

**CONFERENCE COMMITTEE REPORT  
DIGEST FOR ESB 115**

**Citations Affected:** IC 7.1-3-20-16; IC 36-2-2-5; IC 36-8-8-7.

**Synopsis:** Classification of political subdivisions. Proposed conference committee report for ESB 115. Changes population parameters in various statutes to reflect the population count determined under the 2010 decennial census. Specifies that changes in population parameters in legislation enacted during the 2012 regular session take effect April 1, 2012. Updates multipliers that are based on a county's population and used in determining distributions made by the department of correction to county misdemeanor funds. Substitutes names for population parameters in the following types of statutes: (1) Statutes legalizing certain actions of particular political subdivisions. (2) Statutes that have been challenged unsuccessfully as special or local legislation. (3) Statutes reserving certain powers to certain political subdivisions at the time of recodification of laws relating to political subdivisions. (4) Statutes relating to certain local taxes. Resolves a conflict in the statute that defines the classes of cities to provide that a city becomes a first class city when the city attains a population of 600,000. Allows a third class city that adopted second class city status as a result of the 2010 federal decennial census to adopt an ordinance or resolution providing for the city's legislative body to serve as the park authority and to be subject to all or part of the provisions applicable to a park authority. Makes conforming amendments. (The introduced version of this bill was prepared by the census data advisory committee.) **(This conference committee report resolves conflicts with several other bills by removing sections from this bill and specifying when changes: (1) in population parameters; or (2) from population parameters to names; take effect.)**

**Effective:** April 1, 2012; July 1, 2012.

# CONFERENCE COMMITTEE REPORT

**MADAM PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 115 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 1, line 3, after "(a)" insert "A reference in this section to
- 2 **amendments made to a statute is a reference to amendments made**
- 3 **during the 2012 regular session of the general assembly.**
- 4 (b)".
- 5 Page 2, line 1, delete "(b)" and insert "(c)".
- 6 Page 2, between lines 15 and 16, begin a new paragraph and insert:
- 7 **"(d) The amendments to change the population parameters in**
- 8 **IC 5-13-9-5.6 take effect April 1, 2012. Any other amendments to**
- 9 **IC 5-13-9-5.6 take effect July 1, 2012.**
- 10 (e) The following apply to the indicated sections of the Indiana
- 11 Code repealed during the 2012 session of the general assembly:
- 12 (1) The population parameters in IC 9-23-2-2 refer to the City
- 13 of Gary from April 1, 2012, to July 1, 2012.
- 14 (2) The population parameters in IC 9-23-2-4 refer to the City
- 15 of Gary from April 1, 2012, to July 1, 2012.
- 16 (3) The population parameters in IC 11-10-5-4 refer to the
- 17 following from April 1, 2012, to July 1, 2012:
- 18 (A) Parke County in IC 11-10-5-4(f)(1).
- 19 (B) Hendricks County in IC 11-10-5-4(f)(2).
- 20 (f) The amendments to change the population parameters in
- 21 IC 7.1-3-20-16 are effective April 1, 2012.
- 22 (g) The amendments to change the population parameters in

