacancy occurs. The member chosen by the board to fill a vacancy
 24 holds office until the member's successor is elected and qualified. The
 25 successor shall be elected at the next regular school board election
 26 occurring after the date on which the vacancy occurs. The successor
 27 fills the vacancy for the remainder of the term.

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

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

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

40 SECTION 50. IC 33-33-53-5, AS AMENDED BY P.L.2-2006,
 41 SECTION 183, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2010]: Sec. 5. In accordance with rules adopted

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1 by the judges of the court under section 6 of this chapter, the presiding
 2 judge shall do the following:

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

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

7 (A) the operation of the circuit's probation department;
 8 (B) the defense of indigents; and
 9 (C) maintaining an adequate law library.

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

12 IC 8-4-21-2
 13 IC 11-12-2-2
 14 IC 16-22-2-4
 15 IC 16-22-2-11
 16 IC 16-22-7
 17 IC 20-23-4
 18 IC 20-23-7-6
 19 ~~IC 20-23-7-8~~ **IC 20-23-7-8.1**
 20 IC 20-26-7-8
 21 IC 20-26-7-14
 22 IC 20-47-2-15
 23 IC 20-47-3-13
 24 IC 36-9
 25 IC 36-10
 26 IC 36-12-10-10.

27 (4) Make appointments or selections required of a circuit or
 28 superior court judge by any other statute, if the appointment or
 29 selection is not required of the court because of an action before
 30 the court.

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

38 (1) name of the candidate; and
 39 (2) court for which the candidate is to serve.

40 (b) Each small claims court shall have a constable who:
 41 (1) acts as the bailiff of the court;
 42 (2) serves the court's personal service of process;

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

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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

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- 1 for exercising the power.
- 2 (c) An ordinance under subsection (b)(1) must be adopted as
- 3 follows:
- 4 (1) In a municipality, by the legislative body of the municipality.
- 5 (2) In a county subject to **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1,
- 6 by the legislative body of the county.
- 7 (3) In any other county, by the executive of the county.
- 8 (d) A resolution under subsection (b)(2) must be adopted by the
- 9 legislative body of the township.
- 10 SECTION 55. IC 36-1-8-10.5, AS AMENDED BY P.L.1-2005,
- 11 SECTION 231, IS AMENDED TO READ AS FOLLOWS
- 12 [EFFECTIVE JULY 1, 2010]: Sec. 10.5. (a) This section does not
- 13 apply to the following:
- 14 (1) An elected or appointed officer.
- 15 (2) An individual described in IC 20-26-4-11.
- 16 (b) **Subject to IC 3-5-9**, an employee of a political subdivision may:
- 17 (1) be a candidate for any elected office and serve in that office if
- 18 elected; or
- 19 (2) be appointed to any office and serve in that office if appointed;
- 20 without having to resign as an employee of the political subdivision.
- 21 SECTION 56. IC 36-1-20 IS ADDED TO THE INDIANA CODE
- 22 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 23 JULY 1, 2010]:
- 24 **Chapter 20. Employment of Relatives; Contracting With**
- 25 **Relatives**
- 26 **Sec. 1. This chapter does not apply to the following:**
- 27 (1) **An individual who is a contractor or employed by a**
- 28 **contractor for the design or construction of a public works**
- 29 **project.**
- 30 (2) **An individual who is a vendor or employed by a vendor for**
- 31 **a purchase of mowing services or property maintenance**
- 32 **services.**
- 33 (3) **An individual who is a member of a paid fire department**
- 34 **or a volunteer fire department that renders fire protection**
- 35 **services to the political subdivision.**
- 36 **Sec. 2. For purposes of this chapter, the performance of the**
- 37 **duties of a precinct election officer (as defined in IC 3-5-2-40.1)**
- 38 **that are imposed by IC 3 is not considered employment by a**
- 39 **political subdivision.**
- 40 **Sec. 3. As used in this chapter, "employee" means an individual**
- 41 **who is employed by a political subdivision on a full time, a part**
- 42 **time, a temporary, an intermittent, or an hourly basis. The term**

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1 does not include a member of a paid fire department or a volunteer
2 fire department that renders fire protection services to the political
3 subdivision.

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

- 6 (1) A husband.
- 7 (2) A wife.
- 8 (3) A father, grandfather, or stepfather.
- 9 (4) A mother, grandmother, or stepmother.
- 10 (5) A son, grandson, stepson, or son-in-law.
- 11 (6) A daughter, granddaughter, stepdaughter, or
- 12 daughter-in-law.
- 13 (7) A brother or stepbrother.
- 14 (8) A sister or stepsister.
- 15 (9) An aunt.
- 16 (10) An uncle.
- 17 (11) A niece.
- 18 (12) A nephew.
- 19 (13) A first cousin.

