Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 115

AN ACT to amend the Indiana Code concerning general provisions.

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

SECTION 1. IC 1-1-3.5-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a) A reference in this section to amendments made to a statute is a reference to amendments made during the 2012 regular session of the general assembly.**

(b) Notwithstanding any other bill enacted during the 2012 regular session of the Indiana general assembly, this subsection applies to each SECTION of each bill enacted during the 2012 regular session of the Indiana general assembly that satisfies all the following:

(1) The SECTION amends a noncode statute or a provision of the Indiana Code.

(2) The SECTION takes effect before April 1, 2012.

(3) The SECTION contains an amendment to a population parameter.

The amendment to a population parameter in a SECTION described in this subsection takes effect April 1, 2012, and the amendment to other provisions in a SECTION described in this subsection take effect as otherwise provided in the bill described in this subsection.

(c) Notwithstanding any other bill enacted during the 2012 regular session of the Indiana general assembly, this subsection

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applies to each SECTION of each bill enacted during the 2012 regular session of the Indiana general assembly that satisfies all the following:

(1) The SECTION enacts a noncode statute or a new provision of the Indiana Code.

(2) The SECTION takes effect before April 1, 2012.

(3) The SECTION contains a population parameter.

Notwithstanding section 3 of this chapter, a population parameter in a SECTION described in this subsection refers to the population of the described political subdivisions as tabulated following the 2010 Decennial Census and delivered to the state by the United States Secretary of Commerce under 13 U.S.C. 141 and received by the governor during 2011.

(d) The amendments to change the population parameters in IC 5-13-9-5.6 take effect April 1, 2012. Any other amendments to IC 5-13-9-5.6 take effect July 1, 2012.

(e) The following apply to the indicated sections of the Indiana Code repealed during the 2012 session of the general assembly:

(1) The population parameters in IC 9-23-2-2 refer to the City of Gary from April 1, 2012, to July 1, 2012.

(2) The population parameters in IC 9-23-2-4 refer to the City of Gary from April 1, 2012, to July 1, 2012.

(3) The population parameters in IC 11-10-5-4 refer to the following from April 1, 2012, to July 1, 2012:

(A) Parke County in IC 11-10-5-4(f)(1).

(B) Hendricks County in IC 11-10-5-4(f)(2).

(f) The amendments to change the population parameters in IC 7.1-3-20-16 are effective April 1, 2012.

(g) The amendments to change the population parameters in IC 36-2-13-15.3 are effective April 1, 2012.

(h) The amendments to change the population parameters in IC 36-8-8-7 are effective April 1, 2012.

SECTION 2. IC 3-6-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) Except as provided in subsection (b), a board is established in each county of the state known as the (name of county) county election board.

(b) A county election board is not established in the following counties:

(1) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(2) A county having a population of more than one hundred

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~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000).~~ **(175,000).**

SECTION 3. IC 3-6-5.4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000).~~ **(175,000).**

SECTION 4. IC 3-8-1-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1.5. (a) This section applies to a candidate for any of the following offices:

(1) Judge of a city court in a city located in a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000).~~ **(270,000).**

(2) Judge of a town court.

(b) A person is not qualified to run for an office subject to this section unless not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination the person is registered to vote in a county in which the municipality is located.

SECTION 5. IC 3-8-1-28.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 28.5. (a) This section does not apply to a candidate for the office of judge of a city court in a city located in a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000).~~ **(270,000).**

(b) A candidate for the office of judge of a city court must reside in the city upon filing **any of the following:**

(1) A declaration of candidacy or declaration of intent to be a write-in candidate required under IC 3-8-2.

(2) A petition of nomination under IC 3-8-6. ~~or~~

(3) A certificate of nomination under IC 3-10-6-12.

(c) A candidate for the office of judge of a city court must reside in a county in which the city is located upon the filing of a certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8.

(d) This subsection applies to a candidate for the office of judge of a city court listed in IC 33-35-5-7(c). Before a candidate for the office of judge of the court may file a:

(1) declaration of candidacy or petition of nomination;

(2) certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8; or

(3) declaration of intent to be a write-in candidate or certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;

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the candidate must be an attorney in good standing admitted to the practice of law in Indiana.

SECTION 6. IC 3-10-6-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2.5. (a) This section does not apply to a town located wholly or partially within a county having a consolidated city unless the town has a population of more than one thousand (1,000) but less than one thousand ~~five~~ **four** hundred ~~(1,500).~~ **(1,400).**

(b) This section applies to a town that has not adopted an ordinance:

(1) under IC 18-3-1-16(b) (before its repeal on September 1, 1981); or

(2) in 1982 under P.L.13-1982, SECTION 3 (before its expiration on January 1, 1988).

(c) Notwithstanding IC 3-10-6-6, a town may adopt an ordinance during the year preceding a municipal election conducted under section 2 of this chapter prescribing the length of the term of office for town legislative body members elected in the municipal election.

(d) The ordinance must provide that:

(1) no more than fifty percent (50%) of the members will be elected for terms of three (3) years beginning at noon January 1 following the municipal election under section 2 of this chapter; and

(2) the remainder of the members will be elected for terms of four (4) years beginning at noon January 1 following the election.

SECTION 7. IC 3-10-7-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2.5. (a) This section does not apply to a town located wholly or partially within a county having a consolidated city unless the town has a population of more than one thousand (1,000) but less than one thousand ~~five~~ **four** hundred ~~(1,500).~~ **(1,400).**

(b) A town may adopt an ordinance under IC 3-10-6-2.5, if the town has not adopted an ordinance under IC 18-3-1-16(b) (before its repeal on September 1, 1981) or P.L.13-1982, SECTION 3 (before its expiration on January 1, 1988).

SECTION 8. IC 4-10-18-10, AS AMENDED BY P.L.197-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) The state board of finance may lend money from the fund to entities listed in subsections (e) through (k) for the purposes specified in those subsections.

(b) An entity must apply for the loan before May 1, 1989, in a form approved by the state board of finance. As part of the application, the entity shall submit a plan for its use of the loan proceeds and for the

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repayment of the loan. Within sixty (60) days after receipt of each application, the board shall meet to consider the application and to review its accuracy and completeness and to determine the need for the loan. The board shall authorize a loan to an entity that makes an application if the board approves its accuracy and completeness and determines that there is a need for the loan and an adequate method of repayment.

(c) The state board of finance shall determine the terms of each loan, which must include the following:

(1) The duration of the loan, which must not exceed twelve (12) years.

(2) The repayment schedule of the loan, which must provide that no payments are due during the first two (2) years of the loan.

(3) A variable rate of interest to be determined by the board and adjusted annually. The interest rate must be the greater of:

(A) five percent (5%); or

(B) two-thirds (2/3) of the interest rate for fifty-two (52) week United States Treasury bills on the anniversary date of the loan, but not to exceed ten percent (10%).

(4) The amount of the loan or loans, which may not exceed the maximum amounts established for the entity by this section.

(5) Any other conditions specified by the board.

(d) An entity may borrow money under this section by adoption of an ordinance or a resolution and, as set forth in IC 5-1-14, may use any source of revenue to repay a loan under this section. This section constitutes complete authority for the entity to borrow from the fund. If an entity described in subsection (i) fails to make any repayments of a loan, the amount payable shall be withheld by the auditor of state from any other money payable to the consolidated city. If any other entity described in this section fails to make any repayments of a loan, the amount payable shall be withheld by the auditor of state from any other money payable to the entity. The amount withheld shall be transferred to the fund to the credit of the entity.

(e) A loan under this section may be made to a city located in a county having a population of more than ~~twenty-four~~ **twenty-five** thousand ~~(24,000)~~ **(25,000)** but less than twenty-five thousand ~~(25,000)~~ **eight hundred (25,800)** for the city's waterworks facility. The amount of the loan may not exceed one million six hundred thousand dollars ($1,600,000).

(f) A loan under this section may be made to a city the territory of which is included in part within the Lake Michigan corridor (as defined in IC 14-13-3-2, before its repeal) for a marina development project. As

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a part of its application under subsection (b), the city must include the following:

(1) Written approval by the Lake Michigan marina development commission of the project to be funded by the loan proceeds.

(2) A written determination by the commission of the amount needed by the city, for the project and of the amount of the maximum loan amount under this subsection that should be lent to the city.

The maximum amount of loans available for all cities that are eligible for a loan under this subsection is eight million six hundred thousand dollars ($8,600,000).

(g) A loan under this section may be made to a county having a population of more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000)~~ **(185,000)** for use by the airport authority in the county for the construction of runways. The amount of the loan may not exceed seven million dollars ($7,000,000). The county may lend the proceeds of its loan to an airport authority for the public purpose of fostering economic growth in the county.

(h) A loan under this section may be made to a city having a population of more than ~~fifty-nine~~ **sixty** thousand ~~(59,000)~~ **(60,000)** but less than ~~fifty-nine~~ **sixty-five** thousand ~~seven hundred (59,700)~~ **(65,000)** for the construction of parking facilities. The amount of the loan may not exceed three million dollars ($3,000,000).

(i) A loan or loans under this section may be made to a consolidated city, a local public improvement bond bank, or any board, authority, or commission of the consolidated city to fund economic development projects under IC 36-7-15.2-5 or to refund obligations issued to fund economic development projects. The amount of the loan may not exceed thirty million dollars ($30,000,000).

(j) A loan under this section may be made to a county having a population of more than thirteen thousand ~~five hundred (13,500)~~ **(13,000)** but less than fourteen thousand (14,000) for extension of airport runways. The amount of the loan may not exceed three hundred thousand dollars ($300,000).

(k) A loan under this section may be made to Covington Community School Corporation to refund the amount due on a tax anticipation warrant loan. The amount of the loan may not exceed two million seven hundred thousand dollars ($2,700,000), to be paid back from any source of money that is legally available to the school corporation. Notwithstanding subsection (b), the school corporation must apply for the loan before June 30, 2010. Notwithstanding subsection (c),

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repayment of the loan shall be made in equal installments over five (5) years with the first installment due not more than six (6) months after the date loan proceeds are received by the school corporation.

(l) IC 6-1.1-20 does not apply to a loan made by an entity under this section.

(m) As used in this section, "entity" means a governmental entity authorized to obtain a loan under subsections (e) through (k).

SECTION 9. IC 4-33-12-6, AS AMENDED BY P.L.96-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

(b) Except as provided by subsections (c) and (d) and IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in subsection (k), one dollar ($1) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 during the quarter shall be paid to:

(A) the city in which the riverboat is docked, if the city:

(i) is located in a county having a population of more than one hundred ~~ten~~ **eleven** thousand ~~(110,000)~~ **(111,000)** but less than one hundred fifteen thousand (115,000); or

(ii) is contiguous to the Ohio River and is the largest city in the county; and

(B) the county in which the riverboat is docked, if the riverboat is not docked in a city described in clause (A).

(2) Except as provided in subsection (k), one dollar ($1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county in which the riverboat is docked. In the case of a county described in subdivision (1)(B), this one dollar ($1) is in addition to the one dollar ($1) received under subdivision (1)(B).

(3) Except as provided in subsection (k), ten cents ($0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

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(4) Except as provided in subsection (k), fifteen cents ($0.15) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(5) Except as provided in subsection (k), ten cents ($0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(6) Except as provided in subsection (k) and section 7 of this chapter, sixty-five cents ($0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the Indiana horse racing commission to be distributed as follows, in amounts determined by the Indiana horse racing commission, for the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack. No grants shall be made for long term capital investment or construction, and no grants shall be made before the racetrack becomes operational and is offering a racing schedule.

(c) With respect to tax revenue collected from a riverboat located in a historic hotel district, the treasurer of state shall quarterly pay the following:

(1) With respect to admissions taxes collected for a person admitted to the riverboat before July 1, 2010, the following amounts:

(A) Twenty-two percent (22%) of the admissions tax collected

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during the quarter shall be paid to the county treasurer of the county in which the riverboat is located. The county treasurer shall distribute the money received under this clause as follows:

(i) Twenty-two and seventy-five hundredths percent (22.75%) shall be quarterly distributed to the county treasurer of a county having a population of more than ~~thirty-nine~~ **forty** thousand ~~six hundred (39,600)~~ **(40,000)** but less than ~~forty~~ **forty-two** thousand ~~(40,000)~~ **(42,000)** for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this item to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(ii) Twenty-two and seventy-five hundredths percent (22.75%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body. The county fiscal body for the receiving county shall provide for the distribution of the money received under this item to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(iii) Fifty-four and five-tenths percent (54.5%) shall be retained by the county where the riverboat is located for appropriation by the county fiscal body after receiving a recommendation from the county executive.

(B) Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more than two thousand ~~two hundred (2,200)~~ **(2,000)** but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand ~~three~~ **five** hundred ~~(19,300)~~ **(19,500)** but less than twenty thousand (20,000). At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.

(C) Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more

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than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand ~~three~~ **five** hundred ~~(19,300)~~ **(19,500)** but less than twenty thousand (20,000). At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.

(D) Twenty percent (20%) of the admissions tax collected during the quarter shall be paid in equal amounts to each town that:

(i) is located in the county in which the riverboat is located; and

(ii) contains a historic hotel.

At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.

(E) Ten percent (10%) of the admissions tax collected during the quarter shall be paid to the Orange County development commission established under IC 36-7-11.5. At least one-third (1/3) of the taxes paid to the Orange County development commission under this clause must be transferred to the Orange County convention and visitors bureau.

(F) Thirteen percent (13%) of the admissions tax collected during the quarter shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b).

(G) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the Indiana economic development corporation to be used by the corporation for the development and implementation of a regional economic development strategy to assist the residents of the county in which the riverboat is located and residents of contiguous counties in improving their quality of life and to help promote successful and sustainable communities. The regional economic development strategy must include goals concerning the following issues:

(i) Job creation and retention.

(ii) Infrastructure, including water, wastewater, and storm water infrastructure needs.

(iii) Housing.

(iv) Workforce training.

(v) Health care.

(vi) Local planning.

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(vii) Land use.

(viii) Assistance to regional economic development groups.

(ix) Other regional development issues as determined by the Indiana economic development corporation.

(2) With respect to admissions taxes collected for a person admitted to the riverboat after June 30, 2010, the following amounts:

(A) Twenty-nine and thirty-three hundredths percent (29.33%) to the county treasurer of Orange County. The county treasurer shall distribute the money received under this clause as follows:

(i) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Dubois County for distribution in the manner described in subdivision (1)(A)(i).

(ii) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Crawford County for distribution in the manner described in subdivision (1)(A)(ii).

(iii) Fifty-four and five-tenths percent (54.5%) to be retained by the county treasurer of Orange County for appropriation by the county fiscal body after receiving a recommendation from the county executive.

(B) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Orleans. At least twenty percent (20%) of the taxes received by the town under this clause must be transferred to Orleans Community Schools.

(C) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Paoli. At least twenty percent (20%) of the taxes received by the town under this clause must be transferred to the Paoli Community School Corporation.

(D) Twenty-six and sixty-seven hundredths percent (26.67%) to be paid in equal amounts to the fiscal officers of the towns of French Lick and West Baden Springs. At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the Springs Valley Community School Corporation.

(E) Thirty and sixty-six hundredths percent (30.66%) to the Indiana economic development corporation to be used in the manner described in subdivision (1)(G).

(d) With respect to tax revenue collected from a riverboat that operates from a county having a population of more than four hundred

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thousand (400,000) but less than seven hundred thousand (700,000), the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in subsection (k), one dollar ($1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the city in which the riverboat is docked.

(2) Except as provided in subsection (k), one dollar ($1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county in which the riverboat is docked.

(3) Except as provided in subsection (k), nine cents ($0.09) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in subsection (k), one cent ($0.01) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the northwest Indiana law enforcement training center.

(5) Except as provided in subsection (k), fifteen cents ($0.15) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(6) Except as provided in subsection (k), ten cents ($0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the division of mental health and addiction. The

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division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(7) Except as provided in subsection (k) and section 7 of this chapter, sixty-five cents ($0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the Indiana horse racing commission to be distributed as follows, in amounts determined by the Indiana horse racing commission, for the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack. No grants shall be made for long term capital investment or construction, and no grants shall be made before the racetrack becomes operational and is offering a racing schedule.

(e) Money paid to a unit of local government under subsection (b), (c), or (d):

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum levy under IC 6-1.1-18.5 but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(f) Money paid by the treasurer of state under subsection (b)(3) or (d)(3) shall be:

(1) deposited in:

(A) the county convention and visitor promotion fund; or

(B) the county's general fund if the county does not have a convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

(g) Money received by the division of mental health and addiction

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under subsections (b)(5) and (d)(6):

(1) is annually appropriated to the division of mental health and addiction;

(2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and

(3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions. The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

(h) This subsection applies to the following:

(1) Each entity receiving money under subsection (b).

(2) Each entity receiving money under subsection (d)(1) through (d)(2).

(3) Each entity receiving money under subsection (d)(5) through (d)(7).

The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this subsection during the state fiscal year 2002. The amount determined under this subsection is the base year revenue for each entity subject to this subsection. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(i) This subsection applies to an entity receiving money under subsection (d)(3) or (d)(4). The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subsection (d)(3) during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subsection (d)(3). The amount determined under this subsection multiplied by one-tenth (0.1) is the base year revenue for the entity described in subsection (d)(4). The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(j) This subsection does not apply to an entity receiving money under subsection (c). For state fiscal years beginning after June 30, 2002, the total amount of money distributed to an entity under this section during a state fiscal year may not exceed the entity's base year revenue as determined under subsection (h) or (i). If the treasurer of

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state determines that the total amount of money distributed to an entity under this section during a state fiscal year is less than the entity's base year revenue, the treasurer of state shall make a supplemental distribution to the entity under IC 4-33-13-5(g).

(k) This subsection does not apply to an entity receiving money under subsection (c). For state fiscal years beginning after June 30, 2002, the treasurer of state shall pay that part of the riverboat admissions taxes that:

(1) exceeds a particular entity's base year revenue; and

(2) would otherwise be due to the entity under this section;

to the state general fund instead of to the entity.

SECTION 10. IC 4-33-13-5, AS AMENDED BY P.L.96-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

(1) The first thirty-three million dollars ($33,000,000) of tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).

(2) Subject to subsection (c), twenty-five percent (25%) of the remaining tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of:

(i) a city described in IC 4-33-12-6(b)(1)(A); or

(ii) a city located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city described in clause (A).

(3) Subject to subsection (d), the remainder of the tax revenue remitted by each licensed owner shall be paid to the state general fund. In each state fiscal year, the treasurer of state shall make the transfer required by this subdivision not later than the last business day of the month in which the tax revenue is remitted to the state for deposit in the state gaming fund. However, if tax

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revenue is received by the state on the last business day in a month, the treasurer of state may transfer the tax revenue to the state general fund in the immediately following month.

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue remitted by the operating agent under this chapter as follows:

(1) Thirty-seven and one-half percent (37.5%) shall be paid to the state general fund.

(2) Nineteen percent (19%) shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b). However, at any time the balance in that fund exceeds twenty million dollars ($20,000,000), the amount described in this subdivision shall be paid to the state general fund.

(3) Eight percent (8%) shall be paid to the Orange County development commission established under IC 36-7-11.5.

(4) Sixteen percent (16%) shall be paid in equal amounts to each town that is located in the county in which the riverboat is located and contains a historic hotel. The following apply to taxes received by a town under this subdivision:

(A) At least twenty-five percent (25%) of the taxes must be transferred to the school corporation in which the town is located.

(B) At least twelve and five-tenths percent (12.5%) of the taxes imposed on adjusted gross receipts received after June 30, 2010, must be transferred to the Orange County development commission established by IC 36-7-11.5-3.5.

(5) Nine percent (9%) shall be paid to the county treasurer of the county in which the riverboat is located. The county treasurer shall distribute the money received under this subdivision as follows:

(A) Twenty-two and twenty-five hundredths percent (22.25%) shall be quarterly distributed to the county treasurer of a county having a population of more than ~~thirty-nine~~ **forty** thousand ~~six hundred (39,600)~~ **(40,000)** but less than ~~forty~~ **forty-two** thousand ~~(40,000)~~ **(42,000)** for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in

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IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(B) Twenty-two and twenty-five hundredths percent (22.25%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(C) Fifty-five and five-tenths percent (55.5%) shall be retained by the county in which the riverboat is located for appropriation by the county fiscal body after receiving a recommendation from the county executive.

(6) Five percent (5%) shall be paid to a town having a population of more than two thousand ~~two hundred (2,200)~~ **(2,000)** but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand ~~three~~ **five** hundred ~~(19,300)~~ **(19,500)** but less than twenty thousand (20,000). At least forty percent (40%) of the taxes received by a town under this subdivision must be transferred to the school corporation in which the town is located.

(7) Five percent (5%) shall be paid to a town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand ~~three~~ **five** hundred ~~(19,300)~~ **(19,500)** but less than twenty thousand (20,000). At least forty percent (40%) of the taxes received by a town under this subdivision must be transferred to the school corporation in which the town is located.

(8) Five-tenths percent (0.5%) of the taxes imposed on adjusted gross receipts received after June 30, 2010, shall be paid to the Indiana economic development corporation established by IC 5-28-3-1.

(c) For each city and county receiving money under subsection (a)(2), the treasurer of state shall determine the total amount of money paid by the treasurer of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The treasurer of state shall certify the base year revenue

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determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue. For each state fiscal year, the treasurer of state shall pay that part of the riverboat wagering taxes that:

(1) exceeds a particular city's or county's base year revenue; and

(2) would otherwise be due to the city or county under this section;

to the state general fund instead of to the city or county.

(d) Each state fiscal year the treasurer of state shall transfer from the tax revenue remitted to the state general fund under subsection (a)(3) to the build Indiana fund an amount that when added to the following may not exceed two hundred fifty million dollars ($250,000,000):

(1) Surplus lottery revenues under IC 4-30-17-3.

(2) Surplus revenue from the charity gaming enforcement fund under IC 4-32.2-7-7.

(3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

The treasurer of state shall make transfers on a monthly basis as needed to meet the obligations of the build Indiana fund. If in any state fiscal year insufficient money is transferred to the state general fund under subsection (a)(3) to comply with this subsection, the treasurer of state shall reduce the amount transferred to the build Indiana fund to the amount available in the state general fund from the transfers under subsection (a)(3) for the state fiscal year.

(e) Before August 15 of each year, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. Except as provided in subsection (h), the county auditor shall distribute the money received by the county under this subsection as follows:

(1) To each city located in the county according to the ratio the city's population bears to the total population of the county.

(2) To each town located in the county according to the ratio the town's population bears to the total population of the county.

(3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

(f) Money received by a city, town, or county under subsection (e) or (h) may be used for any of the following purposes:

(1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision

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does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5).

(2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for debt repayment.

(3) To fund sewer and water projects, including storm water management projects.

(4) For police and fire pensions.

(5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(g) This subsection does not apply to an entity receiving money under IC 4-33-12-6(c). Before September 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-6), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the state general fund. Except as provided in subsection (i), the amount of an entity's supplemental distribution is equal to:

(1) the entity's base year revenue (as determined under IC 4-33-12-6); minus

(2) the sum of:

(A) the total amount of money distributed to the entity during the preceding state fiscal year under IC 4-33-12-6; plus

(B) any amounts deducted under IC 6-3.1-20-7.

(h) This subsection applies only to a county containing a consolidated city. The county auditor shall distribute the money received by the county under subsection (e) as follows:

(1) To each city, other than a consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.

(2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.

(3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county.

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(i) This subsection applies only to the Indiana horse racing commission. For each state fiscal year the amount of the Indiana horse racing commission's supplemental distribution under subsection (g) must be reduced by the amount required to comply with IC 4-33-12-7(a).

SECTION 11. IC 5-1-14-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) This section applies to:

(1) each county having a population of more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000);~~ **(185,000);** and

(2) each second class city located in ~~such~~ a county **described in subdivision (1).**

(b) As used in this section, "stadium" means a structure used for athletic, recreational, cultural, and community events.

(c) Notwithstanding any other law, a stadium constitutes a:

(1) government building under IC 36-9-13;

(2) structure under IC 36-1-10;

(3) park purpose under IC 36-10-1;

(4) park improvement under IC 36-10-4; and

(5) redevelopment project or purpose under IC 36-7-14.

(d) Notwithstanding any other law, a legislative body of a city may levy a tax in the park district established under IC 36-10-4 to pay lease rentals to a lessor of a stadium under IC 36-1-10 or IC 36-9-13.

SECTION 12. IC 5-1.4-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. "City" refers to **any of the following:**

(1) A consolidated city.

(2) A ~~city of the~~ second class ~~or~~ **city.**

(3) A city having a population of more than ~~four~~ **five** thousand ~~six hundred fifty (4,650)~~ **(5,000)** but less than five thousand ~~(5,000).~~ **one hundred (5,100).**

SECTION 13. IC 5-1.4-1-10, AS AMENDED BY P.L.1-2005, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. "Qualified entity" means the following:

(1) A city.

(2) A county.

(3) A special taxing district located wholly within a county.

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

(5) A political subdivision (as defined in IC 36-1-2-13) that is

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located wholly within a county:

(A) that has a population of:

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

(ii) more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000);~~ **(270,000);** or

(B) containing a city that:

(i) is described in section 5(3) of this chapter; and

(ii) has a public improvement bond bank under this article.

(6) A charter school established under IC 20-24 that is sponsored by the executive of a consolidated city.

(7) Any authority created under IC 36 that leases land or facilities to any qualified entity listed in subdivisions (1) through (6).

SECTION 14. IC 5-10.4-4-1, AS AMENDED BY P.L.2-2007, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) The members of the fund include:

(1) legally qualified and regularly employed teachers in the public schools;

(2) persons employed by a governing body, who were qualified before their election or appointment;

(3) legally qualified and regularly employed teachers at Ball State University, Indiana State University, University of Southern Indiana, and Vincennes University;

(4) legally qualified and regularly employed teachers in a state educational institution whose teachers devote their entire time to teaching;

(5) legally qualified and regularly employed teachers in state benevolent, charitable, or correctional institutions;

(6) legally qualified and regularly employed teachers in an experimental school in a state university who teach elementary or high school students;

(7) as determined by the board, certain instructors serving in a state educational institution extension division not covered by a state retirement law;

(8) employees and officers of the department of education and of the fund who were qualified before their election or appointment;

(9) a person who:

(A) is employed as a nurse appointed under IC 20-34-3-6 by a school corporation located in a city having a population of more than ~~ninety~~ **eighty** thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty** thousand ~~(105,000);~~ **four**

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hundred (80,400); and

(B) participated in the fund before December 31, 1991, in the position described in clause (A); and

(10) persons who are employed by the fund.

(b) Teachers in any state institution who accept the benefits of a state supported retirement benefit system comparable to the fund's benefits may not come under the fund unless permitted by law or the rules of the board.

(c) The members of the fund do not include substitute teachers who have not obtained an associate degree or a baccalaureate degree.

SECTION 15. IC 5-13-9-2, AS AMENDED BY P.L.115-2010, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) Each officer designated in section 1 of this chapter may invest or reinvest any funds that are held by the officer and available for investment in any of the following:

(1) Securities backed by the full faith and credit of the United States Treasury or fully guaranteed by the United States and issued by any of the following:

(A) The United States Treasury.

(B) A federal agency.

(C) A federal instrumentality.

(D) A federal government sponsored enterprise.

(2) Securities fully guaranteed and issued by any of the following:

(A) A federal agency.

(B) A federal instrumentality.

(C) A federal government sponsored enterprise.

(3) Municipal securities issued by an Indiana local governmental entity, a quasi-governmental entity related to the state, or a unit of government, municipal corporation, or special taxing district in Indiana, if the issuer has not defaulted on any of the issuer's obligations within the twenty (20) years preceding the date of the purchase.

(b) If an investment under subsection (a)(1) is made at a cost in excess of the par value of the securities purchased, any premium paid for the securities shall be deducted from the first interest received and returned to the fund from which the investment was purchased, and only the net amount is considered interest income.

(c) The officer making the investment may sell any securities acquired and may do anything necessary to protect the interests of the funds invested, including the exercise of exchange privileges which may be granted with respect to maturing securities in cases where the new securities offered in exchange meet the requirements for initial

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investment.

(d) The investing officers of the political subdivisions are the legal custodians of securities under this chapter. They shall accept safekeeping receipts or other reporting for securities from:

(1) a duly designated depository as prescribed in this article; or

(2) a financial institution located either in or out of Indiana having custody of securities with a combined capital and surplus of at least ten million dollars ($10,000,000) according to the last statement of condition filed by the financial institution with its governmental supervisory body.

(e) The state board of accounts may rely on safekeeping receipts or other reporting from any depository or financial institution.

(f) In addition to any other investments allowed under this chapter, an officer of a conservancy district located in a city having a population of more than ~~four~~ **five** thousand ~~six hundred fifty (4,650)~~ **(5,000)** but less than five thousand ~~(5,000)~~ **one hundred (5,100)** may also invest in:

(1) municipal securities; and

(2) equity securities;

having a stated final maturity of any number of years or having no stated final maturity. The total investments outstanding under this subsection may not exceed twenty-five percent (25%) of the total portfolio of funds invested by the officer of a conservancy district. However, an investment that complies with this subsection when the investment is made remains legal even if a subsequent decrease in the total portfolio invested by the officer of a conservancy district causes the percentage of investments outstanding under this subsection to exceed twenty-five percent (25%).

(g) In addition to any other investments allowed under this chapter, a clerk-treasurer of a town with a population of more than ~~six~~ **five** thousand ~~three hundred (6,300)~~ **(5,000)** but less than ten thousand (10,000) located in a county having a population of more than one hundred **forty** thousand ~~(100,000)~~ **(140,000)** but less than one hundred ~~five~~ **fifty** thousand ~~(105,000)~~ **(150,000)** may also invest money in a host community agreement future fund established by ordinance of the town in:

(1) municipal securities; and

(2) equity securities;

having a stated final maturity of any number of years or having no stated final maturity. The total investments outstanding under this subsection may not exceed twenty-five percent (25%) of the total portfolio of funds invested by the clerk-treasurer of a town. However,

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an investment that complies with this subsection when the investment is made remains legal even if a subsequent decrease in the total portfolio invested by the clerk-treasurer of a town causes the percentage of investments outstanding under this subsection to exceed twenty-five percent (25%).