- 1 **IC 36-2-13-15.3 are effective April 1, 2012.**  
 2 **(h) The amendments to change the population parameters in**  
 3 **IC 36-8-8-7 are effective April 1, 2012."**  
 4 Page 23, delete lines 31 through 42.  
 5 Page 24, delete lines 1 through 7.  
 6 Page 52, delete lines 26 through 42.  
 7 Page 53, delete lines 1 through 30.  
 8 Page 89, delete lines 8 through 42.  
 9 Delete page 90.  
 10 Page 91, delete lines 1 through 5.  
 11 Page 101, between lines 10 and 11, begin a new paragraph and  
 12 insert:  
 13 "SECTION 80. IC 7.1-3-20-16, AS AMENDED BY HEA  
 14 1054-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS  
 15 [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) A permit that is authorized  
 16 by this section may be issued without regard to the quota provisions of  
 17 IC 7.1-3-22.  
 18 (b) The commission may issue a three-way permit to sell alcoholic  
 19 beverages for on-premises consumption only to an applicant who is the  
 20 proprietor, as owner or lessee, or both, of a restaurant facility in the  
 21 passenger terminal complex of a publicly owned airport. A permit  
 22 issued under this subsection shall not be transferred to a location off  
 23 the airport premises.  
 24 (c) The commission may issue a three-way, two-way, or one-way  
 25 permit to sell alcoholic beverages for on-premises consumption only to  
 26 an applicant who is the proprietor, as owner or lessee, or both, of a  
 27 restaurant within a redevelopment project consisting of a building or  
 28 group of buildings that:  
 29 (1) was formerly used as part of a union railway station;  
 30 (2) has been listed in or is within a district that has been listed in  
 31 the federal National Register of Historic Places maintained  
 32 pursuant to the National Historic Preservation Act of 1966, as  
 33 amended; and  
 34 (3) has been redeveloped or renovated, with the redevelopment or  
 35 renovation being funded in part with grants from the federal,  
 36 state, or local government.  
 37 A permit issued under this subsection shall not be transferred to a  
 38 location outside of the redevelopment project.  
 39 (d) The commission may issue a three-way, two-way, or one-way  
 40 permit to sell alcoholic beverages for on-premises consumption only to  
 41 an applicant who is the proprietor, as owner or lessee, or both, of a  
 42 restaurant:  
 43 (1) on land; or  
 44 (2) in a historic river vessel;  
 45 within a municipal riverfront development project funded in part with  
 46 state and city money. A permit issued under this subsection may not be  
 47 transferred.  
 48 (e) The commission may issue a three-way, two-way, or one-way  
 49 permit to sell alcoholic beverages for on-premises consumption only to  
 50 an applicant who is the proprietor, as owner or lessee, or both, of a

1 restaurant within a renovation project consisting of a building that:

- 2 (1) was formerly used as part of a passenger and freight railway  
 3 station; and  
 4 (2) was built before 1900.

5 The permit authorized by this subsection may be issued without regard  
 6 to the proximity provisions of IC 7.1-3-21-11.

7 (f) The commission may issue a three-way permit for the sale of  
 8 alcoholic beverages for on-premises consumption at a cultural center  
 9 for the visual and performing arts to the following:

10 (1) A town that:

11 (A) is located in a county having a population of more than  
 12 four hundred thousand (400,000) but less than seven hundred  
 13 thousand (700,000); and

14 (B) has a population of more than twenty thousand (20,000)  
 15 but less than twenty-three thousand (~~23,000~~); **seven hundred**  
 16 **(23,700)**.

17 (2) A city that has an indoor theater as described in section 26 of  
 18 this chapter.

19 (g) The commission may issue not more than ten (10) new  
 20 three-way, two-way, or one-way permits to sell alcoholic beverages for  
 21 on-premises consumption to applicants, each of whom must be the  
 22 proprietor, as owner or lessee, or both, of a restaurant located within a  
 23 district, or not more than seven hundred (700) feet from a district, that  
 24 meets the following requirements:

25 (1) The district has been listed in the National Register of Historic  
 26 Places maintained under the National Historic Preservation Act  
 27 of 1966, as amended.

28 (2) A county courthouse is located within the district.

29 (3) A historic opera house listed on the National Register of  
 30 Historic Places is located within the district.

31 (4) A historic jail and sheriff's house listed on the National  
 32 Register of Historic Places is located within the district.

33 The legislative body of the municipality in which the district is located  
 34 shall recommend to the commission sites that are eligible to be permit  
 35 premises. The commission shall consider, but is not required to follow,  
 36 the municipal legislative body's recommendation in issuing a permit  
 37 under this subsection. An applicant is not eligible for a permit if, less  
 38 than two (2) years before the date of the application, the applicant sold  
 39 a retailer's permit that was subject to IC 7.1-3-22 and that was for  
 40 premises located within the district described in this section or within  
 41 seven hundred (700) feet of the district. A permit issued under this  
 42 subsection shall not be transferred. The total number of active permits  
 43 issued under this subsection may not exceed ten (10) at any time. The  
 44 cost of an initial permit issued under this subsection is six thousand  
 45 dollars (\$6,000).