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

23 Sec. 5. An individual who is a relative of an officer or employee
24 of a political subdivision may not be employed by the political
25 subdivision in a position in which the individual would have a
26 direct supervisory or subordinate relationship with the officer or
27 employee who is the individual's relative.

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

- 30 (1) an individual to provide goods or services to the political
- 31 subdivision, if the individual is a relative of an individual who:
- 32 (A) is the executive of the political subdivision; or
- 33 (B) is a member of the executive of the political
- 34 subdivision; or
- 35 (2) a business entity to provide goods or services, if:
- 36 (A) a relative of the executive of the political subdivision;
- 37 or
- 38 (B) a relative of a member of the executive of the political
- 39 subdivision;

40 has an ownership interest in the business entity.

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

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1 (1) an individual contractor under subsection (a)(1); or
2 (2) a business entity under subsection (a)(2);
3 is a relative of the executive of the political subdivision or a
4 member of the executive of the political subdivision.

5 (c) This section does not affect the initial term of a contract in
6 existence at the time the term of office of the executive of the
7 political subdivision or the member of the executive of the political
8 subdivision begins.

9 Sec. 7. This chapter does not require the termination or
10 reassignment of any employee of a political subdivision from any
11 position held by that individual before July 1, 2010. This section
12 expires January 1, 2015.

13 SECTION 57. IC 36-2-2-1 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **Except as**
15 **specifically provided**, this chapter applies to all counties not does not
16 apply to the following:

- 17 (1) A county having a consolidated city.
- 18 (2) A county in which a county chief executive officer has been
19 elected under IC 36-2-2.5.

20 SECTION 58. IC 36-2-2-4, AS AMENDED BY P.L.230-2005,
21 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a
23 county having a population of:

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

28 The executive shall divide the county into three (3) districts that are
29 composed of contiguous territory and are reasonably compact. The
30 district boundaries drawn by the executive must not cross precinct
31 boundary lines and must divide townships only when a division is
32 clearly necessary to accomplish redistricting under this section. If
33 necessary, the county auditor shall call a special meeting of the
34 executive to establish or revise districts.

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

- 40 (1) the members of the Indiana election commission;
- 41 (2) two (2) members of the senate selected by the president pro
42 tempore, one (1) from each political party; and

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1 (3) two (2) members of the house of representatives selected by
 2 the speaker, one (1) from each political party.
 3 The legislative members of the commission have no vote and may act
 4 only in an advisory capacity. A majority vote of the voting members is
 5 required for the commission to take action. The commission may meet
 6 as frequently as necessary to perform its duty under this subsection.
 7 The commission's members serve without additional compensation
 8 above that provided for them as members of the Indiana election
 9 commission, the senate, or the house of representatives. **If a county to
 10 which this subsection applies adopts a county government
 11 structure in which a chief executive officer is elected under
 12 IC 36-2-2.5, the county redistricting commission under this
 13 subsection is not abolished and continues in existence for purposes
 14 of dividing, as necessary, the county into county council districts.**
 15 (c) This subsection applies to a county having a population of more
 16 than two hundred thousand (200,000) but less than three hundred
 17 thousand (300,000). The executive shall divide the county into three
 18 (3) single-member districts that comply with subsection (d).
 19 (d) Single-member districts established under subsection (b) or (c)
 20 must:
 21 (1) be compact, subject only to natural boundary lines (such as
 22 railroads, major highways, rivers, creeks, parks, and major
 23 industrial complexes);
 24 (2) contain, as nearly as is possible, equal population; and
 25 (3) not cross precinct lines.
 26 (e) A division under subsection (a), (b), or (c) shall be made:
 27 (1) during the first year after a year in which a federal decennial
 28 census is conducted; and
 29 (2) when the county adopts an order declaring a county boundary
 30 to be changed under IC 36-2-1-2.
 31 (f) A division under subsection (a), (b), or (c) may be made in any
 32 odd-numbered year not described in subsection (e).
 33 SECTION 59. IC 36-2-2.4 IS ADDED TO THE INDIANA CODE
 34 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 35 UPON PASSAGE]:
 36 **Chapter 2.4. Determination of County Government Structure**
 37 **Sec. 1. This chapter does not apply to a county having a**
 38 **consolidated city.**
 39 **Sec. 2. Subject to section 2.5 of this chapter, the legislative body**
 40 **of a county may adopt an ordinance providing that the voters of**
 41 **the county shall elect:**
 42 (1) a single county chief executive officer under IC 36-2-2.5

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1 who has the executive powers and duties of the county; and
2 (2) a county council that has the legislative and fiscal powers
3 and duties of the county.