SECTION 16. IC 6-1.1-10-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15. (a) The acquisition and improvement of land for use by the public as an airport and the maintenance of commercial passenger aircraft is a municipal purpose regardless of whether the airport or maintenance facility is owned or operated by a municipality. The owner of any airport located in this state, who holds a valid and current public airport certificate issued by the Indiana department of transportation, may claim an exemption for only so much of the land as is reasonably necessary to and used for public airport purposes. A person maintaining commercial passenger aircraft in a county having a population of:

(1) more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000) but less than two hundred seventy thousand (270,000); or**

(2) more than three hundred thousand (300,000) but less than four hundred thousand (400,000);

may claim an exemption for commercial passenger aircraft not subject to the aircraft excise tax under IC 6-6-6.5 that is being assessed under this article, if it is located in the county only for the purposes of maintenance.

(b) The exemption provided by this section is noncumulative and applies only to property that would not otherwise be exempt. Nothing contained in this section applies to or affects any other tax exemption provided by law.

(c) As used in this section, "land used for public airport purposes" includes the following:

(1) That part of airport land used for the taking off or landing of aircraft, taxiways, runway and taxiway lighting, access roads, auto and aircraft parking areas, and all buildings providing basic facilities for the traveling public.

(2) Real property owned by the airport owner and used directly for airport operation and maintenance purposes.

(3) Real property used in providing for the shelter, storage, or care of aircraft, including hangars.

(4) Housing for weather and signaling equipment, navigational aids, radios, or other electronic equipment.

The term does not include land areas used solely for purposes unrelated to aviation.

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SECTION 17. IC 6-1.1-10-16.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 16.5. (a) This section applies to real property located in **either of** the following:

(1) A county having a population of more than twenty thousand (20,000) but less than twenty thousand ~~three~~ **five** hundred ~~(20,300).~~ **(20,500).**

(2) A county having a population of more than ~~twenty-five~~ **twenty-four** thousand ~~(25,000)~~ **five hundred (24,500)** but less than twenty-five thousand ~~five hundred (25,500).~~ **(25,000).**

(b) A tract of real property owned by a nonprofit public benefit corporation (as defined in IC 23-17-2-23) is exempt from property taxation if all of the following apply:

(1) The tract is located:

(A) under a lake or reservoir; or

(B) adjacent to a lake or reservoir.

(2) The lake or reservoir under which or adjacent to which the tract is located was formed by a dam or control structure owned and operated by a public utility for the generation of hydroelectric power.

(3) The public benefit corporation that owns the tract is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code and has maintained its tax exempt status for the previous three (3) years.

(4) The public benefit corporation that owns the tract is primarily engaged in active efforts to protect and enhance the environment and water quality of the lake or reservoir under which or adjacent to which the tract is located in order to facilitate the public recreational use of the lake or reservoir.

(c) A tract of real property owned by a nonprofit public benefit corporation described in subsection (b) is exempt from property taxation if the tract is used by the public benefit corporation in the public benefit corporation's efforts to enhance the environment and water quality of a lake or reservoir described in subsection (b).

SECTION 18. IC 6-1.1-12.1-2, AS AMENDED BY P.L.146-2008, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) A designating body may find that a particular area within its jurisdiction is an economic revitalization area. However, the deduction provided by this chapter for economic revitalization areas not within a city or town shall not be available to retail businesses.

(b) In a county containing a consolidated city or within a city or town, a designating body may find that a particular area within its

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jurisdiction is a residentially distressed area. Designation of an area as a residentially distressed area has the same effect as designating an area as an economic revitalization area, except that the amount of the deduction shall be calculated as specified in section 4.1 of this chapter and the deduction is allowed for not more than five (5) years. In order to declare a particular area a residentially distressed area, the designating body must follow the same procedure that is required to designate an area as an economic revitalization area and must make all the following additional findings or all the additional findings described in subsection (c):

(1) The area is comprised of parcels that are either unimproved or contain only one (1) or two (2) family dwellings or multifamily dwellings designed for up to four (4) families, including accessory buildings for those dwellings.

(2) Any dwellings in the area are not permanently occupied and are:

(A) the subject of an order issued under IC 36-7-9; or

(B) evidencing significant building deficiencies.

(3) Parcels of property in the area:

(A) have been sold and not redeemed under IC 6-1.1-24 and IC 6-1.1-25; or

(B) are owned by a unit of local government.

However, in a city in a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000),~~ **(270,000),** the designating body is only required to make one (1) of the additional findings described in this subsection or one (1) of the additional findings described in subsection (c).

(c) In a county containing a consolidated city or within a city or town, a designating body that wishes to designate a particular area a residentially distressed area may make the following additional findings as an alternative to the additional findings described in subsection (b):

(1) A significant number of dwelling units within the area are not permanently occupied or a significant number of parcels in the area are vacant land.

(2) A significant number of dwelling units within the area are:

(A) the subject of an order issued under IC 36-7-9; or

(B) evidencing significant building deficiencies.

(3) The area has experienced a net loss in the number of dwelling units, as documented by census information, local building and demolition permits, or certificates of occupancy, or the area is

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owned by Indiana or the United States.

(4) The area (plus any areas previously designated under this subsection) will not exceed ten percent (10%) of the total area within the designating body's jurisdiction.

However, in a city in a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000),~~ **(270,000),** the designating body is only required to make one (1) of the additional findings described in this subsection as an alternative to one (1) of the additional findings described in subsection (b).

(d) A designating body is required to attach the following conditions to the grant of a residentially distressed area designation:

(1) The deduction will not be allowed unless the dwelling is rehabilitated to meet local code standards for habitability.

(2) If a designation application is filed, the designating body may require that the redevelopment or rehabilitation be completed within a reasonable period of time.

(e) To make a designation described in subsection (a) or (b), the designating body shall use procedures prescribed in section 2.5 of this chapter.

(f) The property tax deductions provided by section 3, 4.5, or 4.8 of this chapter are only available within an area which the designating body finds to be an economic revitalization area.

(g) The designating body may adopt a resolution establishing general standards to be used, along with the requirements set forth in the definition of economic revitalization area, by the designating body in finding an area to be an economic revitalization area. The standards must have a reasonable relationship to the development objectives of the area in which the designating body has jurisdiction. The following four (4) sets of standards may be established:

(1) One (1) relative to the deduction under section 3 of this chapter for economic revitalization areas that are not residentially distressed areas.

(2) One (1) relative to the deduction under section 3 of this chapter for residentially distressed areas.

(3) One (1) relative to the deduction allowed under section 4.5 of this chapter.

(4) One (1) relative to the deduction allowed under section 4.8 of this chapter.

(h) A designating body may impose a fee for filing a designation application for a person requesting the designation of a particular area as an economic revitalization area. The fee may be sufficient to defray

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actual processing and administrative costs. However, the fee charged for filing a designation application for a parcel that contains one (1) or more owner-occupied, single-family dwellings may not exceed the cost of publishing the required notice.

(i) In declaring an area an economic revitalization area, the designating body may:

(1) limit the time period to a certain number of calendar years during which the economic revitalization area shall be so designated;

(2) limit the type of deductions that will be allowed within the economic revitalization area to the deduction allowed under section 3 of this chapter, the deduction allowed under section 4.5 of this chapter, the deduction allowed under section 4.8 of this chapter, or any combination of these deductions;

(3) limit the dollar amount of the deduction that will be allowed with respect to new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and new information technology equipment if a deduction under this chapter had not been filed before July 1, 1987, for that equipment;

(4) limit the dollar amount of the deduction that will be allowed with respect to redevelopment and rehabilitation occurring in areas that are designated as economic revitalization areas on or after September 1, 1988;

(5) limit the dollar amount of the deduction that will be allowed under section 4.8 of this chapter with respect to the occupation of an eligible vacant building; or

(6) impose reasonable conditions related to the purpose of this chapter or to the general standards adopted under subsection (g) for allowing the deduction for the redevelopment or rehabilitation of the property or the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

To exercise one (1) or more of these powers, a designating body must include this fact in the resolution passed under section 2.5 of this chapter.

(j) Notwithstanding any other provision of this chapter, if a designating body limits the time period during which an area is an economic revitalization area, that limitation does not:

(1) prevent a taxpayer from obtaining a deduction for new manufacturing equipment, new research and development

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equipment, new logistical distribution equipment, or new information technology equipment installed on or before the approval deadline determined under section 9 of this chapter, but after the expiration of the economic revitalization area if:

(A) the economic revitalization area designation expires after December 30, 1995; and

(B) the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment was described in a statement of benefits submitted to and approved by the designating body in accordance with section 4.5 of this chapter before the expiration of the economic revitalization area designation; or

(2) limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under section 4, 4.5, or 4.8 of this chapter.

(k) Notwithstanding any other provision of this chapter, deductions:

(1) that are authorized under section 3 of this chapter for property in an area designated as an urban development area before March 1, 1983, and that are based on an increase in assessed valuation resulting from redevelopment or rehabilitation that occurs before March 1, 1983; or

(2) that are authorized under section 4.5 of this chapter for new manufacturing equipment installed in an area designated as an urban development area before March 1, 1983;

apply according to the provisions of this chapter as they existed at the time that an application for the deduction was first made. No deduction that is based on the location of property or new manufacturing equipment in an urban development area is authorized under this chapter after February 28, 1983, unless the initial increase in assessed value resulting from the redevelopment or rehabilitation of the property or the installation of the new manufacturing equipment occurred before March 1, 1983.

(l) In addition to the other requirements of this chapter, if property located in an economic revitalization area is also located in an allocation area (as defined in IC 36-7-14-39 or IC 36-7-15.1-26), a taxpayer's statement of benefits concerning that property may not be approved under this chapter unless a resolution approving the statement of benefits is adopted by the legislative body of the unit that approved the designation of the allocation area.

SECTION 19. IC 6-1.1-12.1-3, AS AMENDED BY P.L.99-2007, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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APRIL 1, 2012]: Sec. 3. (a) An applicant must provide a statement of benefits to the designating body. If the designating body requires information from the applicant for economic revitalization area status for use in making its decision about whether to designate an economic revitalization area, the applicant shall provide the completed statement of benefits form to the designating body before the hearing required by section 2.5(c) of this chapter. Otherwise, the statement of benefits form must be submitted to the designating body before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction under this chapter. The department of local government finance shall prescribe a form for the statement of benefits. The statement of benefits must include the following information:

(1) A description of the proposed redevelopment or rehabilitation.

(2) An estimate of the number of individuals who will be employed or whose employment will be retained by the person as a result of the redevelopment or rehabilitation and an estimate of the annual salaries of these individuals.

(3) An estimate of the value of the redevelopment or rehabilitation.

With the approval of the designating body, the statement of benefits may be incorporated in a designation application. Notwithstanding any other law, a statement of benefits is a public record that may be inspected and copied under IC 5-14-3-3.

(b) The designating body must review the statement of benefits required under subsection (a). The designating body shall determine whether an area should be designated an economic revitalization area or whether a deduction should be allowed, based on (and after it has made) the following findings:

(1) Whether the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of that nature.

(2) Whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.

(3) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.

(4) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation.

(5) Whether the totality of benefits is sufficient to justify the

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deduction.

A designating body may not designate an area an economic revitalization area or approve a deduction unless the findings required by this subsection are made in the affirmative.

(c) Except as provided in subsections (a) through (b), the owner of property which is located in an economic revitalization area is entitled to a deduction from the assessed value of the property. If the area is a residentially distressed area, the period is not more than five (5) years. For all other economic revitalization areas designated before July 1, 2000, the period is three (3), six (6), or ten (10) years. For all economic revitalization areas designated after June 30, 2000, the period is the number of years determined under subsection (d). The owner is entitled to a deduction if:

(1) the property has been rehabilitated; or

(2) the property is located on real estate which has been redeveloped.

The owner is entitled to the deduction for the first year, and any successive year or years, in which an increase in assessed value resulting from the rehabilitation or redevelopment occurs and for the following years determined under subsection (d). However, property owners who had an area designated an urban development area pursuant to an application filed prior to January 1, 1979, are only entitled to a deduction for a five (5) year period. In addition, property owners who are entitled to a deduction under this chapter pursuant to an application filed after December 31, 1978, and before January 1, 1986, are entitled to a deduction for a ten (10) year period.

(d) For an area designated as an economic revitalization area after June 30, 2000, that is not a residentially distressed area, the designating body shall determine the number of years for which the property owner is entitled to a deduction. However, the deduction may not be allowed for more than ten (10) years. This determination shall be made:

(1) as part of the resolution adopted under section 2.5 of this chapter; or

(2) by resolution adopted within sixty (60) days after receiving a copy of a property owner's certified deduction application from the county auditor. A certified copy of the resolution shall be sent to the county auditor who shall make the deduction as provided in section 5 of this chapter.

A determination about the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by following the procedure under subdivision (2).

(e) Except for deductions related to redevelopment or rehabilitation

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of real property in a county containing a consolidated city or a deduction related to redevelopment or rehabilitation of real property initiated before December 31, 1987, in areas designated as economic revitalization areas before that date, a deduction for the redevelopment or rehabilitation of real property may not be approved for the following facilities:

(1) Private or commercial golf course.
(2) Country club.
(3) Massage parlor.
(4) Tennis club.
(5) Skating facility (including roller skating, skateboarding, or ice skating).
(6) Racquet sport facility (including any handball or racquetball court).
(7) Hot tub facility.
(8) Suntan facility.
(9) Racetrack.
(10) Any facility the primary purpose of which is:
(A) retail food and beverage service;
(B) automobile sales or service; or
(C) other retail;
unless the facility is located in an economic development target area established under section 7 of this chapter.
(11) Residential, unless:
(A) the facility is a multifamily facility that contains at least twenty percent (20%) of the units available for use by low and moderate income individuals;
(B) the facility is located in an economic development target area established under section 7 of this chapter; or
(C) the area is designated as a residentially distressed area.
(12) A package liquor store that holds a liquor dealer's permit under IC 7.1-3-10 or any other entity that is required to operate under a license issued under IC 7.1. This subdivision does not apply to an applicant that:
(A) was eligible for tax abatement under this chapter before July 1, 1995;
(B) is described in IC 7.1-5-7-11; or
(C) operates a facility under:
(i) a beer wholesaler's permit under IC 7.1-3-3;
(ii) a liquor wholesaler's permit under IC 7.1-3-8; or
(iii) a wine wholesaler's permit under IC 7.1-3-13;
for which the applicant claims a deduction under this chapter.

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~~(f) This subsection applies only to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). Notwithstanding subsection (e)(11), in a county subject to this subsection a designating body may, before September 1, 2000, approve a deduction under this chapter for the redevelopment or rehabilitation of real property consisting of residential facilities that are located in unincorporated areas of the county if the designating body makes a finding that the facilities are needed to serve any combination of the following:~~

~~(1) Elderly persons who are predominately low-income or moderate-income persons.~~

~~(2) Persons with a disability.~~

~~A designating body may adopt an ordinance approving a deduction under this subsection only one (1) time. This subsection expires January 1, 2011.~~

SECTION 20. IC 6-1.1-12.1-4.7, AS AMENDED BY P.L.146-2008, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4.7. (a) Section 4.5(e) of this chapter does not apply to new manufacturing equipment located in a township having a population of more than four thousand (4,000) but less than seven thousand (7,000) located in a county having a population of more than ~~forty~~ **forty-two** thousand ~~(40,000)~~ **(42,000)** but less than ~~forty~~ **forty-two** thousand ~~nine~~ **three** hundred ~~(40,900)~~ **(42,300)** if the total original cost of all new manufacturing equipment placed into service by the owner during the preceding sixty (60) months exceeds fifty million dollars ($50,000,000), and if the economic revitalization area in which the new manufacturing equipment was installed was approved by the designating body before September 1, 1994.

(b) Section 4.5(e) of this chapter does not apply to new manufacturing equipment located in a county having a population of more than ~~thirty-two~~ **thirty-three** thousand ~~(32,000)~~ **five hundred (33,500)** but less than ~~thirty-three~~ **thirty-four** thousand ~~(33,000)~~ **(34,000)** if:

(1) the total original cost of all new manufacturing equipment placed into service in the county by the owner exceeds five hundred million dollars ($500,000,000); and

(2) the economic revitalization area in which the new manufacturing equipment was installed was approved by the designating body before January 1, 2001.

(c) A deduction under section 4.5(c) of this chapter is not allowed with respect to new manufacturing equipment described in subsection

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(b) in the first year the deduction is claimed or in subsequent years as permitted by section 4.5(c) of this chapter to the extent the deduction would cause the assessed value of all real property and personal property of the owner in the taxing district to be less than the incremental net assessed value for that year.

(d) The following apply for purposes of subsection (c):

(1) A deduction under section 4.5(c) of this chapter shall be disallowed only with respect to new manufacturing equipment installed after March 1, 2000.

(2) "Incremental net assessed value" means the sum of:

(A) the net assessed value of real property and depreciable personal property from which property tax revenues are required to be held in trust and pledged for the benefit of the owners of bonds issued by the redevelopment commission of a county described in subsection (b) under resolutions adopted November 16, 1998, and July 13, 2000 (as amended November 27, 2000); plus

(B) fifty-four million four hundred eighty-one thousand seven hundred seventy dollars ($54,481,770).

(3) The assessed value of real property and personal property of the owner shall be determined after the deductions provided by sections 3 and 4.5 of this chapter.

(4) The personal property of the owner shall include inventory.

(5) The amount of deductions provided by section 4.5 of this chapter with respect to new manufacturing equipment that was installed on or before March 1, 2000, shall be increased from thirty-three and one-third percent (33 1/3%) of true tax value to one hundred percent (100%) of true tax value for assessment dates after February 28, 2001.

(e) A deduction not fully allowed under subsection (c) in the first year the deduction is claimed or in a subsequent year permitted by section 4.5 of this chapter shall be carried over and allowed as a deduction in succeeding years. A deduction that is carried over to a year but is not allowed in that year under this subsection shall be carried over and allowed as a deduction in succeeding years. The following apply for purposes of this subsection:

(1) A deduction that is carried over to a succeeding year is not allowed in that year to the extent that the deduction, together with:

(A) deductions otherwise allowed under section 3 of this chapter;

(B) deductions otherwise allowed under section 4.5 of this

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chapter; and

(C) other deductions carried over to the year under this subsection;

would cause the assessed value of all real property and personal property of the owner in the taxing district to be less than the incremental net assessed value for that year.

(2) Each time a deduction is carried over to a succeeding year, the deduction shall be reduced by the amount of the deduction that was allowed in the immediately preceding year.

(3) A deduction may not be carried over to a succeeding year under this subsection if such year is after the period specified in section 4.5(c) of this chapter or the period specified in a resolution adopted by the designating body under section 4.5(g) of this chapter.

SECTION 21. IC 6-1.1-12.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) This section applies to a town having a population of more than two thousand five hundred (2,500) located in a county having a population of more than twenty-seven thousand ~~five hundred seventy-five (27,575)~~ **(27,000)** but less than ~~twenty-nine~~ **twenty-eight** thousand ~~(29,000).~~ **(28,000).**

(b) Notwithstanding sections 3 and 4.5 of this chapter, the submission of a statement of benefits to a designating body subsequent to the installation of new manufacturing equipment and the initiation of the rehabilitation or redevelopment of real estate and the designating body's retroactive approval of that statement of benefits are legalized and validated for 1993 and subsequent assessment years, subject to the limitations set forth in section 5(e) of this chapter.

SECTION 22. IC 6-1.1-12.9-1, AS ADDED BY P.L.220-2011, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This section applies to ~~a municipality having a population of more than four thousand (4,000) but less than nine thousand (9,000) that is located in a county having a population of more than fifty thousand (50,000) but less than sixty thousand (60,000). Population data used in this subsection refers to population data reported by the 1990 federal decennial census.~~ **the town of Mooresville.**

(b) Notwithstanding any other law, a designating body's actions taken after September 1, 1992, and before December 31, 1993, in:

(1) designating an economic revitalization area; or

(2) approving a statement of benefits after the initiation of the installation of new manufacturing equipment for which the person desires to claim a deduction under this chapter;

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are legalized and validated.

SECTION 23. IC 6-1.1-12.9-3, AS ADDED BY P.L.220-2011, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) This section applies to rehabilitation or redevelopment that:

(1) was initiated after January 1, 1993, and before January 1, 1994; and

(2) is in ~~a~~ **the** city ~~having a population of more than four thousand five hundred (4,500) located in a county having a population of more than twenty-four thousand eight hundred (24,800) but less than twenty-five thousand (25,000).~~

~~Population data used in this subsection refers to population data reported by the 1990 federal decennial census.~~ **of Rensselaer.**

(b) The definitions in IC 6-1.1-12.1-1 (as in effect before May 10, 1995) apply throughout this section.

(c) Notwithstanding section IC 6-1.1-12.1-3 (as in effect before May 10, 1995), the:

(1) designation or enlargement of an economic revitalization area;

(2) submission of a statement of benefits; and

(3) designating body's approval of the statement of benefits;

after the initiation of the rehabilitation or redevelopment for which a deduction is claimed under IC 6-1.1-12.1 (as in effect before May 10, 1995) are legalized and validated for deductions claimed for 1994 and subsequent assessment years.

SECTION 24. IC 6-1.1-12.9-5, AS ADDED BY P.L.220-2011, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) This section applies to ~~a~~ **the** city ~~having a population:~~

~~(1) of more than five thousand fifty (5,050) but less than five thousand one hundred (5,100); and~~

~~(2) as determined by the 1990 federal decennial census.~~ **of Winchester.**

(b) The definitions in IC 6-1.1-12.1-1 (as in effect before December 31, 1992) apply throughout this section.

(c) Notwithstanding any other law, a designating body's actions taken before May 31, 1992, in designating an economic revitalization area are legalized and validated.

(d) The installation of new manufacturing equipment after March 1, 1991, is eligible for the deduction provided under IC 6-1.1-12.1 (as in effect before December 31, 1992) for property taxes first due and payable after December 31, 1992, as granted by resolution adopted by the designating body for the economic revitalization area.

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SECTION 25. IC 6-1.1-12.9-6, AS ADDED BY P.L.220-2011, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. (a) This section applies to a taxpayer that:

(1) is located in an economic revitalization area declared under IC 6-1.1-12.1 (as in effect before December 31, 1992) in ~~a~~ **the** city ~~having a population:~~

~~(A) of more than thirty-three thousand eight hundred fifty (33,850) but less than thirty-five thousand (35,000); and~~

~~(B) as determined by the 1990 federal decennial census;~~ **of East Chicago;** and

(2) with respect to new manufacturing equipment installed by the taxpayer in the economic revitalization area after March 2, 1991, and before March 1, 1992, filed a statement of benefits under IC 6-1.1-12.1-4.5 (as in effect before December 31, 1992) after March 1, 1992, with the designating body for the economic revitalization area.

(b) The definitions in IC 6-1.1-12.1-1 (as in effect before December 31, 1992) apply throughout this section.

(c) Notwithstanding IC 6-1.1-12.1-4.5 (as in effect before December 31, 1992), a statement of benefits is not required of a taxpayer to qualify for the economic revitalization area deduction under IC 6-1.1-12.1 (as in effect before December 31, 1992) with respect to the new manufacturing equipment described in subsection (a).

(d) This section applies to property taxes due and payable after December 31, 1992.

SECTION 26. IC 6-1.1-12.9-7, AS ADDED BY P.L.220-2011, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) This section applies to ~~a~~ **Morgan County, Bartholomew County, Floyd County, and Kosciusko** County. ~~having a population:~~

~~(1) of more than fifty thousand (50,000) and less than seventy thousand (70,000); and~~

~~(2) as determined by the 1990 federal decennial census.~~

(b) Notwithstanding any other law, a designating body's actions taken after July 1, 1991, and before December 31, 1992, in:

(1) designating an economic revitalization area; or

(2) approving a statement of benefits;

after the initiation of the installation of new manufacturing equipment for which a person desires to claim a deduction under IC 6-1.1-12.1 (as in effect before May 10, 1995) are legalized and validated.

(c) Notwithstanding any other law, a designating body's actions

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taken after February 28, 1993, and before July 1, 1995:

(1) designating an economic revitalization area;

(2) approving a statement of benefits; or

(3) retroactively approving a statement of benefits;

after initiation of the installation of new manufacturing equipment or rehabilitation or redevelopment of real property for which a person desires to claim a deduction under IC 6-1.1-12.1 (as in effect before May 10, 1995) are legalized and validated.

(d) Notwithstanding any other law, a designating body's action taken after February 28, 1993, and before July 1, 1995, incorporating the information required in the statement of benefits in the designating body's findings of fact made in support of designating an area as an economic revitalization area or approving a deduction under IC 6-1.1-12.1 (as in effect before May 10, 1995) is legalized and validated and shall be treated as if the applicant provided the statement of benefits before the final action taken by the designating body.

(e) Notwithstanding any other law, a review shall be made of timely filed deduction applications for actions legalized and validated under this section for the purpose of granting deductions under IC 6-1.1-12.1 (as in effect before May 10, 1995) for assessment years after 1991.

SECTION 27. IC 6-1.1-12.9-8, AS ADDED BY P.L.220-2011, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. (a) This section applies only to property that is located in

~~(1) an economic revitalization area; and~~

~~(2)~~ ~~a~~ **the** town ~~having a population of more than one thousand (1,000) but less than two thousand (2,000) in a county having a population of more than twenty-four thousand eight hundred (24,800) but less than twenty-five thousand (25,000).~~

~~Population data used in this subsection refer to population data reported by the 1990 federal decennial census.~~ **of Remington.**

(b) The definitions in IC 6-1.1-12.1 (as in effect before January 1, 1994) apply throughout this section.

(c) A taxpayer that is otherwise eligible for a tax deduction under IC 6-1.1-12.1 (as in effect before January 1, 1994) but failed to:

(1) designate or expand the boundaries of an economic revitalization area;

(2) file a statement of benefits or other information with the designating body;

(3) have a statement of benefits approved by a designating body;

(4) have a deduction under IC 6-1.1-12.1 (as in effect before January 1, 1994) granted by a designating body; or

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(5) have the designating body make the findings of fact required under IC 6-1.1-12.1 (as in effect before January 1, 1994);

before installing new manufacturing equipment or initiating redevelopment or rehabilitation in an economic revitalization area is entitled to a tax deduction under IC 6-1.1-12.1 (as in effect before January 1, 1994) on property for assessment years after 1993 to the same extent as if the taxpayer had installed new manufacturing equipment or initiated redevelopment or rehabilitation after the actions described in subdivisions (1) through (5).

(d) The state board of tax commissioners and the county auditor in the county where the property is located shall approve the taxpayer's application for a deduction under IC 6-1.1-12.1 (as in effect before January 1, 1994) on the property as soon as feasible after May 10, 1995.

(e) This section applies only to property taxes first due and payable after 1994.

SECTION 28. IC 6-1.1-12.9-9, AS ADDED BY P.L.220-2011, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) This section applies to ~~a~~ **the** city ~~having a population:~~

~~(1) of more than fifteen thousand (15,000) but less than fifteen thousand four hundred (15,400); and~~

~~(2) as determined by the 1990 federal decennial census.~~ **of Shelbyville.**

(b) The definitions in IC 6-1.1-12.1 (as in effect before May 10, 1995) apply throughout this section.

(c) Notwithstanding any other law, a designating body's actions taken after July 1, 1991, and before December 31, 1992, in:

(1) designating an economic revitalization area; or

(2) approving a statement of benefits;

after the initiation of the installation of new manufacturing equipment for which a person desires to claim a deduction under IC 6-1.1-12.1 (as in effect before May 10, 1995) are legalized and validated.

(d) Notwithstanding any other law, a review shall be made of timely filed deduction applications for actions legalized and validated under this section for the purpose of granting deductions under IC 6-1.1-12.1 (as in effect before May 10, 1995) for assessment years after 1991.

SECTION 29. IC 6-1.1-12.9-10, AS ADDED BY P.L.220-2011, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) This section applies to ~~a~~ **Benton** County. ~~having a population:~~

~~(1) of more than nine thousand (9,000) but less than nine~~

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~~thousand five hundred (9,500); and~~

~~(2) as determined by the 1990 federal decennial census.~~

(b) The definitions in IC 6-1.1-12.1-1 (as in effect before May 10, 1995) apply throughout this section.

(c) Notwithstanding any other law, a designating body's actions taken before December 31, 1994, in:

(1) designating an economic revitalization area; or

(2) approving a statement of benefits;

after the initiation of the installation of new manufacturing equipment or after the initiation of the rehabilitation or redevelopment of real estate for which a person desires to claim a deduction under IC 6-1.1-12.1 (as in effect before May 10, 1995) are legalized and validated.

SECTION 30. IC 6-1.1-17-5, AS AMENDED BY P.L.111-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) The officers of political subdivisions shall meet each year to fix the budget, tax rate, and tax levy of their respective subdivisions for the ensuing budget year as follows:

(1) The board of school trustees of a school corporation that is located in a city having a population of more than one hundred ~~five~~ thousand ~~(105,000)~~ **(100,000)** but less than one hundred ~~twenty~~ **ten** thousand ~~(120,000),~~ **(110,000),** not later than:

(A) the time required in section 5.6(b) of this chapter; or

(B) November 1 if a resolution adopted under section 5.6(d) of this chapter is in effect.

(2) The proper officers of all other political subdivisions that are not school corporations, not later than November 1.

(3) The governing body of a school corporation (other than a school corporation described in subdivision (1)) that elects to adopt a budget under section 5.6 of this chapter for budget years beginning after June 30, 2011, not later than the time required under section 5.6(b) of this chapter for budget years beginning after June 30, 2011.

(4) The governing body of a school corporation that is not described in subdivision (1) or (3), not later than November 1.

Except in a consolidated city and county and in a second class city, the public hearing required by section 3 of this chapter must be completed at least ten (10) days before the proper officers of the political subdivision meet to fix the budget, tax rate, and tax levy. In a consolidated city and county and in a second class city, that public hearing, by any committee or by the entire fiscal body, may be held at any time after introduction of the budget.

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(b) Ten (10) or more taxpayers may object to a budget, tax rate, or tax levy of a political subdivision fixed under subsection (a) by filing an objection petition with the proper officers of the political subdivision not more than seven (7) days after the hearing. The objection petition must specifically identify the provisions of the budget, tax rate, and tax levy to which the taxpayers object.