46 (h) The commission may issue a three-way permit for the sale of  
 47 alcoholic beverages for on-premises consumption to an applicant who  
 48 will locate as the proprietor, as owner or lessee, or both, of a restaurant  
 49 within an economic development area under IC 36-7-14 in:

50 (1) a town with a population of more than twenty thousand

1 (20,000); or  
 2 (2) a city with a population of more than ~~twenty-seven~~ **forty-four**  
 3 thousand ~~(27,000)~~ **five hundred (44,500)** but less than  
 4 ~~twenty-seven~~ **forty-five** thousand ~~four hundred (27,400);~~  
 5 **(45,000);**  
 6 located in a county having a population of more than ~~ninety one~~  
 7 **hundred ten** thousand ~~(90,000)~~ **(110,000)** but less than one hundred  
 8 **eleven** thousand ~~(100,000); (111,000)~~. The commission may issue not  
 9 more than five (5) licenses under this section to premises within a  
 10 municipality described in subdivision (1) and not more than five (5)  
 11 licenses to premises within a municipality described in subdivision (2).  
 12 The commission shall conduct an auction of the permits under  
 13 IC 7.1-3-22-9, except that the auction may be conducted at any time as  
 14 determined by the commission. Notwithstanding any other law, the  
 15 minimum bid for an initial license under this subsection is thirty-five  
 16 thousand dollars (\$35,000), and the renewal fee for a license under this  
 17 subsection is one thousand three hundred fifty dollars (\$1,350). Before  
 18 the district expires, a permit issued under this subsection may not be  
 19 transferred. After the district expires, a permit issued under this  
 20 subsection may be renewed, and the ownership of the permit may be  
 21 transferred, but the permit may not be transferred from the permit  
 22 premises.

23 (i) After June 30, 2006, the commission may issue not more than  
 24 five (5) new three-way, two-way, or one-way permits to sell alcoholic  
 25 beverages for on-premises consumption to applicants, each of whom  
 26 must be the proprietor, as owner or lessee, or both, of a restaurant  
 27 located within a district, or not more than five hundred (500) feet from  
 28 a district, that meets all of the following requirements:

- 29 (1) The district is within an economic development area, an area  
 30 needing redevelopment, or a redevelopment district as established  
 31 under IC 36-7-14.  
 32 (2) A unit of the National Park Service is partially located within  
 33 the district.  
 34 (3) An international deep water seaport is located within the  
 35 district.

36 An applicant is not eligible for a permit under this subsection if, less  
 37 than two (2) years before the date of the application, the applicant sold  
 38 a retailers' permit that was subject to IC 7.1-3-22 and that was for  
 39 premises located within the district described in this subsection or  
 40 within five hundred (500) feet of the district. A permit issued under this  
 41 subsection may not be transferred. If the commission issues five (5)  
 42 new permits under this subsection, and a permit issued under this  
 43 subsection is later revoked or is not renewed, the commission may  
 44 issue another new permit, as long as the total number of active permits  
 45 issued under this subsection does not exceed five (5) at any time. The  
 46 commission shall conduct an auction of the permits under  
 47 IC 7.1-3-22-9, except that the auction may be conducted at any time as  
 48 determined by the commission."

49 Page 125, delete lines 24 through 42.

50 Delete pages 126 through 127.

1 Page 128, delete lines 1 through 27.  
 2 Page 181, delete lines 36 through 42, begin a new paragraph and  
 3 insert:

4 "SECTION 180. IC 36-2-2-5, AS AMENDED BY SEA 193-2012,  
 5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 APRIL 1, 2012]: Sec. 5. (a) To be eligible for election to the executive,  
 7 a person must meet the qualifications prescribed by IC 3-8-1-21.

8 (b) A member of the executive must reside within:

9 (1) the county as provided in Article 6, Section 6 of the  
 10 Constitution of the State of Indiana; and

11 (2) the district from which the member was elected.