4 **Sec. 2.5.** Notwithstanding any other law, to be adopted under
5 section 2 of this chapter, an ordinance must be approved by the
6 following vote of the county legislative body:

7 (1) By a unanimous vote of all the elected members of the
8 county legislative body, in the case of a county legislative body
9 with not more than three (3) members.

10 (2) By a vote of at least two-thirds (2/3) of all the elected
11 members of the county legislative body, in the case of a county
12 legislative body with more than three (3) members.

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

14 (1) during an odd-numbered year; or

15 (2) before July 1 of an even-numbered year.

16 SECTION 60. IC 36-2-2.5 IS ADDED TO THE INDIANA CODE
17 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
18 UPON PASSAGE]:

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

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

22 (1) that does not have a consolidated city; and

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

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

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

29 (1) the voters of the county:

30 (A) shall elect one (1) chief executive officer in the second
31 general election after the ordinance under IC 36-2-2.4 is
32 approved and every four (4) years thereafter; and

33 (B) beginning with the second general election after the
34 ordinance under IC 36-2-2.4 is approved, shall not elect a
35 board of county commissioners;

36 (2) the board of county commissioners for the county is
37 abolished January 1 of the year following the year in which
38 the first county chief executive officer is elected; and

39 (3) notwithstanding IC 36-2-2-3, the term of each county
40 commissioner serving on December 31 of the year in which
41 the first county chief executive officer is elected expires
42 January 1 of the year following the year in which the first

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

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

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

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

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

Sec. 6. (a) All powers and duties of the county that are executive or administrative in nature shall be exercised or performed by the chief executive officer, except to the extent that these powers and duties are expressly assigned by law to another elected or appointed officer. The chief executive officer shall transact the business of the county in the name of "The Chief Executive Officer of the County of _____".

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

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

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

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

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

9 related to the executive powers and duties of the board of county
10 commissioners shall be considered a reference to the powers and
11 duties of the chief executive officer of the county.

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

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

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

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- 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.

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

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

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

(c) Offices for the sheriff may be located:

- (1) in the courthouse;
- (2) inside the corporate limits of the county seat; or
- (3) outside the corporate limits of the county seat but within the limits of the county.

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

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

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

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

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

Sec. 12. (a) If the chief executive officer is disqualified from acting in a quasi-judicial proceeding, the chief executive officer shall cease to act in that proceeding. Not later than ten (10) days

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1 after the finding that the chief executive officer is disqualified to
2 act in a proceeding, the county auditor shall send a certified copy
3 of the record of the proceeding to the judge of the circuit court for
4 the county. If the judge affirms the disqualification of the chief
5 executive officer, the judge shall appoint a disinterested and
6 competent person to serve as a special executive in the proceeding.

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

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

15 Sec. 14. Appointments made by the chief executive officer shall
16 be certified by the county auditor, under the seal of the chief
17 executive officer.

18 Sec. 15. (a) The chief executive officer may employ a person:
19 (1) to perform a duty required of a county officer by statute;
20 or
21 (2) on a commission or percentage basis;
22 only if the employment is expressly authorized by statute or is
23 found by the chief executive officer to be necessary to the public
24 interest.

25 (b) If a person's employment under subsection (a) is not
26 expressly authorized by statute, the contract for the person's
27 employment must be filed with the circuit court for the county, and
28 the person must file the person's claims for compensation with that
29 court. Any taxpayer may contest a claim under this section.

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

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

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

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

41 (1) specifically setting forth the person's interest in the matter
42 decided; and

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

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

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

10 (e) Not later than twenty (20) days after the county auditor
11 receives the appeal bond, the county auditor shall prepare a
12 complete transcript of the proceedings of the chief executive officer
13 related to the decision appealed from and shall deliver the
14 transcript, all documents filed during the proceedings, and the
15 appeal bond to the clerk of the circuit court.

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

19 (b) A court may decide an appeal under section 17 of this
20 chapter by:

21 (1) affirming the decision of the chief executive officer; or
22 (2) remanding the cause to the chief executive officer with
23 directions as to how to proceed;

24 and may require the chief executive officer to comply with this
25 decision.

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

28 (b) The county sheriff or a county police officer shall attend the
29 meetings of the chief executive officer, if requested by the chief
30 executive officer, and shall execute the chief executive officer's
31 orders.

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

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

39 Sec. 21. If publication of a notice, report, or statement of any
40 kind is required and a county is liable for the cost of that
41 publication, the chief executive officer may not make or pay for
42 publication in more than one (1) newspaper unless publication in

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1 two (2) newspapers is required. A person who violates this section
2 commits a Class C infraction.