(c) If a petition is filed under subsection (b), the fiscal body of the political subdivision shall adopt with its budget a finding concerning the objections in the petition and any testimony presented at the adoption hearing.

(d) This subsection does not apply to a school corporation. Each year at least two (2) days before the first meeting of the county board of tax adjustment held under IC 6-1.1-29-4, a political subdivision shall file with the county auditor:

(1) a statement of the tax rate and levy fixed by the political subdivision for the ensuing budget year;

(2) two (2) copies of the budget adopted by the political subdivision for the ensuing budget year; and

(3) two (2) copies of any findings adopted under subsection (c).

Each year the county auditor shall present these items to the county board of tax adjustment at the board's first meeting under IC 6-1.1-29-4.

(e) In a consolidated city and county and in a second class city, the clerk of the fiscal body shall, notwithstanding subsection (d), file the adopted budget and tax ordinances with the county board of tax adjustment within two (2) days after the ordinances are signed by the executive, or within two (2) days after action is taken by the fiscal body to override a veto of the ordinances, whichever is later.

(f) If a fiscal body does not fix the budget, tax rate, and tax levy of the political subdivisions for the ensuing budget year as required under this section, the most recent annual appropriations and annual tax levy are continued for the ensuing budget year.

SECTION 31. IC 6-1.1-17-5.6, AS AMENDED BY P.L.111-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5.6. (a) For budget years beginning before July 1, 2011, this section applies only to a school corporation that is located in a city having a population of more than one hundred ~~five~~ thousand ~~(105,000)~~ **(100,000)** but less than one hundred ~~twenty~~ **ten** thousand ~~(120,000).~~ **(110,000).** For budget years beginning after June 30, 2011, this section applies to all school corporations. Beginning in 2011, each school corporation may elect to adopt a budget under this section that applies from July 1 of the year through June 30 of the following year.

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In the initial budget adopted by a school corporation under this section, the first six (6) months of that initial budget must be consistent with the last six (6) months of the budget adopted by the school corporation for the calendar year in which the school corporation elects by resolution to begin adopting budgets that correspond to the state fiscal year. A corporation shall submit a copy of the resolution to the department of local government finance and the department of education not more than thirty (30) days after the date the governing body adopts the resolution.

(b) Before February 1 of each year, the officers of the school corporation shall meet to fix the budget for the school corporation for the ensuing budget year, with notice given by the same officers. However, if a resolution adopted under subsection (d) is in effect, the officers shall meet to fix the budget for the ensuing budget year before November 1.

(c) Each year, at least two (2) days before the first meeting of the county board of tax adjustment held under IC 6-1.1-29-4, the school corporation shall file with the county auditor:

(1) a statement of the tax rate and tax levy fixed by the school corporation for the ensuing budget year;

(2) two (2) copies of the budget adopted by the school corporation for the ensuing budget year; and

(3) any written notification from the department of local government finance under section 16(i) of this chapter that specifies a proposed revision, reduction, or increase in the budget adopted by the school corporation for the ensuing budget year.

Each year the county auditor shall present these items to the county board of tax adjustment at the board's first meeting under IC 6-1.1-29-4.

(d) The governing body of the school corporation may adopt a resolution to cease using a school year budget year and return to using a calendar year budget year. A resolution adopted under this subsection must be adopted after January 1 and before July 1. The school corporation's initial calendar year budget year following the adoption of a resolution under this subsection begins on January 1 of the year following the year the resolution is adopted. The first six (6) months of the initial calendar year budget for the school corporation must be consistent with the last six (6) months of the final school year budget fixed by the department of local government finance before the adoption of a resolution under this subsection.

(e) A resolution adopted under subsection (d) may be rescinded by a subsequent resolution adopted by the governing body. If the

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governing body of the school corporation rescinds a resolution adopted under subsection (d) and returns to a school year budget year, the school corporation's initial school year budget year begins on July 1 following the adoption of the rescinding resolution and ends on June 30 of the following year. The first six (6) months of the initial school year budget for the school corporation must be consistent with the last six (6) months of the last calendar year budget fixed by the department of local government finance before the adoption of a rescinding resolution under this subsection.

SECTION 32. IC 6-1.1-18.5-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9.5. (a) This section applies to civil taxing units located in a county having a population of more than one hundred ~~ten~~ **eleven** thousand ~~(110,000)~~ **(111,000)** but less than one hundred fifteen thousand (115,000).

(b) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit under IC 8-10-5-17. For purposes of computing the ad valorem property tax levy limit imposed on a civil taxing unit under section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed under IC 8-10-5-17.

SECTION 33. IC 6-1.1-18.5-13, AS AMENDED BY P.L.172-2011, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 13. (a) With respect to an appeal filed under section 12 of this chapter, the department may find that a civil taxing unit should receive any one (1) or more of the following types of relief:

(1) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if in the judgment of the department the increase is reasonably necessary due to increased costs of the civil taxing unit resulting from annexation, consolidation, or other extensions of governmental services by the civil taxing unit to additional geographic areas or persons. With respect to annexation, consolidation, or other extensions of governmental services in a calendar year, if those increased costs are incurred by the civil taxing unit in that calendar year and more than one (1) immediately succeeding calendar year, the unit may appeal under section 12 of this chapter for permission to increase its levy under this subdivision based on those increased costs in any of the following:

(A) The first calendar year in which those costs are incurred.

(B) One (1) or more of the immediately succeeding four (4)

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calendar years.

(2) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to meet the civil taxing unit's share of the costs of operating a court established by statute enacted after December 31, 1973. Before recommending such an increase, the local government tax control board shall consider all other revenues available to the civil taxing unit that could be applied for that purpose. The maximum aggregate levy increases that the local government tax control board may recommend for a particular court equals the civil taxing unit's estimate of the unit's share of the costs of operating a court for the first full calendar year in which it is in existence. For purposes of this subdivision, costs of operating a court include:

(A) the cost of personal services (including fringe benefits);

(B) the cost of supplies; and

(C) any other cost directly related to the operation of the court.

(3) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the department finds that the quotient determined under STEP SIX of the following formula is equal to or greater than one and two-hundredths (1.02):

STEP ONE: Determine the three (3) calendar years that most immediately precede the ensuing calendar year and in which a statewide general reassessment of real property or the initial annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5 does not first become effective.

STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the civil taxing unit's total assessed value of all taxable property and:

(i) for a particular calendar year before 2007, the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year; or

(ii) for a particular calendar year after 2006, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-42 in 2006 plus for a particular calendar year after 2009, the total assessed value of property

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tax deductions that applied in the unit under IC 6-1.1-12-37.5 in 2008;

divided by the sum determined under this STEP for the calendar year immediately preceding the particular calendar year.

STEP THREE: Divide the sum of the three (3) quotients computed in STEP TWO by three (3).

STEP FOUR: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the total assessed value of all taxable property in all counties and:

(i) for a particular calendar year before 2007, the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year; or

(ii) for a particular calendar year after 2006, the total assessed value of property tax deductions that applied in all counties under IC 6-1.1-12-42 in 2006 plus for a particular calendar year after 2009, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-37.5 in 2008;

divided by the sum determined under this STEP for the calendar year immediately preceding the particular calendar year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Divide the STEP THREE amount by the STEP FIVE amount.

The civil taxing unit may increase its levy by a percentage not greater than the percentage by which the STEP THREE amount exceeds the percentage by which the civil taxing unit may increase its levy under section 3 of this chapter based on the assessed value growth quotient determined under section 2 of this chapter.

(4) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to pay the costs of furnishing fire protection for the civil taxing unit through a volunteer fire department. For purposes of determining a township's need for an increased levy,

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the local government tax control board shall not consider the amount of money borrowed under IC 36-6-6-14 during the immediately preceding calendar year. However, any increase in the amount of the civil taxing unit's levy recommended by the local government tax control board under this subdivision for the ensuing calendar year may not exceed the lesser of:

(A) ten thousand dollars ($10,000); or

(B) twenty percent (20%) of:

(i) the amount authorized for operating expenses of a volunteer fire department in the budget of the civil taxing unit for the immediately preceding calendar year; plus

(ii) the amount of any additional appropriations authorized during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department under this chapter; minus

(iii) the amount of money borrowed under IC 36-6-6-14 during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department.

(5) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter in order to raise revenues for pension payments and contributions the civil taxing unit is required to make under IC 36-8. The maximum increase in a civil taxing unit's levy that may be recommended under this subdivision for an ensuing calendar year equals the amount, if any, by which the pension payments and contributions the civil taxing unit is required to make under IC 36-8 during the ensuing calendar year exceeds the product of one and one-tenth (1.1) multiplied by the pension payments and contributions made by the civil taxing unit under IC 36-8 during the calendar year that immediately precedes the ensuing calendar year. For purposes of this subdivision, "pension payments and contributions made by a civil taxing unit" does not include that part of the payments or contributions that are funded by distributions made to a civil taxing unit by the state.

(6) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to increase its levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the township's township assistance ad valorem property

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tax rate is less than one and sixty-seven hundredths cents ($0.0167) per one hundred dollars ($100) of assessed valuation; and

(B) the township needs the increase to meet the costs of providing township assistance under IC 12-20 and IC 12-30-4.

The maximum increase that the board may recommend for a township is the levy that would result from an increase in the township's township assistance ad valorem property tax rate of one and sixty-seven hundredths cents ($0.0167) per one hundred dollars ($100) of assessed valuation minus the township's ad valorem property tax rate per one hundred dollars ($100) of assessed valuation before the increase.

(7) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) the increase has been approved by the legislative body of the municipality with the largest population where the civil taxing unit provides public transportation services; and

(B) the local government tax control board finds that the civil taxing unit needs the increase to provide adequate public transportation services.

The local government tax control board shall consider tax rates and levies in civil taxing units of comparable population, and the effect (if any) of a loss of federal or other funds to the civil taxing unit that might have been used for public transportation purposes. However, the increase that the board may recommend under this subdivision for a civil taxing unit may not exceed the revenue that would be raised by the civil taxing unit based on a property tax rate of one cent ($0.01) per one hundred dollars ($100) of assessed valuation.

(8) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase the unit's levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the civil taxing unit is:

(i) a county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000);~~ **(175,000);**

(ii) a city having a population of more than ~~fifty-five~~

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sixty-five thousand ~~(55,000)~~ **(65,000)** but less than ~~fifty-nine~~ **seventy** thousand ~~(59,000);~~ **(70,000);**

(iii) a city having a population of more than ~~twenty-eight~~ **twenty-nine** thousand ~~seven~~ **five** hundred ~~(28,700)~~ **(29,500)** but less than twenty-nine thousand ~~(29,000);~~ **six hundred (29,600);**

(iv) a city having a population of more than ~~fifteen~~ **thirteen** thousand four hundred ~~(15,400)~~ **fifty (13,450)** but less than ~~sixteen~~ **thirteen** thousand ~~six~~ **five** hundred ~~(16,600);~~ **(13,500);** or

(v) a city having a population of more than ~~seven~~ **eight** thousand ~~(7,000)~~ **seven hundred (8,700)** but less than ~~seven~~ **nine** thousand ~~three hundred (7,300);~~ **(9,000);** and

(B) the increase is necessary to provide funding to undertake removal (as defined in IC 13-11-2-187) and remedial action (as defined in IC 13-11-2-185) relating to hazardous substances (as defined in IC 13-11-2-98) in solid waste disposal facilities or industrial sites in the civil taxing unit that have become a menace to the public health and welfare.

The maximum increase that the local government tax control board may recommend for such a civil taxing unit is the levy that would result from a property tax rate of six and sixty-seven hundredths cents ($0.0667) for each one hundred dollars ($100) of assessed valuation. For purposes of computing the ad valorem property tax levy limit imposed on a civil taxing unit under section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular year does not include that part of the levy imposed under this subdivision. In addition, a property tax increase permitted under this subdivision may be imposed for only two (2) calendar years.

(9) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission for a county:

(A) having a population of more than eighty thousand (80,000) but less than ninety thousand (90,000) to increase the county's levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the county needs the increase to meet the county's share of the costs of operating a jail or juvenile detention center, including expansion of the facility, if the jail or juvenile detention center is opened after December 31, 1991;

(B) that operates a county jail or juvenile detention center that

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is subject to an order that:

(i) was issued by a federal district court; and

(ii) has not been terminated;

(C) that operates a county jail that fails to meet:

(i) American Correctional Association Jail Construction Standards; and

(ii) Indiana jail operation standards adopted by the department of correction; or

(D) that operates a juvenile detention center that fails to meet standards equivalent to the standards described in clause (C) for the operation of juvenile detention centers.

Before recommending an increase, the local government tax control board shall consider all other revenues available to the county that could be applied for that purpose. An appeal for operating funds for a jail or a juvenile detention center shall be considered individually, if a jail and juvenile detention center are both opened in one (1) county. The maximum aggregate levy increases that the local government tax control board may recommend for a county equals the county's share of the costs of operating the jail or a juvenile detention center for the first full calendar year in which the jail or juvenile detention center is in operation.

(10) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township needs the increase so that the property tax rate to pay the costs of furnishing fire protection for a township, or a portion of a township, enables the township to pay a fair and reasonable amount under a contract with the municipality that is furnishing the fire protection. However, for the first time an appeal is granted the resulting rate increase may not exceed fifty percent (50%) of the difference between the rate imposed for fire protection within the municipality that is providing the fire protection to the township and the township's rate. A township is required to appeal a second time for an increase under this subdivision if the township wants to further increase its rate. However, a township's rate may be increased to equal but may not exceed the rate that is used by the municipality. More than one (1) township served by the same municipality may use this appeal.

(11) A levy increase may not be granted under this subdivision for

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property taxes first due and payable after December 31, 2008. Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township has been required, for the three (3) consecutive years preceding the year for which the appeal under this subdivision is to become effective, to borrow funds under IC 36-6-6-14 to furnish fire protection for the township or a part of the township. However, the maximum increase in a township's levy that may be allowed under this subdivision is the least of the amounts borrowed under IC 36-6-6-14 during the preceding three (3) calendar years. A township may elect to phase in an approved increase in its levy under this subdivision over a period not to exceed three (3) years. A particular township may appeal to increase its levy under this section not more frequently than every fourth calendar year.

(12) Permission to a city having a population of more than ~~twenty-nine~~ **thirty-one** thousand ~~(29,000)~~ **five hundred (31,500)** but less than thirty-one thousand ~~(31,000)~~ **seven hundred twenty-five (31,725)** to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) an appeal was granted to the city under this section to reallocate property tax replacement credits under IC 6-3.5-1.1 in 1998, 1999, and 2000; and

(B) the increase has been approved by the legislative body of the city, and the legislative body of the city has by resolution determined that the increase is necessary to pay normal operating expenses.

The maximum amount of the increase is equal to the amount of property tax replacement credits under IC 6-3.5-1.1 that the city petitioned under this section to have reallocated in 2001 for a purpose other than property tax relief.

(13) A levy increase may be granted under this subdivision only for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if the civil taxing unit cannot carry out its governmental functions for an ensuing calendar year under the levy limitations imposed by section 3 of this chapter due to a natural disaster, an accident, or another unanticipated emergency.

(14) Permission to Jefferson County to increase its levy in excess of the limitations established under section 3 of this chapter if the department finds that the county experienced a property tax

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revenue shortfall that resulted from an erroneous estimate of the effect of the supplemental deduction under IC 6-1.1-12-37.5 on the county's assessed valuation. An appeal for a levy increase under this subdivision may not be denied because of the amount of cash balances in county funds. The maximum increase in the county's levy that may be approved under this subdivision is three hundred thousand dollars ($300,000).

(b) The department of local government finance shall increase the maximum permissible ad valorem property tax levy under section 3 of this chapter for the city of Goshen for 2012 and thereafter by an amount equal to the greater of zero (0) or the result of:

(1) the city's total pension costs in 2009 for the 1925 police pension fund (IC 36-8-6) and the 1937 firefighters' pension fund (IC 36-8-7); minus

(2) the sum of:

(A) the total amount of state funds received in 2009 by the city and used to pay benefits to members of the 1925 police pension fund (IC 36-8-6) or the 1937 firefighters' pension fund (IC 36-8-7); plus

(B) any previous permanent increases to the city's levy that were authorized to account for the transfer to the state of the responsibility to pay benefits to members of the 1925 police pension fund (IC 36-8-6) and the 1937 firefighters' pension fund (IC 36-8-7).

SECTION 34. IC 6-1.1-18.5-13.5, AS AMENDED BY P.L.182-2009(ss), SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 13.5. A levy increase may not be granted under this section for property taxes first due and payable after December 31, 2009. With respect to an appeal filed under section 12 of this chapter, the department of local government finance may give permission to a town having a population of more than three hundred ~~seventy-five (375)~~ **(300)** but less than ~~five~~ **four** hundred ~~(500)~~ **(400)** located in a county having a population of more than ~~seventy-one~~ **sixty-eight** thousand ~~(71,000)~~ **nine hundred (68,900)** but less than ~~seventy-one~~ **seventy** thousand ~~four hundred (71,400)~~ **(70,000)** to increase its levy in excess of the limitations established under section 3 of this chapter, if the department finds that the town needs the increase to pay the costs of furnishing fire protection for the town. However, any increase in the amount of the town's levy under this section for the ensuing calendar year may not exceed the greater of:

(1) twenty-five thousand dollars ($25,000); or

(2) twenty percent (20%) of the sum of:

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(A) the amount authorized for the cost of furnishing fire protection in the town's budget for the immediately preceding calendar year; plus

(B) the amount of any additional appropriations authorized under IC 6-1.1-18-5 during that calendar year for the town's use in paying the costs of furnishing fire protection.

SECTION 35. IC 6-1.1-21.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. As used in this chapter, "qualified taxing unit" means each of the following:

(1) A city having a population of more than ~~thirty-two~~ **twenty-nine** thousand ~~(32,000)~~ **six hundred (29,600)** but less than ~~thirty-two~~ **twenty-nine** thousand ~~eight~~ **nine** hundred ~~(32,800).~~ **(29,900).**

(2) The sanitary district of a city described in subdivision (1).

(3) The library district of a city described in subdivision (1).

(4) The school corporation located in a city described in subdivision (1).

SECTION 36. IC 6-1.1-21.8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter, "qualified taxing unit" means a taxing unit located in a county having a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000).~~ **(170,000).**

SECTION 37. IC 6-3.5-1.1-2.5, AS AMENDED BY P.L.184-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2.5. (a) This section applies only to ~~a~~ **Jackson** County. ~~having a population of more than forty-one thousand (41,000) but less than forty-three thousand (43,000).~~

(b) As used in this section, "fiscal year" means a twelve (12) month period beginning July 1 and ending June 30.

(c) The county council ~~of a county described in subsection (a)~~ may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to fund the operation and maintenance of a jail and juvenile detention center opened after July 1, 1998.

(d) Notwithstanding section 2 of this chapter, if the county council adopts an ordinance under subsection (c), the county council may impose the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) on adjusted gross income for fiscal years beginning before July 1, 2011. For fiscal years beginning after June 30, 2011, the rate is reduced to one percent (1%). If the county council imposes the county adjusted gross income tax at a rate of one and

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one-tenth percent (1.1%), the county council may decrease the rate or rescind the tax in the manner provided under this chapter.

(e) If ~~a~~ **the** county imposes the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under this section, the revenue derived from a tax rate of one-tenth percent (0.1%) on adjusted gross income:

(1) shall be paid to the county treasurer;

(2) may be used only to pay the costs of operating a jail and juvenile detention center opened after July 1, 1998; and

(3) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5.

SECTION 38. IC 6-3.5-1.1-2.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2.7. (a) This section applies to ~~a~~ **Wayne** County. ~~having a population of more than seventy-one thousand (71,000) but less than seventy-one thousand four hundred (71,400).~~

(b) The county council may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to:

(1) finance, construct, acquire, improve, renovate, or equip the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings and the acquisition of land; and

(2) repay bonds issued, or leases entered into, for constructing, acquiring, improving, renovating, and equipping the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings and the acquisition of land.

(c) In addition to the rates permitted by section 2 of this chapter, the county council may impose the county adjusted gross income tax at a rate of:

(1) fifteen-hundredths percent (0.15%);

(2) two-tenths percent (0.2%); or

(3) twenty-five hundredths percent (0.25%);

on the adjusted gross income of county taxpayers if the county council makes the finding and determination set forth in subsection (b). The tax imposed under this section may be imposed only until the later of the date on which the financing on, acquisition, improvement, renovation, and equipping described in subsection (b) is completed or the date on which the last of any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid. The term of the bonds issued

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(including any refunding bonds) or a lease entered into under subsection (b)(2) may not exceed twenty (20) years.

(d) If the county council makes a determination under subsection (b), the county council may adopt a tax rate under subsection (c). The tax rate may not be imposed at a rate greater than is necessary to pay the costs of financing, acquiring, improving, renovating, and equipping the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings and the acquisition of land.

(e) The county treasurer shall establish a county jail revenue fund to be used only for purposes described in this section. County adjusted gross income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 11 of this chapter.

(f) County adjusted gross income tax revenues derived from the tax rate imposed under this section:

(1) may only be used for the purposes described in this section;

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and

(3) may be pledged to the repayment of bonds issued, or leases entered into, for purposes described in subsection (b).

(g) ~~A~~ **Wayne** County ~~described in subsection (a)~~ possesses unique economic development challenges due to underemployment in relation to similarly situated counties. Maintaining low property tax rates is essential to economic development and the use of county adjusted gross income tax revenues as provided in this chapter to pay any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described under subsection (b), rather than use of property taxes, promotes that purpose.

(h) Notwithstanding any other law, funds accumulated from the county adjusted gross income tax imposed under this section after:

(1) the redemption of bonds issued; or

(2) the final payment of lease rentals due under a lease entered into under this section;

shall be transferred to the county highway fund to be used for construction, resurfacing, restoration, and rehabilitation of county highways, roads, and bridges.

SECTION 39. IC 6-3.5-1.1-2.8, AS AMENDED BY P.L.147-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2.8. (a) This section applies to **the following counties:**

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(1) ~~A~~ **Elkhart** County. ~~having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000); and~~

(2) ~~A~~ **Marshall** County. ~~having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900).~~

(b) The county council may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to:

(1) finance, construct, acquire, improve, renovate, or equip:

(A) jail facilities;

(B) juvenile court, detention, and probation facilities;

(C) other criminal justice facilities; and

(D) related buildings and parking facilities;

located in the county, including costs related to the demolition of existing buildings and the acquisition of land; and

(2) repay bonds issued or leases entered into for the purposes described in subdivision (1).

(c) The county council may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to operate or maintain:

(1) jail facilities;

(2) juvenile court, detention, and probation facilities;

(3) other criminal justice facilities; and

(4) related buildings and parking facilities;

located in the county. A county council of a county ~~described~~ **named** in subsection (a)(1) or (a)(2) may make a determination under both this subsection and subsection (b).

(d) In addition to the rates permitted by section 2 of this chapter, the county council may impose the county adjusted gross income tax at a rate of:

(1) fifteen-hundredths percent (0.15%);

(2) two-tenths percent (0.2%); or

(3) twenty-five hundredths percent (0.25%);

on the adjusted gross income of county taxpayers if the county council makes a finding and determination set forth in subsection (b) or (c). The tax rate may not be imposed at a rate greater than is necessary to carry out the purposes described in subsections (b) and (c), as applicable.

(e) This subsection applies only to ~~a~~ **Elkhart** County. ~~described in subsection (a)(1).~~ If the county council imposes the tax under this section to pay for the purposes described in both subsections (b) and (c), when:

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(1) the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b) are completed; and

(2) all bonds issued (including any refunding bonds) or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid;

the county council shall, subject to subsection (d), establish a tax rate under this section by ordinance such that the revenue from the tax does not exceed the costs of operating and maintaining the jail facilities referred to in subsection (b)(1)(A).

(f) The tax imposed under this section may be imposed only until the last of the following dates:

(1) The date on which the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b) are completed.

(2) The date on which the last of any bonds issued (including any refunding bonds) or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid.

(3) If the county imposing the tax under this section is ~~a~~ **Elkhart** County, ~~described in subsection (a)(1),~~ the date on which an ordinance adopted under subsection (c) is rescinded.

(g) The term of the bonds issued (including any refunding bonds) or a lease entered into under subsection (b)(2) may not exceed twenty (20) years.

(h) The county treasurer shall establish a criminal justice facilities revenue fund to be used only for purposes described in this section. County adjusted gross income tax revenues derived from the tax rate imposed under this section shall be deposited in the criminal justice facilities revenue fund before making a certified distribution under section 11 of this chapter.

(i) County adjusted gross income tax revenues derived from the tax rate imposed under this section:

(1) may be used only for the purposes described in this section;

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and

(3) may be pledged to the repayment of bonds issued or leases entered into for any or all the purposes described in subsection (b).

(j) Notwithstanding any other law, money remaining in the criminal

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justice facilities revenue fund established under subsection (h) after the tax imposed by this section is terminated under subsection (f) shall be transferred to the county highway fund to be used for construction, resurfacing, restoration, and rehabilitation of county highways, roads, and bridges.

SECTION 40. IC 6-3.5-1.1-2.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2.9. (a) This section applies to ~~a~~ **Daviess** County. ~~having a population of more than twenty-nine thousand (29,000) but less than thirty thousand (30,000).~~

(b) The county council may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to:

(1) finance, construct, acquire, improve, renovate, remodel, or equip the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs; and

(2) repay bonds issued or leases entered into for constructing, acquiring, improving, renovating, remodeling, and equipping the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs.

(c) In addition to the rates permitted by section 2 of this chapter, the county council may impose the county adjusted gross income tax at a rate of:

(1) fifteen-hundredths percent (0.15%);

(2) two-tenths percent (0.2%); or

(3) twenty-five hundredths percent (0.25%);

on the adjusted gross income of county taxpayers if the county council makes the finding and determination set forth in subsection (b). The tax imposed under this section may be imposed only until the later of the date on which the financing on, acquisition, improvement, renovation, remodeling, and equipping described in subsection (b) are completed or the date on which the last of any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, remodeling, and equipping described in subsection (b) are fully paid. The term of the bonds issued (including any refunding bonds) or a lease entered into under subsection (b)(2) may not exceed twenty-five (25) years.

(d) If the county council makes a determination under subsection (b), the county council may adopt a tax rate under subsection (c). The tax rate may not be imposed at a rate greater than is necessary to pay the costs of financing, acquiring, improving, renovating, remodeling, and equipping the county jail and related buildings and parking

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facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs.

(e) The county treasurer shall establish a county jail revenue fund to be used only for purposes described in this section. County adjusted gross income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 11 of this chapter.

(f) County adjusted gross income tax revenues derived from the tax rate imposed under this section:

(1) may be used only for the purposes described in this section;

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and

(3) may be pledged to the repayment of bonds issued or leases entered into for purposes described in subsection (b).

(g) ~~A~~ **Daviess** County ~~described in subsection (a)~~ possesses unique governmental and economic development challenges due to:

(1) underemployment in relation to similarly situated counties and the loss of a major manufacturing business;

(2) an increase in property taxes for taxable years after December 31, 2000, for the construction of a new elementary school; and

(3) overcrowding of the county jail, the costs associated with housing the county's inmates outside the county, and the potential unavailability of additional housing for inmates outside the county.

The use of county adjusted gross income tax revenues as provided in this chapter is necessary for the county to provide adequate jail capacity in the county and to maintain low property tax rates essential to economic development. The use of county adjusted gross income tax revenues as provided in this chapter to pay any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, remodeling, and equipping described in subsection (b), rather than the use of property taxes, promotes those purposes.

(h) Notwithstanding any other law, funds accumulated from the county adjusted gross income tax imposed under this section after:

(1) the redemption of bonds issued; or

(2) the final payment of lease rentals due under a lease entered into under this section;

shall be transferred to the county highway fund to be used for construction, resurfacing, restoration, and rehabilitation of county highways, roads, and bridges.

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SECTION 41. IC 6-3.5-1.1-3.1, AS AMENDED BY P.L.77-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3.1. (a) The county council may decrease the county adjusted gross income tax rate imposed upon the resident county taxpayers of the county. To decrease the rate, the county council must adopt an ordinance. The ordinance must substantially state the following:

"The _____ County Council decreases the county adjusted gross income tax rate imposed upon the resident county taxpayers of the county from _____ percent (___%) to _____ percent (___%).".

(b) A county council may not decrease the county adjusted gross income tax rate if the county or any commission, board, department, or authority that is authorized by statute to pledge the county adjusted gross income tax has pledged the county adjusted gross income tax for any purpose permitted by IC 5-1-14 or any other statute.

(c) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

(d) Notwithstanding IC 6-3.5-7, and except as provided in subsection (e), a county council that decreases the county adjusted gross income tax rate in a year may not in the same year adopt or increase the county economic development income tax under IC 6-3.5-7.

(e) This subsection applies only to ~~a~~ **LaPorte** County. ~~having a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000).~~ The county council may adopt or increase the county economic development income tax rate under IC 6-3.5-7 in the same year that the county council decreases the county adjusted gross income tax rate if the county economic development income tax rate plus the county adjusted gross income tax rate in effect after the county council decreases the county adjusted gross income tax rate is less than the county adjusted gross income tax rate in effect before the adoption of an ordinance under this section decreasing the rate of the county adjusted gross income tax.

SECTION 42. IC 6-3.5-1.1-3.5, AS AMENDED BY P.L.224-2007, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3.5. (a) This section applies only to ~~a~~ **Pulaski** County. ~~having a population of more than thirteen thousand five hundred (13,500) but less than fourteen thousand (14,000).~~

(b) The county council ~~of a county described in subsection (a)~~ may,

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by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to fund the operation and maintenance of a jail and justice center.

(c) Notwithstanding section 2 of this chapter, if the county council adopts an ordinance under subsection (b), the county council may impose the county adjusted gross income tax at a rate of one and three-tenths percent (1.3%) on adjusted gross income. However, a county may impose the county adjusted gross income tax at a rate of one and three-tenths percent (1.3%) for only eight (8) years. After the county has imposed the county adjusted gross income tax at a rate of one and three-tenths percent (1.3%) for eight (8) years, the rate is reduced to one percent (1%). If the county council imposes the county adjusted gross income tax at a rate of one and three-tenths percent (1.3%), the county council may decrease the rate or rescind the tax in the manner provided under this chapter.