12 (c) If the person does not remain a resident of the county and district  
 13 after taking office, the person forfeits the office. The county fiscal body  
 14 shall declare the office vacant whenever a member of the executive  
 15 forfeits office under this subsection.

16 (d) In a county having a population of:

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

19 (2) more than two hundred **fifty** thousand (~~200,000~~) (**250,000**) but  
 20 less than **three two** hundred **seventy** thousand (~~300,000~~);  
 21 (**270,000**);

22 one (1) member of the executive shall be elected by the voters of each  
 23 of the three (3) single-member districts established under section 4(b)  
 24 or 4(c) of this chapter. In other counties, all three (3) members of the  
 25 executive shall be elected by the voters of the whole county."

26 Page 182, delete lines 1 through 24.

27 Page 184, delete lines 10 through 42.

28 Page 185, delete lines 1 through 7.

29 Page 221, delete lines 17 through 42, begin a new paragraph and  
 30 insert:

31 "SECTION 218. IC 36-8-8-7, AS AMENDED BY SEA 127-2012,  
 32 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Except as provided in  
 34 subsections (d), (e), (f), (g), (h), (k), (l), and (m):

35 (1) a police officer; or

36 (2) a firefighter;

37 who is less than thirty-six (36) years of age and who passes the baseline  
 38 statewide physical and mental examinations required under section 19  
 39 of this chapter shall be a member of the 1977 fund and is not a member  
 40 of the 1925 fund, the 1937 fund, or the 1953 fund.

41 (b) A police officer or firefighter with service before May 1, 1977,  
 42 who is hired or rehired after April 30, 1977, may receive credit under  
 43 this chapter for service as a police officer or firefighter prior to entry  
 44 into the 1977 fund if the employer who rehires the police officer or  
 45 firefighter chooses to contribute to the 1977 fund the amount necessary  
 46 to amortize the police officer's or firefighter's prior service liability over  
 47 a period of not more than forty (40) years, the amount and the period  
 48 to be determined by the system board. If the employer chooses to make  
 49 the contributions, the police officer or firefighter is entitled to receive  
 50 credit for the police officer's or firefighter's prior years of service

1 without making contributions to the 1977 fund for that prior service. In  
 2 no event may a police officer or firefighter receive credit for prior years  
 3 of service if the police officer or firefighter is receiving a benefit or is  
 4 entitled to receive a benefit in the future from any other public pension  
 5 plan with respect to the prior years of service.

6 (c) Except as provided in section 18 of this chapter, a police officer  
 7 or firefighter is entitled to credit for all years of service after April 30,  
 8 1977, with the police or fire department of an employer covered by this  
 9 chapter.

10 (d) A police officer or firefighter with twenty (20) years of service  
 11 does not become a member of the 1977 fund and is not covered by this  
 12 chapter, if the police officer or firefighter:

13 (1) was hired before May 1, 1977;

14 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both  
 15 of which were repealed September 1, 1981); and

16 (3) is rehired after April 30, 1977, by the same employer.

17 (e) A police officer or firefighter does not become a member of the  
 18 1977 fund and is not covered by this chapter if the police officer or  
 19 firefighter:

20 (1) was hired before May 1, 1977;

21 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both  
 22 of which were repealed September 1, 1981);

23 (3) was rehired after April 30, 1977, but before February 1, 1979;  
 24 and

25 (4) was made, before February 1, 1979, a member of a 1925,  
 26 1937, or 1953 fund.

27 (f) A police officer or firefighter does not become a member of the  
 28 1977 fund and is not covered by this chapter if the police officer or  
 29 firefighter:

30 (1) was hired by the police or fire department of a unit before May  
 31 1, 1977;

32 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both  
 33 of which were repealed September 1, 1981);

34 (3) is rehired by the police or fire department of another unit after  
 35 December 31, 1981; and

36 (4) is made, by the fiscal body of the other unit after December  
 37 31, 1981, a member of a 1925, 1937, or 1953 fund of the other  
 38 unit.

39 If the police officer or firefighter is made a member of a 1925, 1937, or  
 40 1953 fund, the police officer or firefighter is entitled to receive credit  
 41 for all the police officer's or firefighter's years of service, including  
 42 years before January 1, 1982.