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

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

8 SECTION 61. IC 36-2-3-4, AS AMENDED BY P.L.230-2005,
9 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a
11 county having a population of:

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

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

16 The county executive shall by ordinance **or, in a county subject to**
17 **IC 36-2-2.5, by resolution** divide the county into four (4) contiguous,
18 single-member districts that comply with subsection (d). If necessary,
19 the county auditor shall call a special meeting of the executive to
20 establish or revise districts. One (1) member of the fiscal body shall be
21 elected by the voters of each of the four (4) districts. Three (3) at-large
22 members of the fiscal body shall be elected by the voters of the whole
23 county.

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

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

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

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

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- 1 industrial complexes);
- 2 (2) not cross precinct boundary lines;
- 3 (3) contain, as nearly as possible, equal population; and
- 4 (4) include whole townships, except when a division is clearly
- 5 necessary to accomplish redistricting under this section.
- 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 executive adopts an order declaring a county
- 10 boundary 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 62. IC 36-2-3.5-1 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a) Except as**
 15 **provided in subsection (b), this chapter applies to:**

- 16 (1) a county having a population of:
- 17 (A) more than four hundred thousand (400,000) but less than
- 18 seven hundred thousand (700,000); or
- 19 (B) more than two hundred thousand (200,000) but less than
- 20 three hundred thousand (300,000); and
- 21 (2) any other county not having a consolidated city, if both the
- 22 county executive and the county fiscal body adopt identical
- 23 ordinances providing for the county to be governed by this
- 24 chapter beginning on a specified effective date.

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

29 SECTION 63. IC 36-2-3.5-6 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A court may
 31 issue an order, before final hearing, to stay an election if there is
 32 sufficient evidence to withstand a motion for summary judgment that
 33 the county has not been divided into districts that comply with
 34 IC 36-2-2-4 or IC 36-2-3-4. A preliminary hearing on the question may
 35 be held upon the court's own motion.

36 (b) Final judgment on the merits in such a case shall be made within
 37 thirty (30) days of the stay of election order. If the redistricting is found
 38 not to be in compliance with law, the court shall retain jurisdiction and
 39 shall order the proper officials to submit within thirty (30) days a
 40 redistricting plan complying with law. If the proper officials fail to
 41 comply with the order, the court shall order the Indiana election
 42 commission to divide the county into districts in compliance with law.

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

5 SECTION 64. IC 36-2-3.7 IS ADDED TO THE INDIANA CODE
6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]:

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

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

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

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

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

- 18 (1) the voters of the county shall continue to elect members of
19 the county council; and

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

22 (A) the executive and legislative powers of the county are
23 divided between separate branches of county government,
24 and a power belonging to one (1) branch of county
25 government may not be exercised by the other branch of
26 county government;

27 (B) the county council is the county legislative body as well
28 as the county fiscal body; and

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

32 **Sec. 4. (a) All powers and duties of the county that are legislative
33 in nature shall be exercised or performed by the county council
34 functioning as the county legislative body.**

35 (b) The county council has the same legislative powers and
36 duties that the board of county commissioners in the county had
37 before the board of county commissioners was abolished.

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

- 41 (1) in the Indiana Code;
- 42 (2) in the Indiana Administrative Code;

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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 legislative powers**
 5 **of a county shall be considered a reference to the county council of**
 6 **the county.**

7 **(d) 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 legislative powers and duties of the board of county**
 16 **commissioners shall be considered a reference to the powers and**
 17 **duties of the county council of the county.**

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

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

34 **SECTION 65. IC 36-2-4-8, AS AMENDED BY P.L.78-2009,**
 35 **SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
 36 **UPON PASSAGE]: Sec. 8. (a) An ordinance, order, or resolution is**
 37 **considered adopted when it is signed by the presiding officer. If**
 38 **required, an adopted ordinance, order, or resolution must be**
 39 **promulgated or published according to statute before it takes effect.**

40 **(b) An ordinance prescribing a penalty or forfeiture for a violation**
 41 **must, before it takes effect, be published once each week for two (2)**
 42 **consecutive weeks, according to IC 5-3-1. However, if such an**