(d) If ~~a~~ **the** county imposes the county adjusted gross income tax at a rate of one and three-tenths percent (1.3%) under this section, the revenue derived from a tax rate of three-tenths percent (0.3%) on adjusted gross income:

(1) shall be paid to the county treasurer;

(2) may be used only to pay the costs of operating and maintaining a jail and justice center; and

(3) may not be considered by the department of local government finance under any provision of IC 6-1.1-18.5, including the determination of the county's maximum permissible property tax levy.

SECTION 43. IC 6-3.5-1.1-3.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3.6. (a) This section applies only to ~~a~~ **Union** County. ~~having a population of more than six thousand (6,000) but less than eight thousand (8,000).~~

(b) The county council may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to:

(1) finance, construct, acquire, improve, renovate, or equip the county courthouse; and

(2) repay bonds issued, or leases entered into, for constructing, acquiring, improving, renovating, and equipping the county courthouse.

(c) In addition to the rates permitted under section 2 of this chapter, the county council may impose the county adjusted gross income tax at a rate of twenty-five hundredths percent (0.25%) on the adjusted gross income of county taxpayers if the county council makes the finding and determination set forth in subsection (b). The tax imposed

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under this section may be imposed only until the later of the date on which the financing on, acquisition, improvement, renovation, and equipping described in subsection (b) is completed or the date on which the last of any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid. The term of the bonds issued (including any refunding bonds) or a lease entered into under subsection (b)(2) may not exceed twenty-two (22) years.

(d) If the county council makes a determination under subsection (b), the county council may adopt a tax rate under subsection (c). The tax rate may not be imposed for a time greater than is necessary to pay the costs of financing, constructing, acquiring, renovating, and equipping the county courthouse.

(e) The county treasurer shall establish a county courthouse revenue fund to be used only for purposes described in this section. County adjusted gross income tax revenues derived from the tax rate imposed under this section shall be deposited in the county courthouse revenue fund before a certified distribution is made under section 11 of this chapter.

(f) County adjusted gross income tax revenues derived from the tax rate imposed under this section:

(1) may only be used for the purposes described in this section;

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy under IC 6-1.1-18.5; and

(3) may be pledged to the repayment of bonds issued or leases entered into for purposes described in subsection (b).

(g) ~~A~~ **Union** County ~~described in subsection (a)~~ possesses unique economic development challenges due to:

(1) the county's heavy agricultural base;

(2) the presence of a large amount of state owned property in the county that is exempt from property taxation; and

(3) recent obligations of the school corporation in the county that have already increased property taxes in the county and imposed additional property tax burdens on the county's agricultural base.

Maintaining low property tax rates is essential to economic development. The use of county adjusted gross income tax revenues as provided in this chapter to pay any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b), rather than the use of property taxes, promotes that purpose.

(h) Notwithstanding any other law, funds accumulated from the

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county adjusted gross income tax imposed under this section after:

(1) the redemption of the bonds issued; or

(2) the final payment of lease rentals due under a lease entered into under this section;

shall be transferred to the county highway fund to be used for construction, resurfacing, restoration, and rehabilitation of county highways, roads, and bridges.

SECTION 44. IC 6-3.5-1.1-10, AS AMENDED BY P.L.77-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) Except as provided in subsection (b), one-half (1/2) of each adopting county's certified distribution for a calendar year shall be distributed from its account established under section 8 of this chapter to the appropriate county treasurer on May 1 and the other one-half (1/2) on November 1 of that calendar year.

(b) This subsection applies to ~~a~~ **Porter** County, ~~having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000),~~ if an ordinance imposing the tax is adopted before July 1 of a year. Notwithstanding section 9 of this chapter, the initial certified distribution certified for a county under section 9 of this chapter shall be distributed to the county treasurer from the account established for the county under section 8 of this chapter according to the following schedule during the eighteen (18) month period beginning on July 1 of the year in which the county initially adopts an ordinance under section 2 of this chapter:

(1) One-fourth (1/4) on October 1 of the calendar year in which the ordinance was adopted.

(2) One-fourth (1/4) on January 1 of the calendar year following the year in which the ordinance was adopted.

(3) One-fourth (1/4) on May 1 of the calendar year following the year in which the ordinance was adopted.

(4) One-fourth (1/4) on November 1 of the calendar year following the year in which the ordinance was adopted.

Notwithstanding section 11 of this chapter, the part of the certified distribution received under subdivision (1) that would otherwise be allocated to a civil taxing unit or school corporation as property tax replacement credits under section 11 of this chapter shall be set aside and treated for the calendar year when received by the civil taxing unit or school corporation as a levy excess subject to IC 6-1.1-18.5-17 or IC 20-44-3. Certified distributions made to the county treasurer for calendar years following the eighteen (18) month period described in this subsection shall be made as provided in subsection (a).

(c) Except for:

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(1) revenue that must be used to pay the costs of:
(A) financing, constructing, acquiring, improving, renovating, equipping, operating, or maintaining facilities and buildings;
(B) debt service on bonds; or
(C) lease rentals;
under section 2.3 of this chapter;
(2) revenue that must be used to pay the costs of operating a jail and juvenile detention center under section 2.5 of this chapter;
(3) revenue that must be used to pay the costs of:
(A) financing, constructing, acquiring, improving, renovating, equipping, operating, or maintaining facilities and buildings;
(B) debt service on bonds; or
(C) lease rentals;
under section 2.8 of this chapter;
(4) revenue that must be used to pay the costs of construction, improvement, renovation, or remodeling of a jail and related buildings and parking structures under section 2.7, 2.9, or 3.3 of this chapter;
(5) revenue that must be used to pay the costs of operating and maintaining a jail and justice center under section 3.5(d) of this chapter;
(6) revenue that must be used to pay the costs of constructing, acquiring, improving, renovating, or equipping a county courthouse under section 3.6 of this chapter;
(7) revenue under section 2.6 of this chapter; or
(8) revenue attributable to a tax rate under section 24, 25, or 26 of this chapter;
distributions made to a county treasurer under subsections (a) and (b) shall be treated as though they were property taxes that were due and payable during that same calendar year. Except as provided by subsection (b) and sections 24, 25, and 26 of this chapter, the certified distribution shall be distributed and used by the taxing units and school corporations as provided in sections 11 through 15 of this chapter.

(d) All distributions from an account established under section 8 of this chapter shall be made by warrants issued by the auditor of the state to the treasurer of the state ordering the appropriate payments.

SECTION 45. IC 6-3.5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. Before July 1 of any year, the county council of ~~a~~ **Lake** County ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)~~ may adopt an ordinance to impose an employment tax on each employer and employee described in section 3 of this

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chapter. The county council may impose the employment tax at a rate not to exceed fifty cents ($0.50) per employee per month. Any tax so imposed shall be paid by the employer for each full-time employee and by each such employee at the same rate. A self-employed person shall be subject to tax only as an employee. No other county may adopt an ordinance to impose an employment tax under this chapter.

SECTION 46. IC 6-3.5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) Except as otherwise provided in this section, as used in this chapter, "adjusted gross income" has the meaning set forth in IC 6-3-1-3.5(a).

(b) In the case of a county taxpayer who is not a resident of a county that has imposed the county economic development income tax, the term "adjusted gross income" includes only adjusted gross income derived from the taxpayer's principal place of business or employment.

(c) In the case of a county taxpayer who is a resident of ~~a~~ **Perry** County, ~~having a population of more than eighteen thousand three hundred (18,300) but less than nineteen thousand three hundred (19,300),~~ the term "adjusted gross income" does not include adjusted gross income that is:

(1) earned in a county that is:

(A) located in another state; and

(B) adjacent to the county in which the taxpayer resides; and

(2) subject to an income tax imposed by a county, city, town, or other local governmental entity in the other state.

SECTION 47. IC 6-3.5-7-4.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4.3. As used in this chapter, "designated unit" refers to ~~a~~ **Tippecanoe** County. ~~having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000).~~

SECTION 48. IC 6-3.5-7-5, AS AMENDED BY P.L.199-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) Except as provided in subsection (c), the county economic development income tax may be imposed on the adjusted gross income of county taxpayers. The entity that may impose the tax is:

(1) the county income tax council (as defined in IC 6-3.5-6-1) if the county option income tax is in effect on March 31 of the year the county economic development income tax is imposed;

(2) the county council if the county adjusted gross income tax is in effect on March 31 of the year the county economic development tax is imposed; or

(3) the county income tax council or the county council,

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whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in subsections (c), (g), (k), (p), and (r) and section 28 of this chapter, the county economic development income tax may be imposed at a rate of:

(1) one-tenth percent (0.1%);
(2) two-tenths percent (0.2%);
(3) twenty-five hundredths percent (0.25%);
(4) three-tenths percent (0.3%);
(5) thirty-five hundredths percent (0.35%);
(6) four-tenths percent (0.4%);
(7) forty-five hundredths percent (0.45%); or
(8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in subsection (h), (i), (j), (k), (l), (m), (n), (o), (p), (s), (v), (w), (x), or (y), the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). Except as provided in subsection (g), (p), (r), (t), (u), (w), (x), or (y), the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose, increase, decrease, or rescind the county economic development income tax, the appropriate body must adopt an ordinance.

(e) The ordinance to impose the tax must substantially state the following:

"The _____ County _____ imposes the county economic development income tax on the county taxpayers of _____ County. The county economic development income tax is imposed at a rate of _____ percent (____%) on the county taxpayers of the county.".

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this chapter and shall, not more than ten (10) days after the vote, send a certified copy of the results to the commissioner of the department by certified mail.

(g) This subsection applies to ~~a~~ **Tippecanoe** County. ~~having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000).~~ Except as

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provided in subsection (p), in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of:

(A) fifteen-hundredths percent (0.15%);

(B) two-tenths percent (0.2%); or

(C) twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county income tax council makes a determination to impose rates under this subsection and section 22 of this chapter.

(h) For ~~a~~ **Jackson** County, ~~having a population of more than forty-one thousand (41,000) but less than forty-three thousand (43,000),~~ except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%) if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

(i) For ~~a~~ **Pulaski** County, ~~having a population of more than thirteen thousand five hundred (13,500) but less than fourteen thousand (14,000),~~ except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%).

(j) For ~~a~~ **Wayne** County, ~~having a population of more than seventy-one thousand (71,000) but less than seventy-one thousand four hundred (71,400),~~ except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(k) This subsection applies to ~~a~~ **Randolph** County. ~~having a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-seven thousand five hundred (27,500).~~ Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent

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(1.5%);

if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter.

(l) For ~~a~~ **Daviess** County, ~~having a population of more than twenty-nine thousand (29,000) but less than thirty thousand (30,000),~~ except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(m) For:

(1) ~~a~~ **Elkhart** County; ~~having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000);~~ or

(2) ~~a~~ **Marshall** County; ~~having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900);~~

except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(n) For ~~a~~ **Union** County, ~~having a population of more than six thousand (6,000) but less than eight thousand (8,000),~~ except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(o) This subsection applies to ~~a~~ **Knox** County. ~~having a population of more than thirty-nine thousand (39,000) but less than thirty-nine thousand six hundred (39,600).~~ Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and:

(A) the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%); or

(B) the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 24 of this chapter.

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(p) In addition:

(1) the county economic development income tax may be imposed at a rate that exceeds by not more than twenty-five hundredths percent (0.25%) the maximum rate that would otherwise apply under this section; and

(2) the:

(A) county economic development income tax; and

(B) county option income tax or county adjusted gross income tax;

may be imposed at combined rates that exceed by not more than twenty-five hundredths percent (0.25%) the maximum combined rates that would otherwise apply under this section.

However, the additional rate imposed under this subsection may not exceed the amount necessary to mitigate the increased ad valorem property taxes on homesteads (as defined in IC 6-1.1-20.9-1 **(repealed)** before January 1, 2009, or IC 6-1.1-12-37 after December 31, 2008) or residential property (as defined in section 26 of this chapter), as appropriate under the ordinance adopted by the adopting body in the county, resulting from the deduction of the assessed value of inventory in the county under IC 6-1.1-12-41 or IC 6-1.1-12-42 or from the exclusion in 2008 of inventory from the definition of personal property in IC 6-1.1-1-11.

(q) If the county economic development income tax is imposed as authorized under subsection (p) at a rate that exceeds the maximum rate that would otherwise apply under this section, the certified distribution must be used for the purpose provided in section 25(e) or 26 of this chapter to the extent that the certified distribution results from the difference between:

(1) the actual county economic development tax rate; and

(2) the maximum rate that would otherwise apply under this section.

(r) This subsection applies only to a county described in section 27 of this chapter. Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 27 of this chapter.

(s) Except as provided in subsection (p), the county economic

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development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%) if the county has imposed the county adjusted gross income tax under IC 6-3.5-1.1-3.3.

(t) This subsection applies to Howard County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(u) This subsection applies to Scott County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(v) This subsection applies to Jasper County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(w) An additional county economic development income tax rate imposed under section 28 of this chapter may not be considered in calculating any limit under this section on the sum of:

(1) the county economic development income tax rate plus the county adjusted gross income tax rate; or

(2) the county economic development tax rate plus the county option income tax rate.

(x) The income tax rate limits imposed by subsection (c) or (y) or any other provision of this chapter do not apply to:

(1) a county adjusted gross income tax rate imposed under IC 6-3.5-1.1-24, IC 6-3.5-1.1-25, or IC 6-3.5-1.1-26; or

(2) a county option income tax rate imposed under IC 6-3.5-6-30, IC 6-3.5-6-31, or IC 6-3.5-6-32.

For purposes of computing the maximum combined income tax rate under subsection (c) or (y) or any other provision of this chapter that may be imposed in a county under IC 6-3.5-1.1, IC 6-3.5-6, and this chapter, a county's county adjusted gross income tax rate or county option income tax rate for a particular year does not include the county adjusted gross income tax rate imposed under IC 6-3.5-1.1-24, IC 6-3.5-1.1-25, or IC 6-3.5-1.1-26 or the county option income tax rate imposed under IC 6-3.5-6-30, IC 6-3.5-6-31, or IC 6-3.5-6-32.

(y) This subsection applies to Monroe County. Except as provided in subsection (p), if an ordinance is adopted under IC 6-3.5-6-33, the

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sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(z) This subsection applies to Perry County. Except as provided in subsection (p), if an ordinance is adopted under section 27.5 of this chapter, the county economic development income tax rate plus the county option income tax rate that is in effect on January 1 of a year may not exceed one and seventy-five hundredths percent (1.75%).

SECTION 49. IC 6-3.5-7-13.1, AS AMENDED BY P.L.199-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 13.1. (a) The fiscal officer of each county, city, or town for a county in which the county economic development tax is imposed shall establish an economic development income tax fund. Except as provided in sections 23, 25, 26, 27, and 27.5 of this chapter, the revenue received by a county, city, or town under this chapter shall be deposited in the unit's economic development income tax fund.

(b) As used in this subsection, "homestead" means a homestead that is eligible for a standard deduction under IC 6-1.1-12-37. Except as provided in sections 15, 23, 25, 26, 27, and 27.5 of this chapter, revenues from the county economic development income tax may be used as follows:

(1) By a county, city, or town for economic development projects, for paying, notwithstanding any other law, under a written agreement all or a part of the interest owed by a private developer or user on a loan extended by a financial institution or other lender to the developer or user if the proceeds of the loan are or are to be used to finance an economic development project, for the retirement of bonds under section 14 of this chapter for economic development projects, for leases under section 21 of this chapter, or for leases or bonds entered into or issued prior to the date the economic development income tax was imposed if the purpose of the lease or bonds would have qualified as a purpose under this chapter at the time the lease was entered into or the bonds were issued.

(2) By a county, city, or town for:

(A) the construction or acquisition of, or remedial action with respect to, a capital project for which the unit is empowered to issue general obligation bonds or establish a fund under any statute listed in IC 6-1.1-18.5-9.8;

(B) the retirement of bonds issued under any provision of Indiana law for a capital project;

(C) the payment of lease rentals under any statute for a capital

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project;

(D) contract payments to a nonprofit corporation whose primary corporate purpose is to assist government in planning and implementing economic development projects;

(E) operating expenses of a governmental entity that plans or implements economic development projects;

(F) to the extent not otherwise allowed under this chapter, funding substance removal or remedial action in a designated unit; or

(G) funding of a revolving fund established under IC 5-1-14-14.

(3) By a county, city, or town for any lawful purpose for which money in any of its other funds may be used.

(4) By a city or county described in IC 36-7.5-2-3(b) for making transfers required by IC 36-7.5-4-2. If the county economic development income tax rate is increased after April 30, 2005, in ~~a~~ **Porter** County, ~~having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000),~~ the first three million five hundred thousand dollars ($3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county or by eligible municipalities (as defined in IC 36-7.5-1-11.3) in the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred thousand dollars ($3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. If ~~a~~ **Porter** County ~~having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000)~~ ceases to be a member of the northwest Indiana regional development authority under IC 36-7.5 but two (2) or more municipalities in the county have become members of the northwest Indiana regional development authority as authorized by IC 36-7.5-2-3(i), the county treasurer shall continue to transfer the three million five hundred thousand dollars ($3,500,000) to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county. In ~~a~~

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Porter County, ~~having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000),~~ all of the tax revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars ($3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for homestead credits under subdivision (5).

(5) This subdivision applies only in ~~a~~ **Porter** County. ~~having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000).~~ All of the tax revenue that results each year from a tax rate increase described in subdivision (4) that is in excess of the first three million five hundred thousand dollars ($3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for homestead credits under this subdivision. The following apply to homestead credits provided under this subdivision:

(A) The homestead credits must be applied uniformly to provide a homestead credit for homesteads in the county, city, or town.

(B) The homestead credits shall be treated for all purposes as property tax levies.

(C) The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The department of local government finance shall determine the homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide homestead credits in that year.

(6) This subdivision applies only in ~~a~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). A~~ **The** county or a city or town in the county may use county economic development income tax revenue to provide homestead credits in the county, city, or town. The following apply to homestead credits provided under this subdivision:

(A) The county, city, or town fiscal body must adopt an ordinance authorizing the homestead credits. The ordinance must specify the amount of county economic development

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income tax revenue that will be used to provide homestead credits in the following year.

(B) ~~A~~ **The** county, city, or town fiscal body that adopts an ordinance under this subdivision must forward a copy of the ordinance to the county auditor and the department of local government finance not more than thirty (30) days after the ordinance is adopted.

(C) The homestead credits must be applied uniformly to increase the homestead credit under IC 6-1.1-20.9 (repealed) for homesteads in the county, city, or town (for property taxes first due and payable before January 1, 2009) or to provide a homestead credit for homesteads in the county, city, or town (for property taxes first due and payable after December 31, 2008).

(D) The homestead credits shall be treated for all purposes as property tax levies.

(E) The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(F) The department of local government finance shall determine the homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide homestead credits in that year.

(7) For a regional venture capital fund established under section 13.5 of this chapter or a local venture capital fund established under section 13.6 of this chapter.

(8) This subdivision applies only to ~~a~~ **LaPorte** County, **if:**

~~(A) that has a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000); and~~

~~(B) in which:~~

~~(i)~~ **(A)** the county fiscal body has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the northwest Indiana regional development authority; and

~~(ii)~~ **(B)** the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority.

Revenue from the county economic development income tax may be used by ~~a~~ **the** county or a city described in this subdivision for making transfers required by IC 36-7.5-4-2. In addition, if the

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county economic development income tax rate is increased after June 30, 2006, in the county, the first three million five hundred thousand dollars ($3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred thousand dollars ($3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. All of the tax revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars ($3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for homestead credits under subdivision (9).

(9) This subdivision applies only to ~~a~~ **LaPorte** County. ~~described in subdivision (8).~~ All of the tax revenue that results each year from a tax rate increase described in subdivision (8) that is in excess of the first three million five hundred thousand dollars ($3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for homestead credits under this subdivision. The following apply to homestead credits provided under this subdivision:

(A) The homestead credits must be applied uniformly to provide a homestead credit for homesteads in the county, city, or town.

(B) The homestead credits shall be treated for all purposes as property tax levies.

(C) The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The department of local government finance shall determine the homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide homestead credits in that year.

(c) As used in this section, an economic development project is any project that:

(1) the county, city, or town determines will:

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(A) promote significant opportunities for the gainful employment of its citizens;
(B) attract a major new business enterprise to the unit; or
(C) retain or expand a significant business enterprise within the unit; and

(2) involves an expenditure for:
(A) the acquisition of land;
(B) interests in land;
(C) site improvements;
(D) infrastructure improvements;
(E) buildings;
(F) structures;
(G) rehabilitation, renovation, and enlargement of buildings and structures;
(H) machinery;
(I) equipment;
(J) furnishings;
(K) facilities;
(L) administrative expenses associated with such a project, including contract payments authorized under subsection (b)(2)(D);
(M) operating expenses authorized under subsection (b)(2)(E); or
(N) to the extent not otherwise allowed under this chapter, substance removal or remedial action in a designated unit;

or any combination of these.

(d) If there are bonds outstanding that have been issued under section 14 of this chapter or leases in effect under section 21 of this chapter, ~~a~~ **the** county **or a** city or town may not expend money from its economic development income tax fund for a purpose authorized under subsection (b)(3) in a manner that would adversely affect owners of the outstanding bonds or payment of any lease rentals due.

SECTION 50. IC 6-3.5-7-16, AS AMENDED BY P.L.77-2011, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 16. (a) Except as provided in subsections (b) and (c), on May 1 of each year, one-half (1/2) of each county's certified distribution for a calendar year shall be distributed from its account established under section 10 of this chapter to the county treasurer. The other one-half (1/2) shall be distributed on November 1 of that calendar year.

(b) This subsection applies to ~~a~~ **Porter** County, ~~having a population of more than one hundred forty-five thousand (145,000) but less than~~

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~~one hundred forty-eight thousand (148,000),~~ if the ordinance imposing the tax is adopted before July 1 of a year. Notwithstanding section 11 of this chapter, the initial certified distribution certified for a county under section 11 of this chapter shall be distributed to the county treasurer from the account established for the county under section 10 of this chapter according to the following schedule during the eighteen (18) month period beginning on July 1 of the year in which the county initially adopts an ordinance under section 5 of this chapter:

(1) One-fourth (1/4) on October 1 of the year in which the ordinance was adopted.

(2) One-fourth (1/4) on January 1 of the calendar year following the year in which the ordinance was adopted.

(3) One-fourth (1/4) on May 1 of the calendar year following the year in which the ordinance was adopted.

(4) One-fourth (1/4) on November 1 of the calendar year following the year in which the ordinance was adopted.

The county auditor and county treasurer shall distribute amounts received under this subsection to a county and each city or town in the county in the same proportions as are set forth in section 12 of this chapter. Certified distributions made to the county treasurer for calendar years following the eighteen (18) month period described in this subsection shall be made as provided in subsection (a).

(c) Before July 1 of each year, a county's certified distribution for additional homestead credits under section 25 or 26 of this chapter for the year shall be distributed from the county's account established under section 10 of this chapter.

(d) All distributions from an account established under section 10 of this chapter shall be made by warrants issued by the auditor of state to the treasurer of state ordering the appropriate payments.

SECTION 51. IC 6-3.5-7-22.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 22.5. (a) This section applies to ~~a~~ **Randolph** County. ~~having a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-seven thousand five hundred (27,500).~~

(b) In addition to the rates permitted by section 5 of this chapter, the county council may impose the county economic development income tax at a rate of twenty-five hundredths percent (0.25%) on the adjusted gross income of county taxpayers if the county council makes the finding and determination set forth in subsection (c).

(c) In order to impose the county economic development income tax as provided in this section, the county council must adopt an ordinance finding and determining that revenues from the county economic

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development income tax are needed to pay the costs of:

(1) financing, constructing, acquiring, renovating, and equipping the county courthouse, and financing and renovating the former county hospital for additional office space, educational facilities, nonsecure juvenile facilities, and other county functions, including the repayment of bonds issued, or leases entered into for constructing, acquiring, renovating, and equipping the county courthouse and for renovating the former county hospital for additional office space, educational facilities, nonsecure juvenile facilities, and other county functions;

(2) financing constructing, acquiring, renovating, and equipping buildings for a volunteer fire department (as defined in IC 36-8-12-2) that provides services in any part of the county; and

(3) financing constructing, acquiring, and renovating firefighting apparatus or other related equipment for a volunteer fire department (as defined in IC 36-8-12-2) that provides services in any part of the county.

(d) If the county council makes a determination under subsection (c), the county council may adopt a tax rate under subsection (b). The tax rate may not be imposed at a rate or for a time greater than is necessary to pay for the purposes described in this section.

(e) The county treasurer shall establish a county option tax revenue fund to be used only for the purposes described in this section. County economic development income tax revenues derived from the tax rate imposed under this section shall be deposited in the county option tax revenue fund before making a certified distribution under section 11 of this chapter.

(f) County economic development income tax revenues derived from the tax rate imposed under this section:

(1) may only be used for the purposes described in this section;

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and

(3) may be pledged to the repayment of bonds issued, or leases entered into, for the purposes described in subsection (c).

(g) ~~A~~ **Randolph** County ~~described in subsection (a)~~ possesses:

(1) unique fiscal challenges to finance the operations of county government due to the county's ongoing obligation to repay amounts received by the county due to an overpayment of the county's certified distribution under IC 6-3.5-1.1-9 for a prior year; and

(2) unique capital financing needs related to the purposes

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described in subsection (c).

SECTION 52. IC 6-3.5-7-23, AS AMENDED BY P.L.146-2008, SECTION 349, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 23. (a) This section applies only to ~~a~~ **Hancock** County. ~~having a population of more than fifty-five thousand (55,000) but less than sixty-five thousand (65,000).~~

(b) The county council may by ordinance determine that, in order to promote the development of libraries in the county and thereby encourage economic development, it is necessary to use economic development income tax revenue to replace library property taxes in the county. However, a county council may adopt an ordinance under this subsection only if all territory in the county is included in a library district.

(c) If the county council makes a determination under subsection (b), the county council may designate the county economic development income tax revenue generated by the tax rate adopted under section 5 of this chapter, or revenue generated by a portion of the tax rate, as revenue that will be used to replace public library property taxes imposed by public libraries in the county. The county council may not designate for library property tax replacement purposes any county economic development income tax revenue that is generated by a tax rate of more than fifteen-hundredths percent (0.15%).

(d) The county treasurer shall establish a library property tax replacement fund to be used only for the purposes described in this section. County economic development income tax revenues derived from the portion of the tax rate designated for property tax replacement credits under subsection (c) shall be deposited in the library property tax replacement fund before certified distributions are made under section 12 of this chapter. Any interest earned on money in the library property tax replacement fund shall be credited to the library property tax replacement fund.

(e) The amount of county economic development income tax revenue dedicated to providing library property tax replacement credits shall, in the manner prescribed in this section, be allocated to public libraries operating in the county and shall be used by those public libraries as property tax replacement credits. The amount of property tax replacement credits that each public library in the county is entitled to receive during a calendar year under this section equals the lesser of:

(1) the product of:

(A) the amount of revenue deposited by the county auditor in the library property tax replacement fund; multiplied by

(B) a fraction described as follows:

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(i) The numerator of the fraction equals the sum of the total property taxes that would have been collected by the public library during the previous calendar year from taxpayers located within the library district if the property tax replacement under this section had not been in effect.

(ii) The denominator of the fraction equals the sum of the total property taxes that would have been collected during the previous year from taxpayers located within the county by all public libraries that are eligible to receive property tax replacement credits under this section if the property tax replacement under this section had not been in effect; or

(2) the total property taxes that would otherwise be collected by the public library for the calendar year if the property tax replacement credit under this section were not in effect.

The department of local government finance shall make any adjustments necessary to account for the expansion of a library district. However, a public library is eligible to receive property tax replacement credits under this section only if it has entered into reciprocal borrowing agreements with all other public libraries in the county. If the total amount of county economic development income tax revenue deposited by the county auditor in the library property tax replacement fund for a calendar year exceeds the total property tax liability that would otherwise be imposed for public libraries in the county for the year, the excess shall remain in the library property tax replacement fund and shall be used for library property tax replacement purposes in the following calendar year.

(f) Notwithstanding subsection (e), if a public library did not impose a property tax levy during the previous calendar year, that public library is entitled to receive a part of the property tax replacement credits to be distributed for the calendar year. The amount of property tax replacement credits the public library is entitled to receive during the calendar year equals the product of:

(1) the amount of revenue deposited in the library property tax replacement fund; multiplied by

(2) a fraction. The numerator of the fraction equals the budget of the public library for that calendar year. The denominator of the fraction equals the aggregate budgets of public libraries in the county for that calendar year.

If for a calendar year a public library is allocated a part of the property tax replacement credits under this subsection, then the amount of property tax credits distributed to other public libraries in the county for the calendar year shall be reduced by the amount to be distributed

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as property tax replacement credits under this subsection. The department of local government finance shall make any adjustments required by this subsection and provide the adjustments to the county auditor.

(g) The department of local government finance shall inform the county auditor of the amount of property tax replacement credits that each public library in the county is entitled to receive under this section. The county auditor shall certify to each public library the amount of property tax replacement credits that the public library is entitled to receive during that calendar year. The county auditor shall also certify these amounts to the county treasurer.

(h) A public library receiving property tax replacement credits under this section shall allocate the credits among each fund for which a distinct property tax levy is imposed. The amount that must be allocated to each fund equals:

(1) the amount of property tax replacement credits provided to the public library under this section; multiplied by

(2) the amount determined in STEP THREE of the following formula:

STEP ONE: Determine the property taxes that would have been collected for each fund by the public library during the previous calendar year if the property tax replacement under this section had not been in effect.

STEP TWO: Determine the sum of the total property taxes that would have been collected for all funds by the public library during the previous calendar year if the property tax replacement under this section had not been in effect.

STEP THREE: Divide the STEP ONE amount by the STEP TWO amount.