43 (g) As used in this subsection, "emergency medical services" and  
 44 "emergency medical technician" have the meanings set forth in  
 45 IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

46 (1) is employed by a unit that is participating in the 1977 fund;

47 (2) was employed as an emergency medical technician by a  
 48 political subdivision wholly or partially within the department's  
 49 jurisdiction;

50 (3) was a member of the public employees' retirement fund during

1 the employment described in subdivision (2); and  
 2 (4) ceased employment with the political subdivision and was  
 3 hired by the unit's fire department due to the reorganization of  
 4 emergency medical services within the department's jurisdiction;  
 5 shall participate in the 1977 fund. A firefighter who participates in the  
 6 1977 fund under this subsection is subject to sections 18 and 21 of this  
 7 chapter.

8 (h) A police officer or firefighter does not become a member of the  
 9 1977 fund and is not covered by this chapter if the individual was  
 10 appointed as:

11 (1) a fire chief under a waiver under IC 36-8-4-6(c); or

12 (2) a police chief under a waiver under IC 36-8-4-6.5(c);

13 unless the executive of the unit requests that the 1977 fund accept the  
 14 individual in the 1977 fund and the individual previously was a  
 15 member of the 1977 fund.

16 (i) A police matron hired or rehired after April 30, 1977, and before  
 17 July 1, 1996, who is a member of a police department in a second or  
 18 third class city on March 31, 1996, is a member of the 1977 fund.

19 (j) A park ranger who:

20 (1) completed at least the number of weeks of training at the  
 21 Indiana law enforcement academy or a comparable law  
 22 enforcement academy in another state that were required at the  
 23 time the park ranger attended the Indiana law enforcement  
 24 academy or the law enforcement academy in another state;

25 (2) graduated from the Indiana law enforcement academy or a  
 26 comparable law enforcement academy in another state; and

27 (3) is employed by the parks department of a city having a  
 28 population of more than one hundred ~~twenty ten~~ thousand  
 29 (~~+20,000~~) **110,000** but less than one hundred fifty thousand  
 30 (150,000);

31 is a member of the fund.

32 (k) Notwithstanding any other provision of this chapter, a police  
 33 officer or firefighter:

34 (1) who is a member of the 1977 fund before a consolidation  
 35 under IC 36-3-1-5.1 or IC 36-3-1-6.1;

36 (2) whose employer is consolidated into the consolidated law  
 37 enforcement department or the fire department of a consolidated  
 38 city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

39 (3) who, after the consolidation, becomes an employee of the  
 40 consolidated law enforcement department or the consolidated fire  
 41 department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

42 is a member of the 1977 fund without meeting the requirements under  
 43 sections 19 and 21 of this chapter.

44 (l) Notwithstanding any other provision of this chapter, if:

45 (1) before a consolidation under IC 8-22-3-11.6, a police officer  
 46 or firefighter provides law enforcement services or fire protection  
 47 services for an entity in a consolidated city;

48 (2) the provision of those services is consolidated into the law  
 49 enforcement department or fire department of a consolidated city;  
 50 and

- 1 (3) after the consolidation, the police officer or firefighter  
2 becomes an employee of the consolidated law enforcement  
3 department or the consolidated fire department under  
4 IC 8-22-3-11.6;  
5 the police officer or firefighter is a member of the 1977 fund without  
6 meeting the requirements under sections 19 and 21 of this chapter.  
7 (m) A police officer or firefighter who is a member of the 1977 fund  
8 under subsection (k) or (l) may not be:  
9 (1) retired for purposes of section 10 of this chapter; or  
10 (2) disabled for purposes of section 12 of this chapter;  
11 solely because of a change in employer under the consolidation."  
12 Delete pages 222 through 223.  
13 Page 224, delete lines 1 through 19.  
14 Renumber all SECTIONS consecutively.  
(Reference is to ESB 115 as printed February 21, 2012.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 115**

**S**igned by:

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Senator Landske  
Chairperson

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Representative Koch

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Senator Arnold

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Representative Bartlett

**Senate Conferees**

**House Conferees**