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1 ordinance is adopted by the legislative body of a county subject to
 2 IC 36-2-3.5 or IC 36-2-3.7 and there is an urgent necessity requiring
 3 its immediate effectiveness, it need not be published if:
 4 (1) the county executive proclaims the urgent necessity; and
 5 (2) copies of the ordinance are posted in three (3) public places in
 6 each of the districts of the county before it takes effect.
 7 (c) The following apply in addition to the other requirements of this
 8 section:
 9 (1) An ordinance or resolution passed by the legislative body of
 10 a county subject to IC 36-2-3.5 is considered adopted only if it is:
 11 (A) approved by signature of a majority of the county
 12 executive;
 13 (B) neither approved nor vetoed by a majority of the executive,
 14 within ten (10) days after passage by the legislative body; or
 15 (C) passed over the veto of the executive by a two-thirds (2/3)
 16 vote of the legislative body, within sixty (60) days after
 17 presentation of the ordinance or resolution to the executive.
 18 (2) The legislative body of a county shall:
 19 (A) subject to subdivision (3), give written notice to the
 20 department of environmental management not later than sixty
 21 (60) days before amendment or repeal of an environmental
 22 restrictive ordinance; and
 23 (B) give written notice to the department of environmental
 24 management not later than thirty (30) days after passage,
 25 amendment, or repeal of an environmental restrictive
 26 ordinance.
 27 (3) Upon written request by the legislative body, the department
 28 of environmental management may waive the notice requirement
 29 of subdivision (2)(A).
 30 (4) An environmental restrictive ordinance passed or amended
 31 after 2009 by the legislative body must state the notice
 32 requirements of subdivision (2).
 33 (5) The failure of an environmental restrictive ordinance to
 34 comply with subdivision (4) does not void the ordinance.
 35 (d) After an ordinance or resolution passed by the legislative body
 36 of a county subject to IC 36-2-3.5 has been signed by the presiding
 37 officer, the county auditor shall present it to the county executive, and
 38 record the time of the presentation. Within ten (10) days after an
 39 ordinance or resolution is presented to it, the executive shall:
 40 (1) approve the ordinance or resolution, by signature of a majority
 41 of the executive, and send the legislative body a message
 42 announcing its approval; or

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1 (2) veto the ordinance or resolution, by returning it to the
2 legislative body with a message announcing its veto and stating
3 its reasons for the veto.

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

7 (f) An ordinance increasing a building permit fee on new
8 development must:

- 9 (1) be published:
 - 10 (A) one (1) time in accordance with IC 5-3-1; and
 - 11 (B) not later than thirty (30) days after the ordinance is
 - 12 adopted by the legislative body in accordance with IC 5-3-1;
 - 13 and

- 14 (2) delay the implementation of the fee increase for ninety (90)
- 15 days after the date the ordinance is published under subdivision
- 16 (1).

17 SECTION 66. IC 36-3-3-10 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The board
19 of commissioners of the county is composed of the county treasurer, the
20 county auditor, and the county assessor. These officers shall serve ex
21 officio as commissioners without additional compensation for
22 performing the duties of the board.

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

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

39 SECTION 67. IC 36-3-6-9, AS AMENDED BY P.L.182-2009(ss),
40 SECTION 401, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2010]: Sec. 9. (a) Except as provided in
42 subsection (d), the city-county legislative body shall review the

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1 proposed operating and maintenance budgets and tax levies and adopt
2 final operating and maintenance budgets and tax levies for each of the
3 following entities in the county:

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

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

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

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

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

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

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1 but not increase a proposed operating and maintenance budget or tax
2 levy under this section.

3 SECTION 68. IC 36-4-4-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) The powers of a
5 city are divided between the executive and legislative branches of its
6 government. A power belonging to one (1) branch of a city's
7 government may not be exercised by the other branch.

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

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

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

14 SECTION 69. IC 36-4-10-4.5 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4.5. (a) This section
16 applies to third class cities.

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

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

21 (2) Keep accounts showing when and from what sources the fiscal
22 officer has received city money and when and to whom the fiscal
23 officer has paid out city money.

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

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

27 (5) Manage the finances and accounts of the city and make
28 investments of city money.

29 (6) Prepare for the legislative body the budget estimates of
30 miscellaneous revenue, financial statements, and the proposed tax
31 rate.

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

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

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

37 (c) A fiscal officer is not liable in an individual capacity for an act
38 or omission occurring in connection with the performance of the duties
39 prescribed by subsection (b), unless the act or omission constitutes
40 gross negligence or an intentional disregard of the fiscal officer's
41 duties.

42 (d) **A fiscal officer shall attend training provided by the state**

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board of accounts concerning the duties and responsibilities of a fiscal officer of a third class city.

SECTION 70. IC 36-5-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section does not apply to a town described by IC 36-5-1-11.5.

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

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

SECTION 71. IC 36-8-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. **Subject to IC 3-5-9**, members of the safety board and members of any township, town, or city (including a consolidated city) police department, fire department, or volunteer fire department (as defined by IC 36-8-12-2) may:

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

SECTION 72. IC 36-8-10-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11. (a) The sheriff may dismiss, demote, or temporarily suspend a county police officer for cause after preferring charges in writing and after a fair public hearing before the board, which is reviewable in the circuit court. Written notice of the charges and hearing must be delivered by certified mail to the officer to be disciplined at least fourteen (14) days before the date set for the hearing. The officer may be represented by counsel. The board shall make specific findings of fact in writing to support its decision.