However, if a public library did not impose a property tax levy during the previous calendar year or did not impose a property tax levy for a particular fund during the previous calendar year, but the public library is imposing a property tax levy in the current calendar year or is imposing a property tax levy for the particular fund in the current calendar year, the department of local government finance shall adjust the amount of property tax replacement credits allocated among the various funds of the public library and shall provide the adjustment to the county auditor. If a public library receiving property tax replacement credits under this section does not impose a property tax levy for a particular fund that is first due and payable in a calendar year in which the property tax replacement credits are being distributed, the public library is not required to allocate to that fund a part of the

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property tax replacement credits to be distributed to the public library. Notwithstanding IC 6-1.1-20-1.1(1), a public library that receives property tax replacement credits under this section is subject to the procedures for the issuance of bonds set forth in IC 6-1.1-20.

(i) For each public library that receives property tax credits under this section, the department of local government finance shall certify to the county auditor the property tax rate applicable to each fund after the property tax replacement credits are allocated.

(j) A public library shall treat property tax replacement credits received during a particular calendar year under this section as a part of the public library's property tax levy for each fund for that same calendar year for purposes of fixing the public library's budget and for purposes of the property tax levy limits imposed by IC 6-1.1-18.5.

(k) For the purpose of computing and distributing certified distributions under IC 6-3.5-1.1 and tax revenue under IC 6-5.5 or IC 6-6-5, the property tax replacement credits that are received under this section shall be treated as though they were property taxes that were due and payable during that same calendar year.

SECTION 53. IC 6-3.5-7-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 24. (a) This section applies to ~~a~~ **Knox** County. ~~having a population of more than thirty-nine thousand (39,000) but less than thirty-nine thousand six hundred (39,600).~~

(b) In addition to the rates permitted by section 5 of this chapter, the county council may impose the county economic development income tax at a rate of twenty-five hundredths percent (0.25%) on the adjusted gross income of county taxpayers if the county council makes the finding and determination set forth in subsection (c).

(c) In order to impose the county economic development income tax as provided in this section, the county council must adopt an ordinance finding and determining that revenues from the county economic development income tax are needed to pay the costs of financing, constructing, acquiring, renovating, and equipping a county jail including the repayment of bonds issued, or leases entered into, for constructing, acquiring, renovating, and equipping a county jail.

(d) If the county council makes a determination under subsection (c), the county council may adopt a tax rate under subsection (b). The tax rate may not be imposed at a rate or for a time greater than is necessary to pay the costs of financing, constructing, acquiring, renovating, and equipping a county jail.

(e) The county treasurer shall establish a county jail revenue fund to be used only for the purposes described in this section. County

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economic development income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 11 of this chapter.

(f) County economic development income tax revenues derived from the tax rate imposed under this section:

(1) may only be used for the purposes described in this section;

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and

(3) may be pledged to the repayment of bonds issued, or leases entered into, for the purposes described in subsection (c).

SECTION 54. IC 6-9-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) In a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000),~~ **(270,000),** there is hereby created on and after January 1, 1973, a special funds board of managers.

(b) The board of managers shall be composed of eleven (11) members as follows:

(1) Six (6) appointed by the mayor of the city having the largest population in the county, one (1) of whom shall be from the hotel motel industry.

(2) Three (3) appointed by the mayor of the city having the second largest population in the county, one (1) of whom may be from the hotel motel industry.

(3) Two (2) appointed by the board of county commissioners of such county, one (1) of whom shall be from the hotel motel industry.

(c) Except for the members first appointed, each member of the board of managers shall serve for a term of two (2) years commencing on the fifteenth day of the January following their appointment and until their successors are appointed and are qualified.

(d) The two (2) members first appointed by the board of commissioners shall serve from the date of their appointment staggered terms as follows:

(1) One (1) to January 15 of the year following the appointment.

(2) One (1) to January 15 of the second year following the appointment.

(e) Three (3) of the members first appointed by the mayor of the city having the largest population in the county and the three (3) members first appointed by the mayor of the city having the second largest

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population in the county shall serve from the date of their appointment as follows:

(1) One (1) appointed by each mayor to January 15 of the year following the appointment.

(2) Two (2) appointed by each mayor to January 15 of the second year following their appointment.

(f) The three (3) remaining members first appointed by the mayor of the city having the largest population in the county shall serve to January 15 of the second year following their appointment.

(g) At the end of the term of any member of the board of managers, the person or body making the original appointment may reappoint such person whose term has expired or appoint a new member for a full two (2) year term.

(h) If a vacancy occurs in the board of managers during any term, a successor for the vacancy shall be appointed by the person or body making the original appointment, and such successor shall serve for the remainder of the vacated term.

(i) Any member of the board of managers may be removed for cause by the person or body making the original appointment.

(j) No more than two (2) members of the board of managers appointed by the mayor of the city with the second largest population in the county shall be of the same political party. No more than three (3) of the board of managers appointed by the mayor of the city having the largest population in the county shall be of the same political party.

(k) Each member of the board of managers, before entering upon ~~his~~ **the member's** duties, shall take and subscribe an oath of office in the usual form, to be endorsed upon ~~his~~ **the member's** certificate of appointment, which shall be promptly filed with the **county's circuit court** clerk. ~~of the circuit court of the county.~~ Each member of the board of managers must be a resident of the county during ~~his~~ **the member's** entire term. Such member shall receive no salary, but shall be entitled to reimbursement for any expenses necessarily incurred in the performance of ~~his~~ **the member's** duties.

SECTION 55. IC 6-9-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) In a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000),~~ **(270,000),** there shall be levied each year a tax on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations in any commercial hotel, motel, inn, tourist camp, or tourist cabin. Such tax shall be at the rate of six percent (6%) on the gross income derived

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from lodging income only and shall be in addition to the state gross retail tax imposed on such persons by IC 6-2.5. The tax shall be reported on forms approved by the county treasurer, and shall be paid quarterly to the county treasurer not more than twenty (20) days after the end of the quarter in which the tax is collected. All provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties, exemptions, and definitions apply to the imposition of the tax imposed by this section except as otherwise provided by this chapter, and except that the county treasurer, and not the department of state revenue, is responsible for administration of the tax. All provisions of IC 6-8.1 apply to the county treasurer with respect to the tax imposed by this section in the same manner that they apply to the department of state revenue with respect to the other listed taxes under IC 6-8.1-1-1.

(b) The tax imposed under subsection (a) does not apply to the renting or furnishing of rooms, lodgings, or accommodations to a person for a period of thirty (30) days or more.

SECTION 56. IC 6-9-2-2, AS AMENDED BY P.L.172-2011, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) The revenue received by the county treasurer under this chapter shall be allocated to the Lake County convention and visitor bureau, Indiana University-Northwest, Purdue University-Calumet, municipal public safety departments, municipal physical and economic development divisions, and the cities and towns in the county as provided in this section. Subsections (b) through (g) do not apply to the distribution of revenue received under section 1 of this chapter from hotels, motels, inns, tourist camps, tourist cabins, and other lodgings or accommodations built or refurbished after June 30, 1993, that are located in the largest city of the county.

(b) The Lake County convention and visitor bureau shall establish a convention, tourism, and visitor promotion fund (referred to in this chapter as the "promotion fund"). The county treasurer shall transfer to the Lake County convention and visitor bureau for deposit in the promotion fund thirty-five percent (35%) of the first one million two hundred thousand dollars ($1,200,000) of revenue received from the tax imposed under this chapter in each year. The promotion fund consists of:

(1) money in the promotion fund on June 30, 2005;

(2) revenue deposited in the promotion fund under this subsection after June 30, 2005; and

(3) investment income earned on the promotion fund's assets.

Money in the funds established by the bureau may be expended to promote and encourage conventions, trade shows, special events,

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recreation, and visitors. Money may be paid from the funds established by the bureau, by claim in the same manner as municipalities may pay claims under IC 5-11-10-1.6.

(c) This subsection applies to the first one million two hundred thousand dollars ($1,200,000) of revenue received from the tax imposed under this chapter in each year. During each year, the county treasurer shall transfer to Indiana University-Northwest forty-four and thirty-three hundredths percent (44.33%) of the revenue received under this chapter for that year to be used as follows:

(1) Seventy-five percent (75%) of the revenue received under this subsection may be used only for the university's medical education programs.

(2) Twenty-five percent (25%) of the revenue received under this subsection may be used only for the university's allied health education programs.

(d) This subsection applies to the first one million two hundred thousand dollars ($1,200,000) of revenue received from the tax imposed under this chapter in each year. During each year, the county treasurer shall allocate among the cities and towns throughout the county nine percent (9%) of the revenue received under this chapter for that year as follows:

(1) Ten percent (10%) of the revenue covered by this subsection shall be distributed to cities having a population of more than ~~ninety~~ **eighty** thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty** thousand ~~(105,000).~~ **four hundred (80,400).**

(2) Ten percent (10%) of the revenue covered by this subsection shall be distributed to cities having a population of more than ~~seventy-five~~ **eighty** thousand ~~(75,000)~~ **five hundred (80,500)** but less than ~~ninety~~ **one hundred** thousand ~~(90,000).~~ **(100,000).**

(3) Ten percent (10%) of the revenue covered by this subsection shall be distributed to cities having a population of more than ~~thirty-two~~ **twenty-nine** thousand ~~(32,000)~~ **six hundred (29,600)** but less than ~~thirty-two~~ **twenty-nine** thousand ~~eight~~ **nine** hundred ~~(32,800).~~ **(29,900).**

(4) Seventy percent (70%) of the revenue covered by this subsection shall be distributed in equal amounts to each town and each city not receiving a distribution under subdivisions (1) through (3).

The money distributed under this subsection may be used only for tourism and economic development projects. The county treasurer shall make the distributions on or before December 1 of each year.

(e) This subsection applies to the first one million two hundred

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thousand dollars ($1,200,000) of revenue received from the tax imposed under this chapter in each year. During each year, the county treasurer shall transfer to Purdue University-Calumet nine percent (9%) of the revenue received under this chapter for that year. The money received by Purdue University-Calumet may be used by the university only for nursing education programs.

(f) This subsection applies to the first one million two hundred thousand dollars ($1,200,000) of revenue received from the tax imposed under this chapter in each year. During each year, the county treasurer shall transfer two and sixty-seven hundredths percent (2.67%) of the revenue received under this chapter for that year to the following cities:

(1) Fifty percent (50%) of the revenue covered by this subsection shall be transferred to cities having a population of more than ~~ninety~~ **eighty** thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty** thousand ~~(105,000).~~ **four hundred (80,400).**

(2) Fifty percent (50%) of the revenue covered by this subsection shall be transferred to cities having a population of more than ~~seventy-five~~ **eighty** thousand ~~(75,000)~~ **five hundred (80,500)** but less than ~~ninety~~ **one hundred** thousand ~~(90,000).~~ **(100,000).**

Money transferred under this subsection may be used only for convention facilities located within the city. In addition, the money may be used only for facility marketing, sales, and public relations programs. Money transferred under this subsection may not be used for salaries, facility operating costs, or capital expenditures related to the convention facilities. The county treasurer shall make the transfers on or before December 1 of each year.

(g) This subsection applies to the revenue received from the tax imposed under this chapter in each year that exceeds one million two hundred thousand dollars ($1,200,000). During each year, the county treasurer shall distribute money in the promotion fund as follows:

(1) Eighty-five percent (85%) of the revenue covered by this subsection shall be deposited in the convention, tourism, and visitor promotion fund. The money deposited in the fund under this subdivision may be used only for the purposes for which other money in the fund may be used.

(2) Five percent (5%) of the revenue covered by this subsection shall be transferred to Purdue University-Calumet. The money received by Purdue University-Calumet under this subdivision may be used by the university only for nursing education programs.

(3) Five percent (5%) of the revenue covered by this subsection

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shall be transferred to Indiana University-Northwest. The money received by Indiana University-Northwest under this subdivision may be used only for the university's medical education programs.

(4) Five percent (5%) of the revenue covered by this subsection shall be transferred to Indiana University-Northwest. The money received by Indiana University-Northwest under this subdivision may be used only for the university's allied health education programs.

(h) This subsection applies only to the distribution of revenue received from the tax imposed under section 1 of this chapter from hotels, motels, inns, tourist camps, tourist cabins, and other lodgings or accommodations built or refurbished after June 30, 1993, that are located in the largest city of the county. During each year, the county treasurer shall transfer:

(1) seventy-five percent (75%) of the revenues under this subsection to the department of public safety; and

(2) twenty-five percent (25%) of the revenues under this subsection to the division of physical and economic development;

of the largest city of the county.

(i) The Lake County convention and visitor bureau shall assist the county treasurer, as needed, with the calculation of the amounts that must be deposited and transferred under this section.

SECTION 57. IC 6-9-2.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000).~~ **(185,000).**

SECTION 58. IC 6-9-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than one hundred ~~twenty~~ **thirty-five** thousand ~~(120,000)~~ **(135,000)** but less than one hundred ~~thirty~~ **thirty-eight** thousand ~~(130,000).~~ **(138,000).**

SECTION 59. IC 6-9-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than one hundred ~~ten~~ **eleven** thousand ~~(110,000)~~ **(111,000)** but less than one hundred fifteen thousand (115,000).

SECTION 60. IC 6-9-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000).~~ **(175,000).**

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SECTION 61. IC 6-9-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than ~~seventy-one~~ **sixty-eight** thousand ~~(71,000)~~ **nine hundred (68,900)** but less than ~~seventy-one~~ **seventy** thousand ~~four hundred (71,400).~~ **(70,000).**

SECTION 62. IC 6-9-10.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than ~~twenty-five~~ **twenty-four** thousand ~~(25,000)~~ **five hundred (24,500)** but less than twenty-five thousand ~~five hundred (25,500).~~ **(25,000).**

SECTION 63. IC 6-9-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than ~~fourteen~~ **fifteen** thousand ~~nine hundred (14,900)~~ **(15,000)** but less than ~~sixteen~~ **fifteen** thousand ~~(16,000).~~ **five hundred (15,500).**

SECTION 64. IC 6-9-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than ~~thirty-one~~ **thirty-two** thousand ~~(31,000)~~ **(32,000)** but less than thirty-two thousand ~~(32,000).~~ **five hundred (32,500).**

SECTION 65. IC 6-9-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than one hundred ~~thirty~~ **twenty-five** thousand ~~(130,000)~~ **(125,000)** but less than one hundred ~~forty-five~~ **thirty-five** thousand ~~(145,000).~~ **(135,000).**

SECTION 66. IC 6-9-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than one hundred ~~eighty-two~~ **eighty-five** thousand ~~seven hundred ninety (182,790)~~ **(185,000)** but less than two hundred **fifty** thousand ~~(200,000).~~ **(250,000).**

SECTION 67. IC 6-9-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000).~~ **(185,000).**

SECTION 68. IC 6-9-21-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than one hundred ~~eighteen~~ **fifteen** thousand ~~(118,000)~~ **(115,000)** but less than one hundred ~~twenty~~ **twenty-five** thousand ~~(120,000).~~ **(125,000).**

SECTION 69. IC 6-9-25-1, AS AMENDED BY P.L.158-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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APRIL 1, 2012]: Sec. 1. (a) This chapter applies to a county having a population of more than ~~forty-seven~~ **forty-eight** thousand ~~(47,000)~~ **(48,000)** but less than fifty thousand (50,000).

(b) The county described in subsection (a) is unique because:

(1) governmental entities and nonprofit organizations in the county have successfully undertaken cooperative efforts to promote tourism and economic development; and

(2) several unique tourist attractions are located in the county, including:

(A) the Indiana basketball hall of fame;

(B) the Wilbur Wright birthplace memorial; and

(C) a historic gymnasium.

(c) The presence of these unique attractions in the county has:

(1) increased the number of visitors to the county;

(2) generated increased sales at restaurants and other retail establishments selling food in the county; and

(3) placed increased demands on all local governments for services needed to support tourism and economic development in the county.

(d) The use of food and beverage tax revenues arising in part from the presence of the attractions identified in subsection (b)(2) to support tourism and economic development in the county permits governmental units in the county to diversify the revenue sources for which local government improvements and services are funded.

SECTION 70. IC 6-9-25-9.5, AS AMENDED BY P.L.158-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9.5. (a) This section applies to revenues from the county food and beverage tax received by the county after June 30, 1994.

(b) Money in the fund established under section 8 of this chapter shall be used by the county for the financing, construction, renovation, improvement, equipping, or maintenance of the following capital improvements:

(1) Sanitary sewers or wastewater treatment facilities that serve economic development purposes.

(2) Drainage or flood control facilities that serve economic development purposes.

(3) Road improvements used on an access road for an industrial park that serve economic development purposes.

(4) A covered horse show arena.

(5) A historic birthplace memorial.

(6) A historic gymnasium and community center in a town in the

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county with a population greater than two thousand (2,000) but less than two thousand ~~four~~ **three** hundred ~~(2,400).~~ **(2,300).**

(7) Main street renovation and picnic and park areas in a town in the county with a population greater than two thousand (2,000) but less than two thousand ~~four~~ **three** hundred ~~(2,400).~~ **(2,300).**

(8) A community park and cultural center.

(9) Projects for which the county decides after July 1, 1994, to:

(A) expend money in the fund established under section 8 of this chapter; or

(B) issue bonds or other obligations or enter into leases under section 11.5 of this chapter;

after the projects described in subdivisions (1) through (8) have been funded.

(10) An ambulance.

Money in the fund may not be used for the operating costs of any of the permissible projects listed in this section. In addition, the county may not issue bonds or enter into leases or other obligations under this chapter after December 31, 2015.

(c) The county capital improvements committee is established to make recommendations to the county fiscal body concerning the use of money in the fund established under section 8 of this chapter. The capital improvements committee consists of the following members:

(1) One (1) resident of the county representing each of the three (3) commissioner districts, appointed by the county executive. Not more than two (2) of the members appointed under this subdivision may be from the same political party.

(2) Two (2) residents of the county, appointed by the county fiscal body. The two (2) appointees may not be from the same political party. One (1) appointee under this subdivision must be a resident of a town in the county with a population greater than two thousand (2,000) but less than two thousand ~~four~~ **three** hundred ~~(2,400).~~ **(2,300).** One (1) appointee under this subdivision must be a resident of a town in the county with a population greater than two thousand ~~four~~ **three** hundred ~~(2,400).~~ **(2,300).**

(3) Two (2) residents of the largest city in the county, appointed by the municipal executive. The two (2) appointees under this subdivision may not be from the same political party. One (1) appointee must be interested in economic development.

(4) Two (2) residents of the largest city in the county, appointed by the municipal fiscal body. The two (2) appointees under this subdivision may not be from the same political party. One (1) appointee must be interested in tourism.

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(d) Except as provided in subsection (e), the term of a member appointed to the capital improvements committee under subsection (c) is four (4) years.

(e) The initial terms of office for the members appointed to the county capital improvements committee under subsection (c) are as follows:

(1) Of the members appointed under subsection (c)(1), one (1) member shall be appointed for a term of two (2) years, one (1) member shall be appointed for three (3) years, and one (1) member shall be appointed for four (4) years.

(2) Of the members appointed under subsection (c)(2), one (1) member shall be appointed for two (2) years and one (1) member shall be appointed for three (3) years.

(3) Of the members appointed under subsection (c)(3), one (1) member shall be appointed for two (2) years and one (1) member shall be appointed for three (3) years.

(4) Of the members appointed under subsection (c)(4), one (1) member shall be appointed for three (3) years and one (1) member shall be appointed for four (4) years.

(f) At the expiration of a term under subsection (e), the member whose term expired may be reappointed to the county capital improvements committee to fill the vacancy caused by the expiration.

(g) The capital improvements committee is abolished on January 1, 2016.

SECTION 71. IC 6-9-26-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than one hundred ~~thirty~~ **twenty-five** thousand ~~(130,000)~~ **(125,000)** but less than one hundred ~~forty-five~~ **thirty-five** thousand ~~(145,000).~~ **(135,000).**

SECTION 72. IC 6-9-26-12.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12.5. (a) This section applies if there are no outstanding obligations for which a pledge has been made under section 15(a) of this chapter concerning uses authorized under section 12 of this chapter.

(b) Money deposited in the county economic development project fund before March 1, 1992, shall be transferred to the following:

(1) Fifty percent (50%) of the money deposited shall be transferred to the fiscal officer of a city having a population of more than ~~fifty-nine~~ **fifty-five** thousand ~~seven hundred~~ ~~(59,700)~~ **(55,000)** but less than ~~sixty-five~~ **sixty** thousand ~~(65,000).~~ **(60,000).**

(2) Fifty percent (50%) of the money deposited shall be

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transferred to the county general fund. Money transferred under this subdivision shall be used for:

(A) economic development projects in locations other than a city described in subdivision (1); or

(B) the following purposes:

(i) The financing, construction, or equipping of a secure detention facility under IC 31-31-8 or IC 31-6-9-5 (repealed).

(ii) All reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, and supervisory expenses related to the financing, construction, or equipping of a facility described in item (i).

(iii) The retiring of any bonds issued, loans obtained, or lease payments incurred under IC 36-1-10 to finance, construct, or equip a facility described in item (i).

(c) Except as provided in subsection (d), money deposited in the county economic development project fund after February 29, 1992, shall be transferred to the following:

(1) Forty percent (40%) of the money deposited shall be transferred to the fiscal officer of a city described in subsection (b)(1).

(2) Forty percent (40%) of the money deposited shall be transferred to the county general fund. Money transferred under this subdivision shall be used for the following purposes:

(A) The financing, construction, or equipping of a secure detention facility under IC 31-31-8 or IC 31-6-9-5 (repealed).

(B) All reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, and supervisory expenses related to the financing, construction, or equipping of a facility described in clause (A).

(C) The retiring of any bonds issued, loans obtained, or lease payments incurred under IC 36-1-10 to finance, construct, or equip a facility described in clause (A).

(3) Twenty percent (20%) of the money deposited shall be transferred to the county general fund. Money transferred under this subdivision shall be used for economic development projects in locations other than a city described in subsection (b)(1).

(d) After the retiring of any bonds issued, loans obtained, or lease payments incurred under IC 36-1-10 to finance, construct, or equip a secure detention facility under subsection (c)(2), money deposited in the county economic development project fund after February 29, 1992, shall be transferred to the following:

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(1) Seventy percent (70%) of the money deposited shall be transferred to the fiscal officer of a city described in subsection (b)(1).

(2) Thirty percent (30%) of the money deposited shall be transferred to the county general fund. Money transferred under this subdivision shall be used for economic development projects in locations other than a city described in subsection (b)(1).

(e) Money transferred to a city fiscal officer under subsection (b)(1), (c)(1), or (d)(1) shall be credited to a special account to be known as the city economic development account. Money credited to the account shall be used only for those purposes described in IC 6-3.5-7 (the county economic development income tax).

SECTION 73. IC 6-9-27-1, AS AMENDED BY P.L.214-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to the following:

(1) A town:

(A) located in a county having a population of more than ~~sixty-five~~ **sixty** thousand ~~(65,000)~~ **(60,000)** but less than ~~seventy~~ **sixty-eight** thousand ~~(70,000);~~ **nine hundred (68,900);** and

(B) having a population of more than nine thousand (9,000).

(2) A town:

(A) located in a county having a population of more than ~~thirty-four~~ **thirty-seven** thousand ~~nine~~ **one** hundred ~~(34,900)~~ **twenty-five (37,125)** but less than ~~thirty-four~~ **thirty-seven** thousand ~~nine~~ **five** hundred ~~fifty~~ ~~(34,950);~~ **(37,500);** and

(B) having a population of less than one thousand (1,000).

(3) A town:

(A) located in a county having a population of more than one hundred **forty** thousand ~~(100,000)~~ **(140,000)** but less than one hundred ~~five~~ **fifty** thousand ~~(105,000);~~ **(150,000);** and

(B) having a population of more than ~~fifteen~~ **twenty-five** thousand ~~(15,000).~~ **(25,000).**

(4) A town:

(A) located in a county having a population of more than one hundred **forty** thousand ~~(100,000)~~ **(140,000)** but less than one hundred ~~five~~ **fifty** thousand ~~(105,000);~~ **(150,000);** and

(B) having a population of more than ~~ten~~ **twenty** thousand ~~(10,000)~~ **(20,000)** but less than ~~fifteen~~ **twenty-five** thousand ~~(15,000).~~ **(25,000).**

(5) A town:

(A) located in a county having a population of more than one

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hundred **forty** thousand ~~(100,000)~~ **(140,000)** but less than one hundred ~~five~~ **fifty** thousand ~~(105,000);~~ **(150,000);** and

(B) having a population of more than ~~five~~ **ten** thousand ~~(5,000)~~ **(10,000)** but less than ~~six~~ **twenty** thousand ~~three hundred (6,300).~~ **(20,000).**

(6) A city having a population of more than eleven thousand ~~five~~ **seven** hundred ~~(11,500)~~ **(11,700)** but less than eleven thousand ~~seven~~ **nine** hundred ~~forty (11,740).~~ **(11,900).**

SECTION 74. IC 6-9-28-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies only to a county having a population of more than one hundred **forty** thousand ~~(100,000)~~ **(140,000)** but less than one hundred ~~five~~ **fifty** thousand ~~(105,000).~~ **(150,000).**

SECTION 75. IC 6-9-32-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter applies to a county having a population of more than ~~forty-one~~ **forty-two** thousand ~~(41,000)~~ **three hundred (42,300)** but less than forty-three thousand (43,000) that had adopted an innkeeper's tax under IC 6-9-18 before July 1, 1999.

(b) The:

(1) convention, visitor, and tourism promotion fund;

(2) convention and visitor commission;

(3) innkeeper's tax rate; and

(4) tax collection procedures;

established under IC 6-9-18 before July 1, 1999, remain in effect and govern the county's innkeeper's tax until amended under this chapter.

(c) A member of the convention and visitor commission established under IC 6-9-18 before July 1, 1999, shall serve a full term of office. If a vacancy occurs, the appointing authority shall appoint a qualified replacement as provided under this chapter. The appointing authority shall make other subsequent appointments to the commission as provided under this chapter.

SECTION 76. IC 6-9-36-1, AS ADDED BY P.L.214-2005, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to the following **counties:**

(1) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(2) A county having a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000).~~ **(170,000).**

SECTION 77. IC 6-9-37-1, AS ADDED BY P.L.214-2005,

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SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter applies to a county having a population of more than one hundred **forty** thousand ~~(100,000)~~ **(140,000)** but less than one hundred ~~five~~ **fifty** thousand ~~(105,000)~~ **(150,000)** that had adopted an innkeeper's tax under IC 6-9-18 before July 1, 2005.

(b) The:

(1) convention, visitor, and tourism promotion fund;

(2) convention and visitor commission;

(3) innkeeper's tax rate; and

(4) tax collection procedures;

established under IC 6-9-18 before July 1, 2005, remain in effect and govern the county's innkeeper's tax until amended under this chapter.

(c) A member of the convention and visitor commission established under IC 6-9-18 before July 1, 2005, shall serve a full term of office. If a vacancy occurs, the appointing authority shall appoint a qualified replacement as provided in this chapter. The appointing authority shall make other subsequent appointments to the commission as provided in this chapter.

SECTION 78. IC 6-9-38-1, AS ADDED BY P.L.214-2005, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than ~~seventy-one~~ **sixty-eight** thousand ~~(71,000)~~ **nine hundred (68,900)** but less than ~~seventy-one~~ **seventy** thousand ~~four hundred (71,400).~~ **(70,000).**

SECTION 79. IC 7.1-3-1-25, AS AMENDED BY P.L.165-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 25. (a) A city or county listed in this subsection that by itself or in combination with any other municipal body acquires by ownership or by lease any stadium, exhibition hall, auditorium, theater, convention center, or civic center may permit the retail sale of alcoholic beverages upon the premises if the governing board of the facility first applies for and secures the necessary permits as required by this title. The cities and counties to which this subsection applies are as follows:

(1) A consolidated city or its county.

(2) A **second class** city. ~~of the second class.~~

(3) A county having a population of more than one hundred ~~eighty-two~~ **eighty-five** thousand ~~seven hundred ninety (182,790)~~ **(185,000)** but less than two hundred **fifty** thousand ~~(200,000).~~ **(250,000).**

(4) A county having a population of more than one hundred

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~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000).~~ **(185,000).**

(5) A county having a population of more than one hundred ~~thirty~~ **twenty-five** thousand ~~(130,000)~~ **(125,000)** but less than one hundred ~~forty-five~~ **thirty-five** thousand ~~(145,000).~~ **(135,000).**

(6) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(7) A city having a population of more than ~~five~~ **four** thousand ~~one~~ **nine** hundred ~~thirty-five~~ ~~(5,135)~~ **fifty (4,950)** but less than five thousand ~~two hundred~~ ~~(5,200).~~ **(5,000).**

(8) A county having a population of more than one hundred ~~twenty~~ **thirty-five** thousand ~~(120,000)~~ **(135,000)** but less than one hundred ~~thirty~~ **thirty-eight** thousand ~~(130,000).~~ **(138,000).**

(9) A county having a population of more than ~~one~~ **two** hundred ~~eighty~~ **seventy** thousand ~~(180,000)~~ **(270,000)** but less than ~~one~~ **three** hundred ~~eighty-two~~ thousand ~~seven hundred ninety~~ ~~(182,790).~~ **(300,000).**

(b) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) or a township located in such a county that has established a public park with a golf course within its jurisdiction under IC 36-10-3 or IC 36-10-7 may be issued a permit for the retail sale of alcoholic beverages on the premises of any community center within the park, including a clubhouse, social center, or pavilion.

(c) A township that:

(1) is located in a county having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000); and

(2) acquires ownership of a golf course;

may permit the retail sale of alcoholic beverages upon the premises of the golf course, if the governing board of the golf course first applies for and secures the necessary permits required by this title.

(d) A township:

(1) having a population of more than thirty-five thousand (35,000) but less than one hundred thousand (100,000); and

(2) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);

may be issued a permit for the retail sale of alcoholic beverages on the premises of any community center or social center that is located within the township and operated by the township.

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(e) A city that owns a golf course may permit the retail sale of alcoholic beverages upon the premises of the golf course if the governing board of the golf course first applies for and secures the necessary permits required by this title.