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

(c) A county police officer may not be dismissed, demoted, or temporarily suspended because of political affiliation nor after the

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1 officer's probationary period, except as provided in this section.
 2 **Subject to IC 3-5-9**, an officer may:
 3 (1) be a candidate for elective office and serve in that office if
 4 elected;
 5 (2) be appointed to an office and serve in that office if appointed;
 6 and
 7 (3) except when in uniform or on duty, solicit votes or campaign
 8 funds for the officer or others.
 9 (d) The board has subpoena powers enforceable by the circuit court
 10 for hearings under this section. An officer on probation may be
 11 dismissed by the sheriff without a right to a hearing.
 12 (e) An appeal under subsection (a) must be taken by filing in court,
 13 within thirty (30) days after the date the decision is rendered, a verified
 14 complaint stating in a concise manner the general nature of the charges
 15 against the officer, the decision of the board, and a demand for the
 16 relief asserted by the officer. A bond must also be filed that guarantees
 17 the appeal will be prosecuted to a final determination and that the
 18 plaintiff will pay all costs only if the court finds that the board's
 19 decision should be affirmed. The bond must be approved as bonds for
 20 costs are approved in other cases. The county must be named as the
 21 sole defendant and the plaintiff shall have a summons issued as in other
 22 cases against the county. Neither the board nor the members of it may
 23 be made parties defendant to the complaint, but all are bound by
 24 service upon the county and the judgment rendered by the court.
 25 (f) All appeals shall be tried by the court. The appeal shall be heard
 26 de novo only upon any new issues related to the charges upon which
 27 the decision of the board was made. Within ten (10) days after the
 28 service of summons, the board shall file in court a complete written
 29 transcript of all papers, entries, and other parts of the record relating to
 30 the particular case. Inspection of these documents by the person
 31 affected, or by the person's agent, must be permitted by the board
 32 before the appeal is filed, if requested. The court shall review the
 33 record and decision of the board on appeal.
 34 (g) The court shall make specific findings and state the conclusions
 35 of law upon which its decision is made. If the court finds that the
 36 decision of the board appealed from should in all things be affirmed,
 37 its judgment should so state. If the court finds that the decision of the
 38 board appealed from should not be affirmed in all things, then the court
 39 shall make a general finding, setting out sufficient facts to show the
 40 nature of the proceeding and the court's decision on it. The court shall
 41 either:
 42 (1) reverse the decision of the board; or

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1 (2) order the decision of the board to be modified.
 2 (h) The final judgment of the court may be appealed by either party.
 3 Upon the final disposition of the appeal by the courts, the clerk shall
 4 certify and file a copy of the final judgment of the court to the board,
 5 which shall conform its decisions and records to the order and
 6 judgment of the court. If the decision is reversed or modified, then the
 7 board shall pay to the party entitled to it any salary or wages withheld
 8 from the party pending the appeal and to which the party is entitled
 9 under the judgment of the court.
 10 (i) Either party shall be allowed a change of venue from the court or
 11 a change of judge in the same manner as such changes are allowed in
 12 civil cases. The rules of trial procedure govern in all matters of
 13 procedure upon the appeal that are not otherwise provided for by this
 14 section.
 15 (j) An appeal takes precedence over other pending litigation and
 16 shall be tried and determined by the court as soon as practical.
 17 SECTION 73. IC 36-9-13-35, AS AMENDED BY P.L.146-2008,
 18 SECTION 790, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2010]: Sec. 35. **(a) In a county not having a**
 20 **consolidated city**, the annual operating budget of a building authority
 21 is subject to review by the county board of tax adjustment and then by
 22 the department of local government finance as in the case of other
 23 political subdivisions.
 24 **(b) In a county having a consolidated city, the annual operating**
 25 **budget of a building authority is subject to review and approval by**
 26 **the city-county legislative body as provided by IC 36-3-6-9.**
 27 SECTION 74. THE FOLLOWING ARE REPEALED [EFFECTIVE
 28 JULY 1, 2010]: IC 3-8-2-2.2; IC 3-11-18-2; IC 3-11-18-18;
 29 IC 3-11-18-19; IC 3-11-18-20; IC 20-23-4-29; IC 20-23-7-8;
 30 IC 20-23-13-2.
 31 SECTION 75. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 241, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 241 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 7, Nays 3.

SENATE MOTION

Madam President: I move that Senate Bill 241 be amended to read as follows:

Page 6, line 28, after "body" insert "**or fiscal body**".

Page 82, delete lines 39 through 42, begin a new paragraph and insert:

"SECTION 150. IC 36-1-20 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 20. Employment of Relatives; Contracting With Relatives

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

- (1) An individual who is a contractor or employed by a contractor for the design or construction of a public works project.
- (2) An individual who is a vendor or employed by a vendor for a purchase of mowing services or property maintenance services.
- (3) An individual who is a member of a paid fire department or a volunteer fire department that renders fire protection services to the political subdivision.

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

Sec. 3. As used in this chapter, "employee" means an individual who is employed by a political subdivision on a full time, a part time, a temporary, an intermittent, or an hourly basis. The term does not include a member of a paid fire department or a volunteer

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fire department that renders fire protection services to the political subdivision.

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

- (1) A husband.
- (2) A wife.
- (3) A father, grandfather, or stepfather.
- (4) A mother, grandmother, or stepmother.
- (5) A son, grandson, stepson, or son-in-law.
- (6) A daughter, granddaughter, stepdaughter, or daughter-in-law.
- (7) A brother or stepbrother.
- (8) A sister or stepsister.
- (9) An aunt.
- (10) An uncle.
- (11) A niece.
- (12) A nephew.
- (13) A first cousin.

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

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

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

- (1) an individual to provide goods or services to the political subdivision, if the individual is a relative of an individual who:
 - (A) is the executive of the political subdivision; or
 - (B) is a member of the executive of the political subdivision; or
- (2) a business entity to provide goods or services, if:
 - (A) a relative of the executive of the political subdivision; or
 - (B) a relative of a member of the executive of the political subdivision;

has an ownership interest in the business entity.

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

- (1) an individual contractor under subsection (a)(1); or

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**(2) a business entity under subsection (a)(2);
is a relative of the executive of the political subdivision or a
member of the executive of the political subdivision.**

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

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

Delete page 83.

Page 84, delete line 1.

Page 86, line 34, delete "The" and insert "**Subject to section 2.5 of
this chapter, the**".

Page 86, between lines 39 and 40, begin a new paragraph and insert:

**"Sec. 2.5. Notwithstanding any other law, to be adopted under
section 2 of this chapter, an ordinance must be approved by the
following vote of the county legislative body:**

**(1) By a unanimous vote of all the elected members of the
county legislative body, in the case of a county legislative body
with not more than three (3) members.**

**(2) By a vote of at least two-thirds (2/3) of all the elected
members of the county legislative body, in the case of a county
legislative body with more than three (3) members."**

Renumber all SECTIONS consecutively.

(Reference is to SB 241 as printed January 22, 2010.)

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SENATE MOTION

Madam President: I move that Senate Bill 241 be amended to read
as follows:

Page 1, delete lines 1 through 15.

Page 2, delete lines 1 through 14.

Page 3, delete lines 2 through 16.

Page 3, delete lines 24 through 42.

Delete page 4.

Page 5, delete lines 1 through 26.

Page 6, delete lines 10 through 14.

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Page 6, delete lines 36 through 42.
 Delete pages 7 through 15.
 Page 16, delete lines 1 through 22.
 Page 16, delete lines 37 through 42.
 Delete pages 17 through 19.
 Page 20, delete lines 1 through 3.
 Page 22, delete lines 11 through 42.
 Delete pages 23 through 28.
 Page 29, delete lines 1 through 33.
 Page 33, delete lines 21 through 42.
 Delete pages 34 through 38.
 Page 39, delete lines 1 through 39.
 Page 41, delete lines 34 through 42.
 Delete pages 42 through 43.
 Page 44, delete lines 1 through 30.
 Page 45, delete lines 4 through 42.
 Delete pages 46 through 48.
 Page 49, delete line 1.
 Page 54, delete lines 30 through 42.
 Delete pages 55 through 58.
 Page 59, delete lines 1 through 29.
 Page 79, delete lines 40 through 42.
 Delete page 80.
 Page 81, delete lines 1 through 6.
 Page 81, delete lines 40 through 42.
 Page 82, delete lines 1 through 5.
 Page 84, delete lines 2 through 42.
 Page 85, delete lines 1 through 7.
 Page 99, delete lines 2 through 13.
 Page 99, delete lines 36 through 42.
 Delete pages 100 through 102.
 Page 103, delete lines 1 through 7.
 Page 103, delete lines 19 through 42.
 Delete pages 104 through 110.
 Page 111, delete lines 1 through 14.
 Page 112, delete lines 4 through 42.
 Page 113, delete lines 1 through 16.
 Page 113, delete lines 28 through 42.
 Delete pages 114 through 119.
 Page 120, delete lines 1 through 32.
 Page 122, delete lines 36 through 42.
 Page 123, delete lines 1 through 19.

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Page 123, line 23, delete "; IC 33-35-1-2; IC 36-4-2-8." and insert ".".

Renumber all SECTIONS consecutively.