(f) A city that:

(1) has a population of more than ~~thirty-two~~ **twenty-nine** thousand ~~(32,000)~~ **six hundred (29,600)** but less than ~~thirty-two~~ **twenty-nine** thousand ~~eight~~ **nine** hundred ~~(32,800);~~ **(29,900);** and

(2) owns or leases a marina;

may permit the retail sale of alcoholic beverages upon the premises of the marina if the governing board of the marina first applies for and secures the necessary permits required by this title. The permit may include the carryout sale of alcoholic beverages in accordance with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home delivery of alcoholic beverages.

(g) A city listed in this subsection that owns a marina may be issued a permit for the retail sale of alcoholic beverages on the premises of the marina. The permit may include the carryout sale of alcoholic beverages in accordance with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home delivery of alcoholic beverages. However, the city must apply for and secure the necessary permits that this title requires. This subsection applies to the following cities:

(1) A city having a population of more than ~~ninety~~ **eighty** thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty** thousand ~~(105,000).~~ **four hundred (80,400).**

(2) A city having a population of more than ~~seventy-five~~ **eighty** thousand ~~(75,000)~~ **five hundred (80,500)** but less than ~~ninety~~ **one hundred** thousand ~~(90,000).~~ **(100,000).**

(3) A city having a population of more than ~~thirty-two~~ **thirty-one** thousand ~~eight hundred (32,800)~~ **(31,000)** but less than ~~thirty-three~~ **thirty-one** thousand ~~(33,000).~~ **five hundred (31,500).**

(4) A city having a population of more than ~~thirty-three~~ **thirty-six** thousand ~~(33,000)~~ **eight hundred twenty-five (36,825)** but less than ~~thirty-six~~ **forty** thousand ~~(36,000).~~ **(40,000).**

(5) A city having a population of more than ~~twenty-seven~~ **forty-four** thousand ~~(27,000)~~ **five hundred (44,500)** but less than ~~twenty-seven~~ **forty-five** thousand ~~four hundred (27,400).~~ **(45,000).**

(h) Notwithstanding subsection (a), the commission may issue a civic center permit to a person that:

(1) by the person's self or in combination with another person is

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the proprietor, as owner or lessee, of an entertainment complex; or

(2) has an agreement with a person described in subdivision (1) to act as a concessionaire for the entertainment complex for the full period for which the permit is to be issued.

SECTION 80. IC 7.1-3-20-16, AS AMENDED BY HEA 1054-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.

(b) The commission may issue a three-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant facility in the passenger terminal complex of a publicly owned airport. A permit issued under this subsection shall not be transferred to a location off the airport premises.

(c) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a redevelopment project consisting of a building or group of buildings that:

(1) was formerly used as part of a union railway station;

(2) has been listed in or is within a district that has been listed in the federal National Register of Historic Places maintained pursuant to the National Historic Preservation Act of 1966, as amended; and

(3) has been redeveloped or renovated, with the redevelopment or renovation being funded in part with grants from the federal, state, or local government.

A permit issued under this subsection shall not be transferred to a location outside of the redevelopment project.

(d) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:

(1) on land; or

(2) in a historic river vessel;

within a municipal riverfront development project funded in part with state and city money. A permit issued under this subsection may not be transferred.

(e) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to

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an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a renovation project consisting of a building that:

(1) was formerly used as part of a passenger and freight railway station; and

(2) was built before 1900.

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

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

(1) A town that:

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

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

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

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

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

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

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

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

The legislative body of the municipality in which the district is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. An applicant is not eligible for a permit if, less than two (2) years before the date of the application, the applicant sold a retailer's permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this section or within seven hundred (700) feet of the district. A permit issued under this

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subsection shall not be transferred. The total number of active permits issued under this subsection may not exceed ten (10) at any time. The cost of an initial permit issued under this subsection is six thousand dollars ($6,000).

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

(1) a town with a population of more than twenty thousand (20,000); or

(2) a city with a population of more than ~~twenty-seven~~ **forty-four** thousand ~~(27,000)~~ **five hundred (44,500)** but less than ~~twenty-seven~~ **forty-five** thousand ~~four hundred (27,400);~~ **(45,000);**

located in a county having a population of more than ~~ninety~~ **one hundred ten** thousand ~~(90,000)~~ **(110,000)** but less than one hundred **eleven** thousand ~~(100,000).~~ **(111,000).** The commission may issue not more than five (5) licenses under this section to premises within a municipality described in subdivision (1) and not more than five (5) licenses to premises within a municipality described in subdivision (2). The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars ($35,000), and the renewal fee for a license under this subsection is one thousand three hundred fifty dollars ($1,350). Before the district expires, a permit issued under this subsection may not be transferred. After the district expires, a permit issued under this subsection may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

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

(1) The district is within an economic development area, an area needing redevelopment, or a redevelopment district as established under IC 36-7-14.

(2) A unit of the National Park Service is partially located within the district.

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(3) An international deep water seaport is located within the district.

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

SECTION 81. IC 7.1-3-20-26, AS ADDED BY P.L.10-2010, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 26. (a) The commission may issue a one-way, two-way, or three-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the owner of an indoor theater that:

(1) is located in a city having a population of more than ~~two~~ **one** hundred **fifty** thousand ~~(200,000)~~ **(150,000)** but less than ~~three~~ **five** hundred thousand ~~(300,000);~~ **(500,000);** and

(2) has been listed in the National Register of Historic Places maintained under the National Historic Preservation Act of 1966, as amended. A permit issued under this subsection may not be transferred.

(b) A permit issued under this section is subject to the quota requirements of IC 7.1-3-22-3.

SECTION 82. IC 8-1-2-103 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 103. (a) No public utility, or agent or officer thereof, or officer of any municipality constituting a public utility, as defined in this chapter, may charge, demand, collect, or receive from any person a greater or less compensation for any service rendered or to be rendered, or for any service in connection therewith, than that prescribed in the published schedules or tariffs then in force or established as provided herein, or than it charges, demands, collects, or receives from any other person for a like and contemporaneous service. A person who recklessly violates this subsection commits a Class A misdemeanor.

(b) Notwithstanding subsection (a), if a city of less than twenty

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thousand (20,000) in population according to the most recent federal decennial census, constituting a public water utility, and acting as a public utility prior to May 1, 1913, either as such city, or by any commercial association, chamber of commerce, or committee with the consent of such city, entered into any agreement with any person engaged in manufacturing any articles of commerce to furnish free water for a certain limited time as an inducement to such person so engaged in manufacturing to locate the establishment or manufacturing plant of such person within such city, such city may carry out such agreement to furnish free water to such person for the period of time remaining, as stipulated in such contract. This chapter does not prohibit any public utility from supplying or furnishing free service or service at special rates to any municipality, or any institution or agency of such municipality, in cases where the supplying or furnishing of such free service or service at special rates is stipulated in any provision of the franchise under which such public utility was operating before May 16, 1919, or, in the event that such franchise shall have been surrendered, from supplying or furnishing such free service or service at special rates until such time as the franchise would have expired had it not been surrendered under this chapter; and it shall be the duty of any utility operating under any franchise, stipulating for free service or service at special rates to **the** municipality, or any institution or agency of such municipality, to furnish such free service or service at special rates.

(c) This subsection applies to a public utility that provides water for public fire protection services in both a county containing a consolidated city and in portions of counties that are adjacent to the county containing a consolidated city. This subsection applies throughout the territory served by the public utility. In the case of a public utility furnishing water and beginning on January 1, 1994, the charges for the production, storage, transmission, sale and delivery, or furnishing of water for public fire protection purposes shall be included in the basic rates of the customers of the public utility. However, the construction cost of any fire hydrant installed after December 31, 1993, at the request of a municipality, township, county, or other governmental unit shall be paid for by or on behalf of the municipality, township, county, or other governmental unit. The change in the recovery of current revenue authorized by this section shall be reflected in a new schedule of rates to be filed with the commission at least thirty (30) days before the time the new schedule of rates is to take effect. The new schedule of rates shall:

(1) eliminate fire protection charges billed directly to

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governmental units, other than charges for the construction cost for new hydrants installed after December 31, 1993; and

(2) increase the rates charged each customer of the utility, based on equivalent meter size, by an amount equal to:

(A) the revenues lost from the elimination of such fire protection charges; divided by

(B) the current number of equivalent five-eighths (5/8) inch meters.

This change in the recovery of public fire protection costs shall not be considered to be a general increase in basic rates and charges of the public utility and is not subject to the notice and hearing requirements applicable to general rate proceedings. The commission shall approve the new schedule of rates that are to be effective January 1, 1994.

(d) This subsection applies to a public utility or a municipally owned water utility that is not subject to subsection (c). Except as provided in subsection (e), in the case of a public utility or municipally owned water utility furnishing water, if the governing body of any municipality within the service area of the utility adopts an ordinance providing that costs shall be recovered under this subsection, the charges for the production, storage, transmission, sale and delivery, or furnishing of water for public fire protection purposes shall be included in the basic rates of all customers of the utility within the municipality. However, on or after a date specified in the ordinance, the construction cost of any fire hydrant installed at the request of a municipality, township, county, or other governmental unit that adopts an ordinance under this subsection shall be paid for by or on behalf of the municipality, township, county, or other governmental unit. The change in the recovery of current revenue authorized by the ordinance shall be reflected in a new schedule of rates to be filed with the commission at least thirty (30) days before the time the new schedule of rates is to take effect. The new schedule of rates shall:

(1) eliminate fire protection charges billed directly to governmental units, other than charges for the construction cost for new hydrants installed on and after the date specified in the ordinance; and

(2) increase the rates charged each customer of the utility, based on equivalent meter size, by an amount equal to:

(A) the revenues lost from the elimination of such fire protection charges; divided by

(B) the current number of equivalent five-eighths (5/8) inch meters.

This change in the recovery of public fire protection costs shall not be

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considered to be a general increase in basic rates and charges of the utility and is not subject to the notice and hearing requirements applicable to general rate proceedings. The commission shall approve the new schedule of rates that are to be effective on a date specified in the ordinance.

(e) This subsection applies to a municipally owned water utility in a city having a population of more than fifty thousand (50,000) but less than ~~fifty-five~~ **fifty-one** thousand ~~(55,000).~~ **(51,000).** The city may adopt a plan to recover costs as described in subsection (d) without passing an ordinance, if the plan applies only to customers of the utility residing in a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000).~~ **(270,000).** If the city wishes to adopt such a plan, the city shall file a new schedule of rates with the commission, but is not subject to commission approval of the rates.

(f) In the case of a change in the method of recovering public fire protection costs under an ordinance adopted under subsection (d):

(1) on or after July 1, 1997, a customer of the utility located outside the limits of a municipality whose property is not located within one thousand (1,000) feet of a fire hydrant (measured from the hydrant to the nearest point on the property line of the customer) must be excluded from the increase in rates attributable to the change and must not be included in the number of equivalent five-eighths (5/8) inch meters for purposes of subsection (d)(2)(B); or

(2) before July 1, 1997, the commission may:

(A) in the context of a general rate proceeding initiated by the utility; or

(B) upon petition of:

(i) the utility;

(ii) the governmental unit that passed the ordinance; or

(iii) an affected customer;

prospectively exclude public fire protection costs from the rates charged to customers located outside the limits of any municipality whose property is not located within one thousand (1,000) feet of a fire hydrant (measured from the hydrant to the nearest point on the property line of the customer) if the commission authorizes a simultaneous increase in the rates of the utility's other customers to the extent necessary to prevent a loss of revenues to the utility.

An increase in the rates of the utility's other customers under subdivision (2) may not be construed to be a general increase in basic

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rates and charges of the utility and is not subject to the hearing requirements applicable to general rate proceedings. This subsection does not prohibit the commission from adopting different methods of public fire protection cost recovery for unincorporated areas after notice and hearing within the context of a general rate proceeding or other appropriate proceeding.

SECTION 83. IC 8-1-2.7-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) Except as provided under subsection (c) or section 15 of this chapter, when a utility successfully withdraws from commission jurisdiction, the commission does not have authority to regulate the following:

(1) Rates and charges.

(2) Stocks, bonds, notes, or other evidence of indebtedness.

(3) Rules.

(4) The annual report filing requirement.

(b) When the number of patrons served by a withdrawn utility described in section 1.3(a)(1)(A) or 1.3(a)(2)(A) of this chapter reaches five thousand (5,000), the utility:

(1) becomes subject to the annual report filing requirement described in IC 8-1-2-16; and

(2) shall immediately notify the commission of the number of patrons served by the utility.

Upon receiving notice under subdivision (2), the commission may reassert jurisdiction over the utility, in whole or in part, after notice and hearing if the commission finds that the public interest so requires.

(c) As used in this subsection, "utility" refers to a utility described in section 1.3(a)(1)(B) of this chapter that is located in a county having a population of more than sixteen thousand ~~seven hundred (16,700)~~ **(16,000)** but less than seventeen thousand (17,000). When one (1) utility has successfully withdrawn from commission jurisdiction under this chapter, upon the filing of a complaint by another utility that has not withdrawn from commission jurisdiction under this chapter, the commission shall reassert jurisdiction over the withdrawn utility with respect to the withdrawn utility's:

(1) rates and charges;

(2) rules; and

(3) operating and territorial authority;

that have been or may be established concerning the purchase of water for resale by the complaining utility from the withdrawn utility. The rates and charges described in subdivision (1) are subject to the requirements of IC 8-1-2-125. The burden of proof that the rates and charges described in subdivision (1) comply with IC 8-1-2-125 is on

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the withdrawn utility.

SECTION 84. IC 8-1.5-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. The department of waterworks has jurisdiction over a special taxing district (referred to as "the waterworks district" in this chapter) that consists of:

(1) in the case of a second class city located in a county having a population of more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000),~~ **(185,000),** all the territory within that county; or

(2) in the case of any other municipality, all the territory within the corporate boundaries of the municipality, or the territory served by the waterworks if larger or smaller than the corporate boundaries.

SECTION 85. IC 8-1.5-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 14. (a) This subsection applies to a municipality that is not subject to IC 8-1-2-103(c) or has not adopted an ordinance to become subject to IC 8-1-2-103(d). The reasonable cost and value of any service rendered to the municipality by the waterworks by furnishing water for public purposes or by maintaining hydrants and other facilities for fire protection shall be:

(1) charged against the municipality; and

(2) paid for in monthly installments as the service accrues out of the current revenues of the municipality, collected or in process of collection, and the tax levy of the municipality made by it to raise money to meet its necessary current expenses.

(b) This subsection applies to a municipality that is subject to IC 8-1-2-103(c), that has adopted an ordinance to become subject to IC 8-1-2-103(d), or that has adopted a plan described in IC 8-1-2-103(d) as prescribed in IC 8-1-2-103(e). The reasonable cost and value of any service rendered to the municipality by the waterworks by furnishing water for public purposes shall be:

(1) charged against the municipality; and

(2) paid for in monthly installments as the service accrues out of the current revenues of the municipality, collected or in process of collection, and the tax levy of the municipality made by it to raise money to meet its necessary current expenses.

Except as provided in subsection (d), the cost and value of maintaining hydrants and other facilities for fire protection shall be excluded from the charges against the municipality and shall be recovered from the other customers of the waterworks beginning on January 1, 1994, in a municipality subject to IC 8-1-2-103(c) and beginning on a date

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provided in the ordinance for a municipality that adopts an ordinance under IC 8-1-2-103(d). The change in the recovery of current revenue authorized by this section shall be reflected in a schedule of new rates to be filed with the commission at least thirty (30) days before the time the schedule of new rates is to take effect.

(c) The compensation for the service provided to the municipality shall, in the manner prescribed by this chapter, be paid into the separate and special fund created by setting aside the income and revenues of the waterworks and is subject to apportionment to the operating, maintenance, depreciation, and bond and interest redemption accounts.

(d) This subsection applies to a city having a population of more than ~~forty-six~~ **forty-seven** thousand ~~five hundred (46,500)~~ **(47,000)** but less than ~~fifty~~ **forty-nine** thousand ~~(50,000).~~ **(49,000).** The cost and value of maintaining hydrants and other facilities for fire protection may be recovered from customers of the waterworks residing **in either of the following, beginning on a date determined by the city:**

(1) In a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000);~~ **(270,000).** ~~and~~

(2) In a township having a population of more than ~~seven~~ **nine** thousand ~~five hundred (7,500)~~ **(9,000)** but less than nine thousand ~~(9,000)~~ **five hundred (9,500)** located in a county having a population of more than one hundred ~~eighty-two~~ **eighty-five** thousand ~~seven hundred ninety (182,790)~~ **(185,000)** but less than two hundred **fifty** thousand ~~(200,000);~~ **(250,000).**

~~beginning on a date determined by the city.~~ The city shall file a new schedule of rates with the commission as set forth in subsection (b), but is not subject to commission approval of the rates.

SECTION 86. IC 8-9.5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) ~~A.~~ **The following may create, by an ordinance adopted by its legislative body, an automated transit district:**

(1) **A** consolidated city. ~~or~~

(2) **A** city having a population of more than one hundred ~~five~~ thousand ~~(105,000)~~ **(100,000)** but less than one hundred ~~twenty~~ **ten** thousand ~~(120,000);~~ **(110,000).**

~~may create, by an ordinance adopted by its legislative body, an automated transit district.~~ The ordinance creating an automated transit district must specify the territory to be included initially in the district.

(b) An automated transit district may also be created by the procedures provided in sections 2 and 3 of this chapter.

SECTION 87. IC 8-10-5-5 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) A port authority created in accordance with the provisions of this chapter shall be governed by a board of directors. Except as provided in subsection (c), members of a board of directors of a port authority created by the exclusive action of a municipal corporation shall consist of the number of members it deems necessary and be appointed by the mayor with the advice and consent of the common council. Members of a board of directors of a port authority created by the exclusive action of a county shall consist of such members as it deems necessary and be appointed by the county commissioners of such county. Members of a board of directors of a port authority created by a combination of political subdivisions shall be divided among such political subdivisions in such proportions as such political subdivisions may agree and appointed in the same manner as this section provides for their appointment when such political subdivision creates its own port authority. When a port authority is created by a combination of political subdivisions, the number of directors composing the board shall be determined by agreement between such political subdivisions.

(b) In the case of a port authority created under section 2 of this chapter in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the board of directors shall consist of seven (7) members, three (3) of whom shall be appointed by the board of county commissioners, one (1) each by the mayors of the three (3) cities in the county having the largest populations, and the mayor of the city having the largest population shall appoint any remaining member or members. The board shall be appointed as follows:

(1) The mayors of the three (3) cities in the county having the largest populations shall each make one (1) appointment.

(2) The board of county commissioners shall make its three (3) appointments following the naming of the city appointees and appoint persons of such political faith as to make the board of directors a bipartisan body.

(3) If a city is entitled to a second appointment, the mayor shall make the appointment subject to retaining the board's bipartisan status.

(4) In no event may more than three (3) board members residing in the same city serve on said board at the same time.

(5) In no event may more than four (4) members of one (1) political party serve on the board at the same time.

(c) This subsection applies to a port authority created under section 2 of this chapter by the exclusive action of a municipal corporation in

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a city having a population of more than ~~seventy-five~~ **eighty** thousand ~~(75,000)~~ **five hundred (80,500)** but less than ~~ninety~~ **one hundred** thousand ~~(90,000).~~ **(100,000).** The board of directors of the port authority consists of five (5) members appointed as follows:

(1) Three (3) members appointed by the mayor of the city.

(2) Two (2) members appointed by the legislative body of the city.

(d) The appointing authority may at any time remove a director appointed by it for misfeasance, nonfeasance, or malfeasance in office.

(e) At the time of appointment, a director must be a resident of one (1) of the following:

(1) The political subdivision from which the director is appointed.

(2) The county within which the port authority is established.

At all times, a majority of the directors must be residents of the political subdivisions from which the members are appointed.

(f) The directors of any port authority first appointed shall serve staggered terms. Thereafter each successor shall serve for a term of four (4) years, except that any person appointed to fill a vacancy shall be appointed to only the unexpired term and any director shall be eligible for reappointment.

(g) The directors shall elect one (1) of their membership as chairman, and another as vice chairman, and shall designate their terms of office, and shall appoint a secretary who need not be a director. A majority of the board of directors shall constitute a quorum the affirmative vote of which shall be necessary for any action taken by the port authority. No vacancy in the membership of the board shall impair the rights of a quorum to exercise all the rights and perform all the duties of the port authority.

(h) Each member of the board of directors of a port authority shall be entitled to receive from the port authority such sum of money as the board of directors may determine as compensation for the member's service as director and reimbursement for the member's reasonable expenses in the performance of the member's duties.

SECTION 88. IC 8-10-5-8.5, AS AMENDED BY P.L.49-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8.5. Port authorities created in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), shall have all the powers of port authorities provided under section 8 of this chapter except the power to exercise eminent domain as provided in section ~~8(7)~~ **8(a)(7)** of this chapter in any city having a population of:

(1) more than ~~seventy-five~~ **eighty** thousand ~~(75,000)~~ **five hundred (80,500)** but less than ~~ninety~~ **one hundred** thousand

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~~(90,000);~~ **(100,000);** or

(2) more than ~~thirty-two~~ **twenty-nine** thousand ~~(32,000)~~ **six hundred (29,600)** but less than ~~thirty-two~~ **twenty-nine** thousand ~~eight~~ **nine** hundred ~~(32,800).~~ **(29,900).**

SECTION 89. IC 8-10-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a city having a population of more than ~~thirty-two~~ **twenty-nine** thousand ~~(32,000)~~ **six hundred (29,600)** but less than ~~thirty-two~~ **twenty-nine** thousand ~~eight~~ **nine** hundred ~~(32,800).~~ **(29,900).**

SECTION 90. IC 8-14-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. For purposes of this chapter, "qualified county" means a county having a population of:

(1) more than ~~fifty~~ **fifty-seven** thousand ~~(50,000)~~ **(57,000)** but less than ~~fifty-five~~ **sixty** thousand ~~(55,000);~~ **(60,000);**

(2) more than ~~thirty-nine~~ **forty** thousand ~~six hundred (39,600)~~ **(40,000)** but less than ~~forty~~ **forty-two** thousand ~~(40,000);~~ **(42,000);**

(3) more than ~~thirty-two~~ **thirty-three** thousand ~~(32,000)~~ **five hundred (33,500)** but less than ~~thirty-three~~ **thirty-four** thousand ~~(33,000);~~ **(34,000);**

(4) more than ~~twenty-nine~~ **thirty** thousand ~~(29,000)~~ **(30,000)** but less than ~~thirty~~ **thirty-two** thousand ~~(30,000);~~ **(32,000);**

(5) more than ~~twenty-seven~~ **twenty-five** thousand ~~(27,000)~~ **eight hundred (25,800)** but less than ~~twenty-seven~~ **twenty-six** thousand ~~two hundred (27,200);~~ **(26,000);**

(6) more than eighteen thousand ~~three hundred (18,300)~~ **(18,000)** but less than nineteen thousand ~~three~~ **five** hundred ~~(19,300);~~ **(19,500);**

(7) more than twenty thousand ~~three~~ **nine** hundred ~~(20,300)~~ **(20,900)** but less than ~~twenty~~ **twenty-one** thousand ~~five hundred (20,500);~~ **(21,000);**

(8) more than twelve thousand ~~(12,000)~~ **eight hundred (12,800)** but less than thirteen thousand ~~five hundred (13,500);~~ **(13,000);**

(9) more than ten thousand (10,000) but less than ten thousand ~~seven~~ **five** hundred ~~(10,700);~~ **(10,500);** or

(10) more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000).

SECTION 91. IC 8-14-16-1, AS ADDED BY P.L.47-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies only to the following counties:

(1) A county having a population of more than ~~thirty-three~~

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thirty-four thousand ~~two hundred (33,200)~~ **(34,000)** but less than ~~thirty-three~~ **thirty-four** thousand ~~six~~ **three** hundred ~~(33,600).~~ **(34,300).**

(2) A county having a population of more than ~~thirty-four~~ **thirty-seven** thousand ~~nine~~ **one** hundred ~~(34,900)~~ **twenty-five (37,125)** but less than ~~thirty-four~~ **thirty-seven** thousand ~~nine~~ **five** hundred ~~fifty (34,950).~~ **(37,500).**

(3) A county having a population of more than one hundred ~~ten~~ **eleven** thousand ~~(110,000)~~ **(111,000)** but less than one hundred fifteen thousand (115,000).

(4) A county having a population of more than one hundred ~~eighty-two~~ **eighty-five** thousand ~~seven hundred ninety (182,790)~~ **(185,000)** but less than two hundred **fifty** thousand ~~(200,000).~~ **(250,000).**

(5) A county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000).~~ **(270,000).**

(6) A county having a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000).~~ **(170,000).**

(7) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

SECTION 92. IC 8-15-2-1, AS AMENDED BY P.L.163-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) In order to remove the handicaps and hazards on the congested highways in Indiana, to facilitate vehicular traffic throughout the state, to promote the agricultural and industrial development of the state, and to provide for the general welfare by the construction of modern express highways embodying safety devices, including center division, ample shoulder widths, long sight distances, multiple lanes in each direction, and grade separations at intersections with other highways and railroads, the authority may:

(1) subject to subsection (d), construct, reconstruct, maintain, repair, and operate toll road projects at such locations as shall be approved by the governor;

(2) in accordance with such alignment and design standards as shall be approved by the authority and subject to IC 8-9.5-8-10, issue toll road revenue bonds of the state payable solely from funds pledged for their payment, as authorized by this chapter, to pay the cost of such projects;

(3) finance, develop, construct, reconstruct, improve, or maintain

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improvements for manufacturing, commercial, or public transportation activities within a county through which a toll road passes;

(4) in cooperation with the Indiana department of transportation or a political subdivision, construct, reconstruct, or finance the construction or reconstruction of an arterial highway or an arterial street that is located within a county through which a toll road passes and that:

(A) interchanges with a toll road project; or

(B) intersects with a road or a street that interchanges with a toll road project;

(5) finance improvements necessary for developing transportation corridors in northwestern Indiana; and

(6) exercise these powers in participation with any governmental entity or with any individual, partnership, limited liability company, or corporation.

(b) Notwithstanding subsection (a), the authority shall not construct, maintain, operate, nor contract for the construction, maintenance, or operation of transient lodging facilities on, or adjacent to, such toll road projects.

(c) This chapter:

(1) applies to the authority only when acting for the purposes set forth in this chapter; and

(2) does not apply to the authority when acting under any other statute for any other purpose.

(d) Before the authority or an operator selected under IC 8-15.5 may carry out any of the following activities under this chapter, the general assembly must enact a statute authorizing that activity:

(1) Carrying out construction for Interstate Highway 69 in a township having a population of more than ~~seventy-five~~ **one hundred** thousand ~~(75,000)~~ **(100,000)** and less than ~~ninety-three~~ **one hundred ten** thousand ~~five hundred (93,500).~~ **(110,000) located in a county having a consolidated city.**

(2) Imposing tolls on motor vehicles for use of Interstate Highway 69.

(3) Imposing tolls on motor vehicles for use of a nontolled highway, roadway, or other facility in existence or under construction on July 1, 2011, including nontolled interstate highways, U.S. routes, and state routes.

SECTION 93. IC 8-15-3-9, AS AMENDED BY P.L.163-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) Subject to subsection (e), the governor

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must approve the location of any tollway.

(b) The department may, in any combination, plan, design, develop, construct, reconstruct, maintain, repair, police, finance, and operate tollways, public improvements, and arterial streets and roads at those locations that the governor approves.

(c) The department may, in any combination, plan, design, develop, construct, reconstruct, improve, finance, operate, repair, or maintain public improvements such as roads and streets, sewer lines, water lines, and other utilities if these improvements are:

(1) adjacent or appurtenant to a tollway; or

(2) necessary or desirable for the financing, construction, operation, or maintenance of a tollway.

(d) The department may, in any combination, plan, design, develop, construct, reconstruct, improve, maintain, repair, operate, or finance the construction or reconstruction of an arterial highway or an arterial street that:

(1) is adjacent to, appurtenant to, or interchanges with a tollway; or

(2) intersects with a road or street that interchanges with a tollway.

(e) Before the governor, the department, or an operator may carry out any of the following activities under this chapter, the general assembly must enact a statute authorizing that activity:

(1) Approve the location of a tollway other than a tollway that is approved before July 1, 2011.

(2) Carry out construction for Interstate Highway 69 in a township having a population of more than ~~seventy-five~~ **one hundred** thousand ~~(75,000)~~ **(100,000)** and less than ~~ninety-three~~ **one hundred ten** thousand ~~five hundred (93,500).~~ **(110,000) located in a county having a consolidated city.**

(3) Impose tolls on motor vehicles for use of Interstate Highway 69.

(f) Notwithstanding subsection (e), during the period beginning July 1, 2011, and ending June 30, 2021, the general assembly is not required to enact a statute authorizing the governor, the department, or an operator to approve the location of a tollway with respect to the following projects:

(1) A project on which construction begins after June 30, 2011, not including any part of Interstate Highway 69 other than a part described in subdivision (4).

(2) The addition of toll lanes, including high occupancy toll lanes, to a highway, roadway, or other facility in existence on July 1,

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2011, if the number of nontolled lanes on the highway, roadway, or facility as of July 1, 2011, does not decrease due to the addition of the toll lanes.

(3) The Illiana Expressway, a limited access facility connecting Interstate Highway 65 in northwestern Indiana with an interstate highway in Illinois.

(4) A project that is located within a metropolitan planning area (as defined by 23 U.S.C. 134) and that connects the state of Indiana with the commonwealth of Kentucky.

SECTION 94. IC 8-15.5-1-2, AS AMENDED BY P.L.163-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) This article contains full and complete authority for public-private agreements between the authority and a private entity. Except as provided in this article, no law, procedure, proceeding, publication, notice, consent, approval, order, or act by the authority or any other officer, department, agency, or instrumentality of the state or any political subdivision is required for the authority to enter into a public-private agreement with a private entity under this article, or for a toll road project that is the subject of a public-private agreement to be constructed, acquired, maintained, repaired, operated, financed, transferred, or conveyed.

(b) Before the authority or the department may issue a request for proposals for or enter into a public-private agreement under this article that would authorize an operator to impose tolls for the operation of motor vehicles on all or part of a project, the general assembly must adopt a statute authorizing the imposition of tolls. However, during the period beginning July 1, 2011, and ending June 30, 2021, and notwithstanding subsection (c), the general assembly is not required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement to authorize an operator to impose tolls for the operation of motor vehicles on all or part of the following projects:

(1) A project on which construction begins after June 30, 2011, not including any part of Interstate Highway 69 other than a part described in subdivision (4).