(Reference is to SB 241 as printed January 22, 2010.)

SCHNEIDER

SENATE MOTION

Madam President: I move that Senate Bill 241 be amended to read as follows:

Page 59, between lines 29 and 30, begin a new paragraph and insert: "SECTION 122. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 22. (a) The ad valorem property tax levy limits imposed by this chapter do not apply to ad valorem property taxes imposed by a consolidated city to pay or fund any indebtedness assumed, defeased, paid, or refunded under IC 36-3-1-6.1.**

(b) For purposes of this section:

- (1) "consolidating entity" means a township whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1; and**
- (2) "maximum levy" means the maximum permissible ad valorem property tax levy under section 3 of this chapter.**

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

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

Page 79, between lines 39 and 40, begin a new paragraph and insert: "SECTION 143. IC 33-34-6-4 IS AMENDED TO READ AS

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

- (1) name of the candidate; and
 - (2) court for which the candidate is to serve.
- (b) Each small claims court shall have a constable who:
- (1) acts as the bailiff of the court;
 - (2) serves the court's personal service of process;
 - (3) has police powers to:
 - (A) make arrests **under a court order or to maintain order in the court;**
 - (B) keep the peace **in the court during court proceedings;** and
 - (C) carry out the orders of the court;
 - (4) must meet the qualifications prescribed by IC 3-8-1-31;
 - (5) is compensated for each process that is delivered to effect personal service when serving as the bailiff for the court;
 - (6) is responsible for:
 - (A) the preparation and mailing of all registered or certified service and is compensated for each process served by mail; and
 - (B) all the official acts of the deputies;
 - (7) is compensated solely from the service of process fees collected under IC 33-34-8-1; ~~and~~
 - (8) may require a deputy to give a bond for the proper discharge of the deputy's duties for an amount fixed by the constable; **and**
 - (9) must file an annual statement of economic interests under IC 33-23-11-14.**
- (c) The elected constable may appoint full-time and part-time deputies for assistance in the performance of official duties who:
- (1) perform all the official duties required to be performed by the constable;
 - (2) possess the same statutory ~~and common law~~ powers ~~and authority~~ as the constable;
 - (3) must take the same oath required of the constable;
 - (4) are compensated solely from the service of process fees collected under IC 33-34-8-1; ~~and~~
 - (5) serve at the pleasure of the constable and may be dismissed at any time with or without cause; **and**

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(6) if the deputy is a full-time deputy, must file an annual statement of economic interests under IC 33-23-11-14.

(d) If there is an:

- (1) emergency; or
- (2) inability of a constable to carry out the constable's duties;

the judge may appoint a special constable to carry out the duties of the constable during the emergency or inability."

Page 100, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 167. IC 36-3-6-9, AS AMENDED BY P.L.182-2009(ss), SECTION 401, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 9. (a) Except as provided in subsection (d), the city-county legislative body shall review the proposed operating and maintenance budgets and tax levies and adopt final operating and maintenance budgets and tax levies for each of the following entities in the county:

- (1) An airport authority operating under IC 8-22-3.
- (2) A public library operating under IC 36-12.
- (3) A capital improvement board of managers operating under IC 36-10.
- (4) A public transportation corporation operating under IC 36-9-4.
- (5) A health and hospital corporation established under IC 16-22-8.

(6) A building authority established under IC 36-9-13.

~~(6)~~ (7) Any other taxing unit (as defined in IC 6-1.1-1-21) that is located in the county and has a governing body that is not comprised of a majority of officials who are elected to serve on the governing body.

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

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

(c) The city-county legislative body or, when subsection (d) applies, the fiscal body of an excluded city or town shall review the issuance of bonds of an entity listed in subsection (a). Approval of the city-county legislative body or, when subsection (d) applies, the fiscal body of an excluded city or town is required for the issuance of bonds. The city-county legislative body or the fiscal body of an excluded city or town may not reduce or modify a budget or tax levy of an entity listed

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in subsection (a) in a manner that would:

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

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

Page 122, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 191. IC 36-9-13-35, AS AMENDED BY P.L.146-2008, SECTION 790, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 35. **(a) In a county not having a consolidated city**, the annual operating budget of a building authority is subject to review by the county board of tax adjustment and then by the department of local government finance as in the case of other political subdivisions.

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

Re-number all SECTIONS consecutively.

(Reference is to SB 241 as printed January 22, 2010.)

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SENATE MOTION

Madam President: I move that Senate Bill 241 be amended to read as follows:

Page 6, delete lines 19 through 21, begin a new paragraph and insert:

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

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the individual.

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

(1) hold; or

(2) be reelected to;

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

(Reference is to SB 241 as printed January 22, 2010.)

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