(2) The addition of toll lanes, including high occupancy toll lanes, to a highway, roadway, or other facility in existence on July 1, 2011, if the number of nontolled lanes on the highway, roadway, or facility as of July 1, 2011, does not decrease due to the addition of the toll lanes.

(3) The Illiana Expressway, a limited access facility connecting Interstate Highway 65 in northwestern Indiana with an interstate

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highway in Illinois.

(4) A project that is located within a metropolitan planning area (as defined by 23 U.S.C. 134) and that connects the state of Indiana with the commonwealth of Kentucky.

(c) Before the authority or an operator may carry out any of the following activities under this article, the general assembly must enact a statute authorizing that activity:

(1) Carrying out construction for Interstate Highway 69 in a township having a population of more than ~~seventy-five~~ **one hundred** thousand ~~(75,000)~~ **(100,000)** and less than ~~ninety-three~~ **one hundred ten** thousand ~~five hundred (93,500).~~ **(110,000) located in a county having a consolidated city.**

(2) Imposing tolls on motor vehicles for use of Interstate Highway 69.

(3) Imposing tolls on motor vehicles for use of a nontolled highway, roadway, or other facility in existence or under construction on July 1, 2011, including nontolled interstate highways, U.S. routes, and state routes.

SECTION 95. IC 8-15.7-1-5, AS AMENDED BY P.L.163-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) This article contains full and complete authority for agreements and leases with private entities to carry out the activities described in this article. Except as provided in this article, no procedure, proceeding, publication, notice, consent, approval, order, or act by the authority, the department, or any other state or local agency or official is required to enter into an agreement or lease, and no law to the contrary affects, limits, or diminishes the authority for agreements and leases with private entities, except as provided by this article.

(b) Notwithstanding any other law, before the department, the authority, or an operator may carry out any of the following activities under this article, the general assembly must enact a statute authorizing that activity:

(1) Subject to subsection (d), and after June 30, 2011, issuing a request for proposals for, or entering into, a public-private agreement concerning a project.

(2) Carrying out construction for Interstate Highway 69 in a township having a population of more than ~~seventy-five~~ **one hundred** thousand ~~(75,000)~~ **(100,000)** and less than ~~ninety-three~~ **one hundred ten** thousand ~~five hundred (93,500).~~ **(110,000) located in a county having a consolidated city.**

(3) Imposing user fees on motor vehicles for use of Interstate Highway 69.

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(c) Notwithstanding subsection (b) or any other law, the department or the authority may enter into a public-private agreement concerning a project consisting of a passenger or freight railroad system described in IC 8-15.7-2-14(a)(4). Such an agreement is subject to review and appropriation by the general assembly. However, this subsection does not prohibit the department from:

(1) conducting preliminary studies that the department considers necessary to determine the feasibility of such a project; or

(2) issuing a request for qualifications or a request for proposals, or both, under IC 8-15.7-4 for such a project.

(d) Notwithstanding subsection (b), during the period beginning July 1, 2011, and ending June 30, 2021, the general assembly is not required to enact a statute authorizing the department, the authority, or an operator to issue a request for proposals for, or enter into, a public-private agreement for the following projects:

(1) A project on which construction begins after June 30, 2011, not including any part of Interstate Highway 69 other than a part described in subdivision (4).

(2) The addition of toll lanes, including high occupancy toll lanes, to a highway, roadway, or other facility in existence on July 1, 2011, if the number of nontolled lanes on the highway, roadway, or facility as of July 1, 2011, does not decrease due to the addition of the toll lanes.

(3) The Illiana Expressway, a limited access facility connecting Interstate Highway 65 in northwestern Indiana with an interstate highway in Illinois.

(4) A project that is located within a metropolitan planning area (as defined by 23 U.S.C. 134) and that connects the state of Indiana with the commonwealth of Kentucky.

SECTION 96. IC 8-16-3.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) As used in this chapter, "eligible county" means a county that has:

(1) a population of more than one hundred thousand (100,000) but less than seven hundred thousand (700,000); and

(2) a major obstruction between commercial or population centers which is capable of causing an economic hardship because of excess travel required to conduct a normal level of commerce between the two (2) centers.

A major obstruction which is a part of a county boundary or a state boundary does not qualify for the purpose of this chapter.

(b) As used in this chapter, "major bridge" means the following:

(1) A structure that is two hundred (200) or more feet in length

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and that is erected over a depression or an obstruction for the purpose of carrying motor vehicular traffic or other moving loads. However, the structure shall be one hundred (100) or more feet in length in a city having ~~the~~ **any of the** following ~~population:~~ **populations:**

(A) More than ~~fifty-five~~ **sixty-five** thousand ~~(55,000)~~ **(65,000)** but less than ~~fifty-nine~~ **seventy** thousand ~~(59,000).~~ **(70,000).**

(B) More than ~~fifty-nine~~ **sixty** thousand ~~(59,000)~~ **(60,000)** but less than ~~fifty-nine~~ **sixty-five** thousand ~~seven hundred (59,700).~~ **(65,000).**

(C) More than ~~thirty-two~~ **thirty-one** thousand ~~eight hundred (32,800)~~ **(31,000)** but less than ~~thirty-three~~ **thirty-one** thousand ~~(33,000).~~ **five hundred (31,500).**

(2) An underpass of any length that is designed to carry motor vehicle traffic or other moving loads.

(c) As used in this chapter, "major obstruction" means a physical barrier to the passage of motor vehicle traffic that inhibits the use of the customary highway construction techniques to bridge the barrier without use of a grade separation structure.

SECTION 97. IC 8-22-2-1, AS AMENDED BY P.L.134-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) Whenever the fiscal body of an eligible entity adopts an ordinance or a resolution in favor of the acquisition, improvement, operation, or maintenance of an airport or landing field for the entity under this chapter, and declaring a necessity for the airport or landing field, then on the effective date of the ordinance or resolution, there is established as an executive department of the entity a department of aviation, under the control of a board to be known as the board of aviation commissioners.

(b) The following apply to a board of aviation commissioners established under this chapter:

(1) Except as provided in subsections (e), (f), and (g), the board consists of four (4) members.

(2) Except as provided in subsection (e), the executive of the entity shall appoint the members of the board.

(3) Except as provided in subsections (f) and (g), not more than two (2) of the members of the board may be of the same political party.

(c) The fiscal body of the entity may provide a per diem for the members of the board in any amount not exceeding thirty-five dollars ($35) for each whole or part day a member is engaged in board activities. The members of the board shall also be paid their actual

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expenses, which may include the expenses of the members or employees of the board in attending meetings or conventions held to discuss aviation matters.

(d) Before beginning the duties of office, each board member shall take and subscribe the usual oath of office, to be endorsed upon the certificate of appointment, and shall cause that to be filed with the clerk or other officer performing duties similar to that of clerk in the entity. Any person who does not file the oath with the clerk or other officer performing duties similar to that of the clerk within thirty (30) days after the beginning of the term for which the person has been appointed, or at the date of the person's appointment, if appointed after the beginning of the term, is considered to have refused to serve and the office becomes vacant.

(e) Notwithstanding subsection (b), if a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000)~~ **(270,000)** has established a board, the county council and the mayors of the two (2) cities in the county having the largest populations may each appoint one (1) additional member to the board, thereby creating a board consisting of a total of seven (7) members. The three (3) additional members serve in the same manner, are accorded the same status, and perform the same duties as the four (4) initial board members, and serve terms of four (4) years. If either the county council or either of the two (2) mayors fails to make appointments to the board, that fact does not prejudice appointments that may be made by the other appointing authority or authorities.

(f) This subsection applies to the following:

(1) A county having a population of more than ~~ninety~~ **one hundred ten** thousand ~~(90,000)~~ **(110,000)** but less than one hundred **eleven** thousand ~~(100,000).~~ **(111,000).**

(2) A county having a population of more than ~~thirty-six~~ **thirty-seven** thousand ~~(36,000)~~ **five hundred (37,500)** but less than ~~thirty-six~~ **thirty-eight** thousand ~~seventy-five~~ ~~(36,075).~~ **(38,000).**

Notwithstanding subsection (b), if a county has established a board under this chapter, the county executive may add one (1) additional member to the board so that the board has a total of five (5) members. Not more than three (3) of the five (5) members of the board may be of the same political party. The one (1) additional member shall serve in the same manner, be accorded the same status, and perform the same duties as the four (4) initial members, and serve a four (4) year term.

(g) This subsection does not apply to a board subject to subsection

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(e) or (f). Notwithstanding subsection (b), the fiscal body of an eligible entity may adopt an ordinance or a resolution providing that the board consists of five (5) members. If the board consists of five (5) members, not more than three (3) members may be of the same political party.

SECTION 98. IC 8-22-3-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1.1. (a) Notwithstanding section 1 of this chapter, an airport authority is established in ~~a~~ **Allen** County. ~~having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).~~

(b) For the purposes of this chapter, an authority established under this section shall be treated as if it had been established by an ordinance of the fiscal body of the county. However, section 2 of this chapter does not apply to such an authority.

(c) The name of an authority established under this section is ~~"(name of second class city)-(name of county)~~ **the "Fort Wayne-Allen County** Airport Authority".

SECTION 99. IC 8-22-3-4, AS AMENDED BY P.L.134-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) Except as provided in subsections (b), (c), (d), (e), (f), and (g) and section 4.3 of this chapter, the board consists of four (4) members, whenever the fiscal body of an eligible entity, acting individually, establishes an authority. The members of the board shall be appointed by the executive of the entity, and not more than two (2) members of the board may be of the same political party.

(b) In the event that two (2) cities or one (1) city and one (1) town act jointly to establish an authority under this chapter, the board consists of five (5) members. The executive of each city or town shall each appoint two (2) members to the board. The county executive shall appoint one (1) member to the board. Each member appointed by an executive must be of a different political party than the other appointed member.

(c) In the event that an authority is established by a city or town and a county, acting jointly, the board consists of six (6) members. The executive of each entity shall appoint three (3) members. Not more than two (2) members appointed by each executive may be of the same political party.

(d) In the event that an authority was established under IC 19-6-3 (before its repeal on April 1, 1980) the board consists of five (5) members. Three (3) members of the board shall be appointed by the mayor of the city, and two (2) members of the board shall be appointed by the board of commissioners of the county. Not more than two (2)

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members representing the city may be members of the same political party, and not more than one (1) member representing the county may be a member of the same political party.

(e) Except as provided in section 4.1(b)(3) of this chapter, the county executive of each Indiana county that is adjacent to a county establishing an authority under this chapter and in which the authority owns real property may appoint one (1) advisory member to the board. An advisory member who is appointed under this subsection:

(1) must be a resident of the adjacent county;
(2) may not vote on any matter before the board;
(3) serves at the pleasure of the appointing authority; and
(4) serves without compensation or payment for expenses.

(f) The board of an authority established in a city ~~that has~~ **having** a population of more than sixteen thousand ~~six~~ **four** hundred ~~(16,600)~~ **(16,400)** but less than seventeen thousand ~~four hundred~~ ~~(17,400)~~ **(17,000)** consists of five (5) members. The members of the board shall be appointed by the executive of the eligible entity, and not more than three (3) members of the board may be of the same political party.

(g) This subsection does not apply to a board subject to subsection (b), (c), (d), or (f). Notwithstanding subsection (a), the fiscal body of an eligible entity may adopt an ordinance or a resolution providing that the board consists of five (5) members. If the board consists of five (5) members, not more than three (3) members may be of the same political party.

SECTION 100. IC 8-22-3-4.1, AS AMENDED BY P.L.139-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4.1. (a) This section applies only to the board of an airport authority established for a county having a consolidated city.

(b) The board consists of members appointed as follows:

(1) The mayor of the consolidated city shall appoint five (5) members. Each member appointed under this subdivision must be a resident of the county having the consolidated city.
(2) The majority leader of the legislative body of the county having the consolidated city shall appoint one (1) member. The member appointed under this subdivision must be a resident of the county having the consolidated city.
(3) The county executive of each Indiana county that fulfills all of the following requirements shall each appoint one (1) member:
(A) The county is adjacent to the county having the consolidated city.
(B) The county has a population of:
(i) more than one hundred **forty** thousand ~~(100,000)~~

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(140,000) but less than one hundred ~~five~~ **fifty** thousand ~~(105,000);~~ **(150,000);**

(ii) more than ~~fifty-five~~ **seventy** thousand ~~(55,000)~~ **(70,000)** but less than ~~sixty-five~~ **seventy** thousand ~~(65,000);~~ **fifty (70,050);** or

(iii) more than ~~one~~ **two** hundred ~~eighty~~ **seventy** thousand ~~(180,000)~~ **(270,000)** but less than ~~one~~ **three** hundred ~~eighty-two~~ thousand ~~seven hundred ninety (182,790).~~ **(300,000).**

(C) The authority owns real property in the county.

The county executive of a county represented on the board under this subdivision may not appoint an advisory member under section 4(e) of this chapter.

Not more than three (3) members appointed under subdivision (1) may be members of the same political party.

(c) The member of the board appointed under subsection (b)(2) must also be a resident of a township that:

(1) is located in the county having the consolidated city; and

(2) has a population of:

(A) less than ~~twenty-five~~ **fifty** thousand ~~(25,000);~~ **(50,000);** or

(B) more than one hundred thirty-three thousand (133,000) but less than one hundred ~~fifty~~ **forty** thousand ~~(150,000).~~ **(140,000).**

(d) A member of the board appointed under subsection (b)(3)(B)(i) must be a resident of a township:

(1) located in the county making the appointment; and

(2) having a population of more than ~~twenty~~ **twenty-five** thousand ~~(20,000)~~ **(25,000)** but less than ~~twenty-five~~ **twenty-eight** thousand ~~(25,000).~~ **(28,000).**

(e) The county executive of a county that is not otherwise represented on the board and that is located not more than one thousand two hundred (1,200) feet from a certified air carrier airport that is owned or operated by the authority may appoint one (1) advisory member to the board. An advisory member appointed under this subsection:

(1) must be a resident of:

(A) the county making the appointment; and

(B) one (1) of the two (2) townships in the county located nearest to the airport;

(2) may not vote on any matter before the board;

(3) serves at the pleasure of the appointing authority; and

(4) serves without compensation or payment for expenses.

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(f) A member of the board holds office for four (4) years and until the member's successor is appointed and qualified.

(g) If a vacancy occurs in the board, the authority that appointed the member that vacated the board shall appoint an individual to serve for the remainder of the unexpired term.

(h) A board member may be reappointed to successive terms.

(i) A board member may be impeached under the procedure provided for the impeachment of county officers.

(j) A board member appointed under subsection (b)(3) may not vote on a matter before the board relating to imposing, increasing, or decreasing property taxes in the county having the consolidated city.

SECTION 101. IC 8-22-3.5-1, AS AMENDED BY P.L.182-2009(ss), SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to the following:

(1) Each county having a consolidated city.

(2) Each city having a population of more than ~~ninety~~ **eighty** thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty** thousand ~~(105,000).~~ **four hundred (80,400).**

(3) Each county having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000).

(4) Each county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(5) Each county having a population of more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000).~~ **(185,000).**

(6) Each county having a population of more than one hundred ~~eighteen~~ **fifteen** thousand ~~(118,000)~~ **(115,000)** but less than one hundred ~~twenty~~ **twenty-five** thousand ~~(120,000).~~ **(125,000).**

(7) Each city having a population of more than ~~fifty-nine~~ **fifty-five** thousand ~~seven hundred (59,700)~~ **(55,000)** but less than ~~sixty-five~~ **sixty** thousand ~~(65,000).~~ **(60,000).**

SECTION 102. IC 8-22-3.6-3, AS AMENDED BY P.L.146-2008, SECTION 367, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) An authority that is located in a:

(1) city having a population of more than ~~ninety~~ **eighty** thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty** thousand ~~(105,000);~~ **four hundred (80,400);**

(2) county having a population of more than one hundred five

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thousand (105,000) but less than one hundred ten thousand (110,000); or

(3) county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000);

may enter into a lease of an airport project with a lessor for a term not to exceed fifty (50) years and the lease may provide for payments to be made by the airport authority from property taxes levied under IC 8-22-3-17, taxes allocated under IC 8-22-3.5-9, any other revenues available to the airport authority, or any combination of these sources.

(b) A lease may provide that payments by the authority to the lessor are required only to the extent and only for the period that the lessor is able to provide the leased facilities in accordance with the lease. The terms of each lease must be based upon the value of the facilities leased and may not create a debt of the authority or the eligible entity for purposes of the Constitution of the State of Indiana.

(c) A lease may be entered into by the authority only after a public hearing by the board at which all interested parties are provided the opportunity to be heard. After the public hearing, the board may adopt an ordinance authorizing the execution of the lease if it finds that the service to be provided throughout the term of the lease will serve the public purpose of the authority and is in the best interest of the residents of the authority district.

(d) Upon execution of a lease providing for payments by the authority in whole or in part from the levy of property taxes under IC 8-22-3-17, the board shall publish notice of the execution of the lease and its approval in accordance with IC 5-3-1. Fifty (50) or more taxpayers residing in the authority district who will be affected by the lease and who may be of the opinion that no necessity exists for the execution of the lease or that the payments provided for in the lease are not fair and reasonable may file a petition in the office of the county auditor within thirty (30) days after the publication of the notice of execution and approval. The petition must set forth the petitioners' names, addresses, and objections to the lease and the facts showing that the execution of the lease is unnecessary or unwise or that the payments provided for in the lease are not fair and reasonable, as the case may be.

(e) Upon the filing of a petition under subsection (d), the county auditor shall immediately certify a copy of the petition, together with any other data necessary to present the questions involved, to the department of local government finance. Upon receipt of the certified petition and information, the department of local government finance

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shall fix a time and place for a hearing in the authority district, which must be not less than five (5) or more than thirty (30) days after the time is fixed. Notice of the hearing shall be given by the department of local government finance to the members of the board, and to the first fifty (50) petitioners on the petition, by a letter signed by the commissioner of the department of local government finance and enclosed with fully prepaid postage sent to those persons at their usual place of residence, at least five (5) days before the date of the hearing. The decision of the department of local government finance or on the appeal, upon the necessity for the execution of the lease, and as to whether the payments under it are fair and reasonable, is final.

(f) An authority entering into a lease payable from any sources permitted under this chapter may:

(1) pledge the revenue to make payments under the lease pursuant to IC 5-1-14-4; or

(2) establish a special fund to make the payments.

(g) Lease rentals may be limited to money in the special fund so that the obligations of the airport authority to make the lease rental payments are not considered debt of the unit or the district for purposes of the Constitution of the State of Indiana.

(h) Except as provided in this section, no approvals of any governmental body or agency are required before the authority enters into a lease under this section.

(i) An action to contest the validity of the lease or to enjoin the performance of any of its terms and conditions must be brought within thirty (30) days after the later of:

(1) the public hearing described in subsection (c); or

(2) the publication of the notice of the execution and approval of the lease described in subsection (d), if the lease is payable in whole or in part from tax levies.

However, if the lease is payable in whole or in part from tax levies and an appeal has been taken to the department of local government finance, an action to contest the validity or enjoin the performance must be brought within thirty (30) days after the decision of the department of local government finance.

(j) If an authority exercises an option to buy an airport project from a lessor, the authority may subsequently sell the airport project, without regard to any other statute, to the lessor at the end of the lease term at a price set forth in the lease or at fair market value established at the time of the sale by the authority through auction, appraisal, or arms length negotiation. If the airport project is sold at auction, after appraisal, or through negotiation, the board shall conduct a hearing

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after public notice in accordance with IC 5-3-1 before the sale. Any action to contest the sale must be brought within fifteen (15) days of the hearing.

SECTION 103. IC 8-22-3.7-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4.5. Notwithstanding IC 8-22-1-6, as used in this chapter, "eligible entity" means the following:

(1) A city having a population of more than ~~ninety~~ **eighty** thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty** thousand ~~(105,000).~~ **four hundred (80,400).**

(2) A county having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000).

(3) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

SECTION 104. IC 9-21-8-44.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 44.5. (a) As used in this section, "compression release engine brake" means a hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism.

(b) A person who drives a motor vehicle equipped with compression release engine brakes on the Indiana toll road in a county having a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** may not use the motor vehicle's compression release engine brakes instead of the service brake system, except in the case of failure of the service brake system.

SECTION 105. IC 11-12-6-11.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11.1. (a) The minimum allocation amount under this chapter, which represents the dollar amount each county was entitled to receive under level 3 funding in state fiscal year 1998, is as follows:

Adams County	14,000
Allen County	129,500
Bartholomew County	35,000
Benton County	3,500
Blackford County	14,000
Boone County	14,000
Brown County	3,500
Carroll County	7,000
Cass County	17,500

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Clark County	49,000
Clay County	7,000
Clinton County	17,500
Crawford County	3,500
Daviess County	7,000
Dearborn County	35,000
Decatur County	24,500
Dekalb County	24,500
Delaware County	35,000
Dubois County	45,500
Elkhart County	52,500
Fayette County	10,500
Floyd County	21,000
Fountain County	7,000
Franklin County	7,000
Fulton County	14,000
Gibson County	24,500
Grant County	28,000
Greene County	17,500
Hamilton County	28,000
Hancock County	10,500
Harrison County	24,500
Hendricks County	24,500
Henry County	17,500
Howard County	66,500
Huntington County	10,500
Jackson County	45,500
Jasper County	14,000
Jay County	7,000
Jefferson County	21,000
Jennings County	10,500
Johnson County	31,500
Knox County	14,000
Kosciusko County	42,000
LaGrange County	7,000
Lake County	234,500
LaPorte County	35,000
Lawrence County	52,500
Madison County	101,500
Marion County	294,000
Marshall County	35,000
Martin County	3,500

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Miami County	24,500
Monroe County	35,000
Montgomery County	24,500
Morgan County	31,500
Newton County	7,000
Noble County	28,000
Ohio County	3,500
Orange County	7,000
Owen County	7,000
Parke County	7,000
Perry County	14,000
Pike County	10,500
Porter County	42,000
Posey County	14,000
Pulaski County	10,500
Putnam County	14,000
Randolph County	10,500
Ripley County	17,500
Rush County	7,000
St. Joseph County	112,000
Scott County	31,500
Shelby County	17,500
Spencer County	10,500
Starke County	10,500
Steuben County	14,000
Sullivan County	7,000
Switzerland County	7,000
Tippecanoe County	56,000
Tipton County	3,500
Union County	3,500
Vanderburgh County	161,000
Vermillion County	14,000
Vigo County	42,000
Wabash County	21,000
Warren County	7,000
Warrick County	21,000
Washington County	31,500
Wayne County	38,500
Wells County	10,500
White County	14,000
Whitley County	17,500

(b) The multiplier under this chapter for each county, which

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represents each county's approximate proportion of the total state population, is as follows:

Adams County	~~.0055~~ **.0053**
Allen County	~~.0546~~ **.0548**
Bartholomew County	~~.0117~~ **.0118**
Benton County	~~.0015~~ **.0014**
Blackford County	~~.0023~~ **.0020**
Boone County	~~.0076~~ **.0087**
Brown County	~~.0025~~ **.0024**
Carroll County	~~.0033~~ **.0031**
Cass County	~~.0067~~ **.0060**
Clark County	~~.0159~~ **.0170**
Clay County	~~.0044~~ **.0041**
Clinton County	~~.0056~~ **.0051**
Crawford County	~~.0018~~ **.0017**
Daviess County	.0049
Dearborn County	~~.0076~~ **.0077**
Decatur County	.0040
Dekalb County	~~.0066~~ **.0065**
Delaware County	~~.0195~~ **.0181**
Dubois County	.0065
Elkhart County	~~.0301~~ **.0305**
Fayette County	~~.0042~~ **.0037**
Floyd County	~~.0116~~ **.0115**
Fountain County	~~.0030~~ **.0027**
Franklin County	.0036
Fulton County	~~.0034~~ **.0032**
Gibson County	~~.0053~~ **.0052**
Grant County	~~.0121~~ **.0108**
Greene County	~~.0055~~ **.0051**
Hamilton County	~~.0301~~ **.0423**
Hancock County	~~.0091~~ **.0108**
Harrison County	~~.0056~~ **.0061**
Hendricks County	~~.0171~~ **.0224**
Henry County	~~.0080~~ **.0076**
Howard County	~~.0140~~ **.0128**
Huntington County	~~.0063~~ **.0057**
Jackson County	~~.0068~~ **.0065**
Jasper County	~~.0049~~ **.0052**
Jay County	~~.0036~~ **.0033**
Jefferson County	~~.0052~~ **.0050**
Jennings County	~~.0045~~ **.0044**

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Johnson County	~~.0189~~ **.0215**
Knox County	~~.0065~~ **.0059**
Kosciusko County	~~.0122~~ **.0119**
LaGrange County	.0057
Lake County	~~.0797~~ **.0765**
LaPorte County	~~.0181~~ **.0172**
Lawrence County	~~.0076~~ **.0071**
Madison County	~~.0219~~ **.0203**
Marion County	~~.1415~~ **.1393**
Marshall County	~~.0074~~ **.0073**
Martin County	~~0017~~ **.0016**
Miami County	~~.0059~~ **.0057**
Monroe County	~~.0198~~ **.0213**
Montgomery County	~~.0062~~ **.0059**
Morgan County	~~.0110~~ **.0106**
Newton County	~~.0024~~ **.0022**
Noble County	~~.0076~~ **.0073**
Ohio County	.0009
Orange County	~~.0032~~ **.0031**
Owen County	~~.0036~~ **.0033**
Parke County	~~.0028~~ **.0027**
Perry County	~~.0031~~ **.0030**
Pike County	~~.0021~~ **.0020**
Porter County	~~.0241~~ **.0253**
Posey County	~~.0045~~ **.0040**
Pulaski County	~~.0023~~ **.0021**
Putnam County	.0059
Randolph County	~~.0045~~ **.0040**
Ripley County	.0044
Rush County	~~.0030~~ **.0027**
St. Joseph County	~~.0437~~ **.0412**
Scott County	~~.0038~~ **.0037**
Shelby County	~~.0071~~ **.0069**
Spencer County	~~.0034~~ **.0032**
Starke County	~~.0039~~ **.0036**
Steuben County	~~.0055~~ **.0053**
Sullivan County	~~.0036~~ **.0033**
Switzerland County	~~.0015~~ **.0016**
Tippecanoe County	~~.0245~~ **.0266**
Tipton County	~~.0027~~ **.0025**
Union County	.0012
Vanderburgh County	~~.0283~~ **.0277**

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Vermillion County	~~.0028~~ **.0025**
Vigo County	~~.0174~~ **.0166**
Wabash County	~~.0058~~ **.0051**
Warren County	~~.0014~~ **.0013**
Warrick County	~~.0086~~ **.0092**
Washington County	~~.0045~~ **.0044**
Wayne County	~~.0117~~ **.0106**
Wells County	~~.0045~~ **.0043**
White County	~~.0042~~ **.0038**
Whitley County	.0051

SECTION 106. IC 12-15-12-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 14. (a) This section applies to a Medicaid recipient:

(1) who is determined by the office to be eligible for enrollment in a Medicaid managed care program;

(2) whose Medicaid eligibility is not based on the individual's aged, blind, or disabled status; and

(3) who resides in a county having a population of:

(A) more than one hundred ~~eighty-two~~ **eighty-five** thousand ~~seven hundred ninety (182,790)~~ **(185,000)** but less than two hundred **fifty** thousand ~~(200,000);~~ **(250,000);**

(B) more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000);~~ **(185,000);**

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

(D) more than three hundred thousand (300,000) but less than four hundred thousand (400,000); or

(E) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) Not later than January 1, 2003, the office shall require a recipient described in subsection (a) to enroll in the risk-based managed care program.

(c) The office:

(1) shall apply to the United States Department of Health and Human Services for any approval necessary; and

(2) may adopt rules under IC 4-22-2;

to implement this section.

SECTION 107. IC 12-24-18-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a city having a population of more than ~~thirty-nine~~ **thirty-six**

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thousand ~~one~~ **five** hundred ~~(39,100)~~ **(36,500)** but less than ~~forty-six~~ **thirty-six** thousand ~~(46,000).~~ **eight hundred twenty-five (36,825).**

SECTION 108. IC 12-30-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter applies to a county that meets the following conditions:

(1) **The county** has a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(2) **The county** maintains, owns, or maintains and owns a county home for the support and care of persons who are aged, blind, destitute, homeless, infirm, chronically ill, or in need of nursing or convalescent care, but who do not require hospitalization.

(3) **The county** maintains, owns, or maintains and owns a hospital for the treatment of patients afflicted with tuberculosis and other chronic diseases that contracts with other counties for the treatment of citizens of the other counties.

(b) This chapter applies to a county that meets the following conditions:

(1) **The county** has a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000).~~ **(270,000).**

(2) **The county** maintains or owns a county home for the support and care of persons who are aged, blind, destitute, homeless, infirm, chronically ill, or in need of nursing or convalescent care, but who do not require hospitalization.

SECTION 109. IC 13-17-5-5.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5.4. (a) This section applies to the following counties:

(1) A county having a population of more than ~~seventy~~ **seventy-one** thousand ~~(70,000)~~ **(71,000)** but less than ~~seventy-one~~ **seventy-five** thousand ~~(71,000).~~ **(75,000).**

(2) A county having a population of more than ~~ninety~~ **one hundred ten** thousand ~~(90,000)~~ **(110,000)** but less than one hundred **eleven** thousand ~~(100,000).~~ **(111,000).**

(b) For the purpose of determining the number of inspection stations operating in a county under this subsection, a temporary or portable inspection station counts as an inspection station. After July 1, 1997, the department must maintain in a county under subsection (a) an equal or greater number of inspection stations as were operating in the county on July 1, 1996.

SECTION 110. IC 13-17-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) After December

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31, 2006, the board may not adopt a rule under air pollution control laws that requires motor vehicles to undergo a periodic test of emission characteristics in the following counties:

(1) A county having a population of more than ~~seventy~~ **seventy-one** thousand ~~(70,000)~~ **(71,000)** but less than ~~seventy-one~~ **seventy-five** thousand ~~(71,000).~~ **(75,000).**

(2) A county having a population of more than ~~ninety~~ **one hundred ten** thousand ~~(90,000)~~ **(110,000)** but less than one hundred **eleven** thousand ~~(100,000).~~ **(111,000).**

(b) After December 31, 2006, 326 IAC 13-1.1 is void to the extent it applies to a county referred to in subsection (a).

(c) Unless the budget agency approves a periodic vehicle inspection program for a county referred to in subsection (a), the board shall amend 326 IAC 13-1.1 so that it does not apply after December 31, 2006, to a county referred to in subsection (a).

(d) The budget agency, after review by the budget committee, may approve in writing the implementation of a periodic vehicle inspection program for one (1) or more counties described in subsection (a) only if the budget agency determines that the implementation of a periodic vehicle inspection program in the designated counties is necessary to avoid a loss of federal highway funding for the state or a political subdivision. The approval must specify the counties to which the periodic vehicle inspection program applies and the time during which the periodic vehicle inspection program must be conducted in each designated county. The budget agency, after review by the budget committee, shall withdraw an approval given under this subsection for a periodic vehicle inspection program in a county if the budget agency determines that the suspension of the periodic vehicle inspection program will not adversely affect federal highway funding for the state or a political subdivision.

SECTION 111. IC 13-17-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. The department may not issue a permit for the construction or the operation of a thermal oxidation unit that would be used only to remediate soil contaminated by petroleum or a petroleum byproduct if the thermal oxidation unit would be constructed or operated in a county that:

(1) has a population of:

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

(B) more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000);~~ **(170,000);** and

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(2) is located in an air quality control area that has been classified as a nonattainment area under the federal Clean Air Act (42 U.S.C. 7401 et seq.);

unless it can be demonstrated that the thermal oxidation unit is in compliance with a state implementation plan submitted under Section 182 of the federal Clean Air Act (42 U.S.C. 7511a).

SECTION 112. IC 13-20-23-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to townships located in a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000).~~ **(270,000).**

SECTION 113. IC 13-21-3-5, AS AMENDED BY P.L.189-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) Except as provided in subsections (b) through (e), the board of a county district consists of the following members:

(1) Two (2) members appointed by the county executive from the membership of the county executive.

(2) One (1) member appointed by the county fiscal body from the membership of the fiscal body.

(3) One (1) member:

(A) who is the executive of the municipality having the largest population in the county if that municipality is a city; or

(B) appointed from the membership of the legislative body of a town if the town is the municipality having the largest population in the county.

(4) One (1) member of the legislative body of the municipality with the largest population in the county appointed by the legislative body of that municipality.

(5) One (1) member:

(A) who is the executive of a city in the county that is not the municipality having the largest population in the county; or

(B) who is a member of the legislative body of a town that is not the municipality having the largest population in the county;

and who is appointed by the executive of that county to represent the municipalities in the county other than the municipality having the largest population.

(6) One (1) additional member appointed by the county executive from the membership of the county executive.

(b) If a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) is

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designated as a county district, the executives of the three (3) cities in the county having the largest populations each serve as a member of the board or may appoint a member of the legislative body of their city to serve as a member of the board. If a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000)~~ **(270,000)** is designated as a county district, the executives of the two (2) cities in the county having the largest populations each serve as a member of the board. If a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000)~~ **(270,000)** is designated as a county district, the board of that county district must include the following:

(1) One (1) member of the legislative body of the city having the second largest population in the county, appointed by the president of the city legislative body.

(2) One (1) member of the legislative body of a town located in the county, appointed by the judge of the circuit court in the county.

(c) If a county having a consolidated city is designated a county district, the board of public works established under IC 36-3-5-6 constitutes the board of the county district.

(d) If a county designated as a county district has a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the board of the district consists of the following members:

(1) One (1) member appointed by the county executive from the membership of the county executive.

(2) Two (2) members appointed from the county fiscal body appointed from the membership of the county fiscal body.

(3) The executive of each second or third class city or a member of the legislative body of their city appointed by the executive.

(4) One (1) member of the legislative body of each town appointed by the legislative body.

(5) One (1) member of the legislative body of the municipality with the largest population in the county appointed by the legislative body of that municipality.

(6) If a local government unit in the county has an operating final disposal facility located within the unit's jurisdiction, one (1) member of the unit's board of public works appointed by the board of public works.

(e) This subsection applies only to a county that does not contain a city. If the county executive and the county fiscal body of a county

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designated as a county district agree, the board of the district shall consist of the following nine (9) or ten (10) members:

(1) The three (3) members of the county executive.

(2) Two (2) members of the county fiscal body, chosen by the county fiscal body.

(3) One (1) member of each of the town legislative bodies of the four (4) or five (5) towns in the county having the largest population, chosen by each town legislative body.

SECTION 114. IC 13-21-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. (a) Except as provided in subsections (b) through (d), the board of a joint district consists of the following:

(1) One (1) member of the county executive of each participating county.

(2) One (1) member of the county fiscal body of each participating county.

(3) One (1) member:

(A) who is the executive of the municipality having the largest population in the county if that municipality is a city; or

(B) if a town is the municipality having the largest population in the county, who is appointed from the membership of the fiscal body of that town.

(4) One (1) member of the legislative body of the municipality having the largest population in each participating county, appointed by the legislative body of that municipality.

(5) One (1) or more members who are the executives of cities under subsection (b), if applicable.

(6) Additional members appointed by the executive of each participating county from the membership of the executive, as permitted under subsection (c).

(7) One (1) additional member appointed by the executive of the participating county having the largest population from the membership of the executive if the appointments made under subdivisions (1) through (6) result in an even number of members.

(b) If a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) has joined in a joint district, the executive of the three (3) cities in the county having the largest populations each serve as a member of the board. If a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000)~~ **(270,000)** has joined in a joint district, the

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executive of the two (2) cities in the county having the largest populations each serve as a member of the board.

(c) An agreement between two (2) or more counties establishing a joint district may allow the executive of each county to appoint a certain number of additional members from the membership of the executive based upon the proportion of each county's population to the population of the entire district.

(d) An agreement among three (3) or more counties establishing a joint district may provide that:

(1) the membership; and

(2) the terms of office of members;

of the board will be determined by the terms of an agreement entered into by the executive of each county governing the operation of the district. All members of a board appointed under this subsection must be elected officials of a county or a municipality.

(e) The board of a joint district established under subsection (d) or IC 13-9.5-2-6(d) (before its repeal) after March 1, 1991:

(1) must include representation from the largest municipality in each county included in the joint district as recommended by the executive of the largest municipality and approved by the legislative body of the largest municipality; and

(2) may include representation from other municipalities in each county included in the joint district as recommended by the executive of a municipality and approved by the legislative body of the municipality.

(f) The board of a joint district may allow a member who is appointed from:

(1) the county executive;

(2) a county fiscal body; or

(3) a municipal legislative body;

to have the body on which the member serves designate an alternate member from that body to participate and exercise the right to vote with the board if the member is unable to attend a meeting.

SECTION 115. IC 13-21-3-12.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12.2. (a) This section applies to a county having a population of more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000).~~ **(185,000).**

(b) In addition to the powers granted to a district under section 12 of this chapter, a district may make grants or loans of money, property, or services to a public or private program to plant or maintain trees in an area of the district that is a right-of-way, public property, or vacant

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property.

SECTION 116. IC 13-21-3-14.5, AS AMENDED BY P.L.220-2011, SECTION 285, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 14.5. (a) This section does not apply to the following:

(1) The continuation of waste management services that a solid waste district provides with its facilities or work force before March 15, 1996.

(2) Waste management services provided to the district under an agreement entered into by the district before March 15, 1996, with another person until the agreement terminates by its terms or is terminated for cause.

(3) The development, operation, and contracting for the development or operation of a publicly owned solid waste landfill in a county having a population of more than one hundred ~~ten~~ **eleven** thousand ~~(110,000)~~ **(111,000)** but less than one hundred fifteen thousand (115,000). The operation of the landfill must have begun before July 1, 2001.

(4) A contract entered into between the board and a third party before May 1, 1997, for the development or operation of a solid waste landfill in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The third party is limited to those parties that submitted proposals to the board under a formal request for proposals that were selected by the board, before December 1, 1995, as finalists in the contract negotiations.

(5) A contract between a board and a third party to operate a facility that is owned by the district and for which construction was substantially complete before March 1, 1996.

(6) Activities conducted as part of household hazardous waste (as defined in IC 13-11-2-104) collection and disposal projects.

(7) A contract executed before April 1, 1998.

(b) Except as provided in subsection (c), a district may not:

(1) undertake to provide waste management services by means of its own work force; or

(2) contract with any person to provide waste management services.

(c) A district may perform the activities described in subsection (b):

(1) if:

(A) the board is able to adopt a resolution under subsection (d); and

(B) a private sector entity is not willing or able to provide

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waste management services at a reasonable cost to the district; or

(2) if the district is requested to do so by a unit of government that performs the activities with the unit's work force.

(d) The board may adopt a resolution determining that the district must either provide waste management services by means of its own work force or contract with a person to provide waste management services, only if the board finds that:

(1) the waste management service is not currently available in the district at a reasonable cost; and

(2) providing the waste management service by means of its own work force or by contract will benefit the public health, welfare, and safety of residents of the district.

The board's determination must be supported with findings of fact.

(e) A district shall provide notice by publication under IC 5-3-1 and at the time of publication serve by first class mail to any person that delivers to the district an annual written request for notices before January 1 of any meeting to consider adoption of a resolution making a preliminary determination that it is necessary for the district to undertake to provide waste management services by means of its own work force or contract with any person to provide waste management services.

(f) Whenever a district evaluates the reasonableness of cost under this section, it shall:

(1) compare the cost of the same level of service provided in the district or in similar demographic areas within Indiana; and

(2) if the district wishes to provide waste management services with its own facilities or work force, the district must disclose the entire cost of providing the service by the district, including the following:

(A) Subsidies arising from taxes, fees, grants, or intergovernmental transfers.

(B) In-kind contributions of real estate, interests in real estate, equipment, personnel, or other assets.

(C) Discounts.

(D) Tax exemptions.

(g) A resolution adopted under subsection (d) may authorize a district to perform more than one (1) solid waste recycling, collection, or disposal event in the manner described in subsection (b) if:

(1) the duration of each event authorized by the resolution is not more than one (1) day; and

(2) all events authorized by the resolution will take place in one

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(1) calendar year.

SECTION 117. IC 13-21-3-15, AS AMENDED BY P.L.146-2008, SECTION 422, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15. (a) A district located in a county having a population of more than ~~thirty-two~~ **thirty-three** thousand ~~(32,000)~~ **five hundred (33,500)** but less than ~~thirty-three~~ **thirty-four** thousand ~~(33,000)~~ **(34,000)** may appeal to the department of local government finance to have a property tax rate in excess of the rate permitted by section 12 of this chapter. The appeal may be granted if the district establishes that all of the following conditions exist:

(1) The district is in the process of constructing a landfill.

(2) A higher property tax rate is necessary to pay the fees charged by out of county landfills to dispose of solid waste generated in the district during the design and construction phases of the landfill being established by the district.

(b) The procedure applicable to maximum levy appeals under IC 6-1.1-18.5 applies to an appeal under this section. Any additional levy granted under this section may not exceed seven and thirty-three hundredths cents ($0.0733) on each one hundred dollars ($100) of assessed valuation of property in the district.

(c) The department of local government finance shall establish the tax rate if a higher tax rate is permitted.

(d) A property tax rate imposed under this section expires not later than December 31, 1997.

SECTION 118. IC 13-21-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) A board may impose fees on the disposal of solid waste in a final disposal facility located within the district. A fee imposed by a board in a county with a population of more than one hundred ~~ten~~ **eleven** thousand ~~(110,000)~~ **(111,000)** but less than one hundred fifteen thousand (115,000) under this section may not exceed two dollars and fifty cents ($2.50) a ton. A fee imposed by a board in other counties under this section may not exceed:

(1) two dollars and fifty cents ($2.50) a ton; or

(2) the amount of a fee imposed by the board;

(A) under this section; and

(B) in effect on January 1, 1993;

whichever is greater.

(b) The board shall do the following:

(1) Set the amount of fees imposed under this section after a public hearing.

(2) Give public notice of the hearing.

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(c) If solid waste has been subject to a district fee under this section, the total amount of the fee that was paid shall be credited against a district fee to which the solid waste may later be subject under this section.

(d) Except as provided in section 4 of this chapter, fees imposed under this chapter shall be imposed uniformly on public facilities and on privately owned or operated facilities throughout the district.

(e) A resolution adopted by a board that establishes fees under this chapter may contain a provision that authorizes the board to impose a penalty of not more than five hundred dollars ($500) per day because of:

(1) nonpayment of fees; or

(2) noncompliance with a condition in the resolution.

(f) A board may not impose fees for material used as alternate daily cover pursuant to a permit issued by the department under 329 IAC 10-20-13.

SECTION 119. IC 14-15-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 17. (a) A person operating a motorboat may not approach or pass within two hundred (200) feet of the shore line of a lake or channel of the lake at a place or point where the lake or channel is at least five hundred (500) feet in width, except for the purpose of trolling or for the purpose of approaching or leaving a dock, pier, or wharf or the shore of the lake or channel.

(b) Except as provided in subsection (c), a person operating a motorboat may not approach or pass within two hundred (200) feet of the shore line of a lake or channel of the lake at a speed greater than idle speed.

(c) This subsection applies to lakes formed by hydroelectric dams in a county having a population of:

(1) more than ~~twenty-five~~ **twenty-four** thousand ~~(25,000)~~ **five hundred (24,500)** but less than twenty-five thousand ~~five hundred (25,500);~~ **(25,000);** or

(2) more than twenty thousand (20,000) but less than twenty thousand ~~three~~ **five** hundred ~~(20,300).~~ **(20,500).**

A person operating a motorboat may not approach or pass within fifty (50) feet of the shore line at a speed greater than idle speed. However, on tributaries of lakes described in this subsection that are formed by hydroelectric dams, a person operating a motor boat may not approach or pass within two hundred (200) feet of the shore line of the tributary at a speed greater than idle speed. For the purposes of this chapter, tributaries on lakes formed by hydroelectric dams do not include the

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principal body of water flowing into the lakes.

SECTION 120. IC 14-26-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. This chapter does not apply to any of the following:

(1) An artificial lake that is created or used in or in connection with the following:

(A) Supplying a city or town with water.

(B) The generation of electric energy.

(C) The storage of water for a use described in clause (A) or (B).

(2) The waters of Lake Michigan.

(3) A lake owned or controlled by the department.

(4) The waters of an artificial lake in a town located in a county having a population of more than ~~forty-six~~ **forty-seven** thousand ~~two~~ **five** hundred ~~fifty~~ ~~(46,250)~~ **(47,500)** but less than ~~forty-seven~~ **forty-eight** thousand ~~(47,000).~~ **(48,000).**

SECTION 121. IC 14-27-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to the following:

(1) A city having a population of more than one hundred ~~twenty~~ **ten** thousand ~~(120,000)~~ **(110,000)** but less than one hundred fifty thousand (150,000).

(2) The county in which a city described in subdivision (1) exists.

SECTION 122. IC 14-33-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 18. (a) This section applies only to a district to be located in a county having a population of more than one hundred **forty** thousand ~~(100,000)~~ **(140,000)** but less than one hundred ~~five~~ **fifty** thousand ~~(105,000).~~ **(150,000).**

(b) If the court determines that a petition conforms to the requirements, the court shall enter an order referring the petition to the commission.

(c) The commission shall make a determination and report to the court whether the proposed district should be established after determining whether the proposed district meets the following conditions:

(1) The proposed district appears to be necessary.

(2) The proposed district holds promise of economic and engineering feasibility.

(3) The proposed district seems to offer benefits in excess of costs and damages for purposes other than the following:

(A) Water supply.

(B) Storage of water for augmentation of stream flow.

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(C) Sewage disposal.

(4) Whether the public health will be served immediately or prospectively by the establishment of the district for any of the following purposes:

(A) Water supply.

(B) Sewage disposal.

(C) Storage of water for augmentation of stream flow.

(D) Any combination of these purposes.

(5) The proposed district proposes to cover and serve a proper area.

(6) The proposed district can be established and operated in a manner compatible with established:

(A) districts;

(B) flood control projects;

(C) reservoirs;

(D) lakes;

(E) drains;

(F) levees;

(G) regional water districts;

(H) regional sewer districts; and

(I) other water management or water supply projects.

(d) The fact that all the land included in the proposed district is owned by one (1) freeholder or a limited number of freeholders is not a sufficient reason for the commission or the court to make unfavorable findings on:

(1) the question of the establishment of the district; and

(2) later, if the district is established, the approval of the district plan.

However, it must appear from the evidence that the land is subdivided or intended for subdivision and development and that the accomplishment of the purposes proposed and in the manner proposed would be necessary and desirable for the person acquiring and using the land after subdivision and development.

SECTION 123. IC 14-33-5.4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter applies only to conservancy districts located wholly within a county having a population of more than twenty-three thousand ~~five~~ **three** hundred ~~(23,500)~~ **(23,300)** but less than twenty-four thousand (24,000).

(b) This article governs conservancy districts located wholly within a county having a population of more than twenty-three thousand ~~five~~ **three** hundred ~~(23,500)~~ **(23,300)** but less than twenty-four thousand (24,000) generally except when this article conflicts with a section of

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this chapter.

SECTION 124. IC 16-20-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) Except as provided in IC 16-20-3, the executive of each county shall by ordinance establish and maintain a local health department.

(b) The executive of a county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** may only establish and maintain one (1) local health department having countywide jurisdiction.

(c) The county executive in a county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** may adopt health ordinances that apply to the entire county.

(d) A health ordinance adopted by a city legislative body after December 31, 1993, in a county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** is void.

SECTION 125. IC 16-20-2-2.5, AS ADDED BY P.L.220-2011, SECTION 312, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2.5. ~~(a) For purposes of this section, population information contained in this section refers to population as determined by the 1990 decennial census.~~

~~(b)~~ A health ordinance adopted by the county executive of ~~a~~ **Tippecanoe** County ~~having a population of more than one hundred twenty-nine thousand (129,000) but less than one hundred thirty thousand six hundred (130,600)~~ that:

(1) was adopted after December 31, 1993, and before March 11, 1994; and

(2) applies to the entire county;

is legalized.

SECTION 126. IC 16-20-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) In the following counties, the county executive and the executive of the most populous city located in the county shall appoint the members of the local board of health:

(1) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(2) A county having a population of more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than

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one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000).~~ **(185,000).**

(3) A county having a population of more than ~~seventy~~ **seventy-one** thousand ~~(70,000)~~ **(71,000)** but less than ~~seventy-one~~ **seventy-five** thousand ~~(71,000).~~ **(75,000).**

(b) Except as provided in subsection (c), the executive of each second class city shall appoint a number of members of the board in the proportion that the city's population is to the total county population to the nearest whole fraction. The appointments made under this subsection shall be made in order, according to the population of a city, with the city having the largest population making the first appointments. The county executive shall appoint the remaining number of members of the county board of health.

(c) The members of the local board of health in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000) shall be appointed as follows:

(1) Three (3) members shall be appointed by the executive of the most populous city in the county.

(2) Four (4) members shall be appointed by the county executive.

SECTION 127. IC 16-20-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 18. (a) This section applies to a county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000).~~ **(175,000).**

(b) Each year the county fiscal officer shall transfer to the community health clinic located in the county an amount equal to the revenue raised from a property tax rate of one hundred sixty-seven thousandths of one cent ($0.00167) for each one hundred dollars ($100) of assessed valuation of the taxable property in the county.

(c) The transfer shall be made in four (4) equal installments before the end of January, April, July, and October. The transfer shall be made without the necessity of an appropriation.

SECTION 128. IC 16-20-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) Except as provided in subsection (b), the legislative body of a second class city may by resolution provide for a full-time city health department.

(b) A local official, city legislative body, city fiscal body, or county may not establish a full-time or part-time city health department in a county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000).~~ **(175,000).**

(c) A health ordinance adopted by a city legislative body after December 31, 1993, in a county having a population of more than one

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hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** is void.

SECTION 129. IC 16-20-4-5.5, AS ADDED BY P.L.220-2011, SECTION 313, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5.5. ~~(a) For purposes of this section, population information contained in this section refers to population as determined by the 1990 decennial census.~~

~~(b)~~ A health ordinance adopted by the county executive of ~~a~~ **Tippecanoe** County ~~having a population of more than one hundred twenty-nine thousand (129,000) but less than one hundred thirty thousand six hundred (130,600)~~ that:

(1) was adopted after December 31, 1993, and before March 11, 1994; and

(2) applies to the entire county;

is legalized.

SECTION 130. IC 16-20-4-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 27. (a) This section applies to each city having a population of **any of the following:**

(1) More than ~~twenty-eight~~ **twenty-nine** thousand ~~seven~~ **five** hundred ~~(28,700)~~ **(29,500)** but less than twenty-nine thousand ~~(29,000). or~~ **six hundred (29,600).**

(2) More than ~~fifty-five~~ **sixty-five** thousand ~~(55,000)~~ **(65,000)** but less than ~~fifty-nine~~ **seventy** thousand ~~(59,000).~~ **(70,000).**

(b) Each year the fiscal officer of each city shall transfer to the community health clinic located in the county in which the city is located an amount equal to the revenue raised from a property tax rate of sixty-seven hundredths of one cent ($0.0067) for each one hundred dollars ($100) of assessed valuation of the taxable property in the city.

(c) The transfer shall be made in four (4) equal installments before the end of January, April, July, and October. The transfer shall be made without the necessity of an appropriation.

SECTION 131. IC 16-22-2-3.1, AS AMENDED BY P.L.80-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3.1. (a) This section applies to a hospital operated under IC 16-12-4-2 (before its repeal on July 1, 1993) that is located in a county having a population of more than ~~forty-one~~ **forty-two** thousand ~~(41,000)~~ **three hundred (42,300)** but less than forty-three thousand (43,000).

(b) The management of a hospital is under the control of a governing board. The governing board consists of nine (9) members appointed by the county executive as follows:

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(1) Three (3) members must be members of the county executive.

(2) Six (6) members meeting the following requirements:

(A) At least four (4) members must be residents of the county.

(B) Not more than two (2) members appointed under this subdivision may reside in a county other than the county in which the hospital is located. A member who is not a resident of the county in which the hospital is located must:

(i) be an Indiana resident; and

(ii) be appointed upon a submission made under section 11 of this chapter by the governing board of the hospital to the appointing authority.

(C) One (1) member appointed under this subdivision may also be a licensed physician.

(c) The term of each member of the governing board is three (3) years.

(d) If a vacancy occurs due to the expiration of an appointed member's term and the county executive does not fill the vacancy within sixty (60) days from the date of expiration, the member whose term has expired is automatically reappointed for another term.

SECTION 132. IC 16-22-2-4, AS AMENDED BY P.L.80-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) This section applies to the governing boards of county hospitals in a county having a population of more than ~~thirty-nine~~ **thirty-eight** thousand ~~(39,000)~~ **two hundred (38,200)** but less than ~~thirty-nine~~ **thirty-eight** thousand ~~six~~ **five** hundred ~~(39,600).~~ **(38,500).**

(b) Subject to subsection (c), the governing board of a county hospital consists of seven (7) members, as follows:

(1) Three (3) members must be the members of the county executive.

(2) Four (4) members, one (1) of whom may be a licensed physician, shall be appointed by the judge of the circuit court of the county.

(c) Not more than two (2) members of a governing board appointed under this section may reside in a county other than the county in which the hospital is located. A member who is not a resident of the county in which the hospital is located must:

(1) be an Indiana resident; and

(2) be appointed upon a submission made under section 11 of this chapter by the governing board of the hospital to the appointing authority.

(d) The term of office for members of the governing board, other

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than the members of the county executive, is two (2) years.

SECTION 133. IC 16-22-2-5, AS AMENDED BY P.L.80-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) This section applies to county hospitals in counties having a population of more than ~~eighteen~~ **seventeen** thousand ~~(18,000)~~ **three hundred fifty (17,350)** but less than eighteen thousand ~~three hundred (18,300).~~ **(18,000).**

(b) Subject to subsection (e), the hospital and the affairs and business of the hospital shall be under the management and control of a governing board consisting of seven (7) members as follows:

(1) Three (3) members must be members of the county executive.

(2) Two (2) members shall be appointed by the county fiscal body, one (1) of whom may be a licensed physician.

(3) Two (2) members shall be appointed by the county executive.

(c) One (1) of the members initially appointed by the county fiscal body serves for one (1) year and one (1) of the members initially appointed serves for two (2) years. After the initial appointment, the members serve for two (2) years.

(d) One (1) of the members initially appointed by the county executive serves for one (1) year and one (1) of the members initially appointed serves for two (2) years. After the initial appointment, the members serve for two (2) years.

(e) Not more than two (2) members of a governing board appointed under this section may reside in a county other than the county in which the hospital is located. A member who is not a resident of the county in which the hospital is located must:

(1) be an Indiana resident; and

(2) be appointed upon a submission made under section 11 of this chapter by the governing board of the hospital to the appointing authority.

SECTION 134. IC 16-22-2-7, AS AMENDED BY P.L.80-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) Except as provided in subsection (d), a governing board of four (4) members in existence on September 2, 1971, may petition the county executive to increase the size of the board to five (5), six (6), seven (7), eight (8), or nine (9) members. If the county executive approves the petition, the county executive shall appoint new members to increase the number of board members to the chosen size in the following manner:

(1) All members must be residents of the county in which the hospital is located except in the following circumstances:

(A) If a determination is made to increase a board size to five

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(5) or six (6) members, one (1) member may be a resident of an Indiana county other than the county in which the hospital is located if the member to be appointed was recommended by the governing board as set forth in section 11 of this chapter to fill the vacancy.

(B) If a determination is made to increase a board size to at least seven (7) members, not more than two (2) members may be residents of an Indiana county other than the county in which the hospital is located if the member to be appointed was recommended by the governing board as set forth in section 11 of this chapter to fill the vacancy.

(2) If a board size of five (5) members is chosen, a new member shall be appointed for an initial term of one (1) year.

(3) If a board size of six (6) members is chosen, the new members shall be appointed in the following order as necessary:

(A) One (1) new member for an initial term of one (1) year.

(B) One (1) new member for an initial term of two (2) years.

(4) If a board size of seven (7) members is chosen, the new members shall be appointed in the following order as necessary:

(A) One (1) new member for an initial term of one (1) year.

(B) One (1) new member for an initial term of two (2) years.

(C) One (1) new member for an initial term of three (3) years.

(5) If a board size of eight (8) members is chosen, the new members shall be appointed in the following order as necessary:

(A) One (1) new member for an initial term of one (1) year.

(B) One (1) new member for an initial term of two (2) years.

(C) One (1) new member for an initial term of three (3) years.

(D) One (1) new member for an initial term of four (4) years.

(6) If a board size of nine (9) members is chosen, the new members shall be appointed in the following order as necessary:

(A) Two (2) new members for an initial term of one (1) year.

(B) One (1) new member for an initial term of two (2) years.

(C) One (1) new member for an initial term of three (3) years.

(D) One (1) new member for an initial term of four (4) years.

(7) If a board size of seven (7), eight (8), or nine (9) members is chosen, two (2) members may be licensed physicians.

(b) A governing board that has increased its size may petition the county executive to decrease the size of the board. However, a decrease under this subsection may only be accomplished through:

(1) the vacancy of a member's position, either through expiration of the member's term or any other cause; or

(2) removal of a member as provided under applicable law.

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(c) There is no limit to the number of times a governing board may seek to increase or decrease its size under this section.

(d) For a governing board of four (4) members located in a county having a population of:

(1) more than fourteen thousand ~~five hundred (14,500)~~ **(14,000)** but less than ~~fourteen~~ **fifteen** thousand ~~nine hundred (14,900);~~ **(15,000);**

(2) more than ~~twenty-five~~ **twenty-four** thousand ~~(25,000)~~ **five hundred (24,500)** but less than twenty-five thousand ~~five hundred (25,500);~~ **(25,000);** or

(3) more than thirty-three thousand ~~eight~~ **two** hundred ~~(33,800)~~ **(33,200)** but less than ~~thirty-four~~ **thirty-three** thousand ~~three~~ **two** hundred ~~(34,300);~~ **fifty (33,250);**

the county executive may increase the number of board members to five (5), six (6), or seven (7), subject to the limitations of this section. After the initial appointments, each board member shall be appointed to serve for a term of four (4) years.

SECTION 135. IC 16-22-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12. (a) This section applies to governing boards of a county hospital in a county having a population of more than:

(1) ~~eighteen~~ **seventeen** thousand ~~(18,000)~~ **three hundred fifty (17,350)** but less than eighteen thousand ~~three hundred (18,300);~~ **(18,000);**

(2) ~~twenty-seven~~ **twenty-six** thousand ~~four hundred (27,400)~~ **(26,000)** but less than ~~twenty-seven~~ **twenty-six** thousand five hundred ~~(27,500);~~ **(26,500);** and

(3) ~~forty-one~~ **forty-two** thousand ~~(41,000)~~ **three hundred (42,300)** but less than forty-three thousand (43,000).

(b) The appointing authority shall appoint a member to fill a vacancy on the governing board within sixty (60) days after the vacancy occurs.

SECTION 136. IC 16-23-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a nonprofit hospital corporation:

(1) in a city having a population of:

(A) more than one hundred ~~twenty~~ **ten** thousand ~~(120,000)~~ **(110,000)** but less than one hundred fifty thousand (150,000); or

(B) more than one hundred ~~five~~ thousand ~~(105,000)~~ **(100,000)** but less than one hundred ~~twenty~~ **ten** thousand ~~(120,000);~~ **(110,000);**

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(2) in a city without a city hospital or other means for furnishing the city's citizens hospital care; and

(3) that owns property in the city that:

(A) is used for hospital purposes; and

(B) has a value of at least four hundred thousand dollars ($400,000).

SECTION 137. IC 16-23-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a nonprofit hospital corporation:

(1) in a city having a population of:

(A) more than ~~fifty-nine~~ **fifty-five** thousand ~~seven hundred (59,700)~~ **(55,000)** but less than ~~sixty-five~~ **sixty** thousand ~~(65,000);~~ **(60,000);** or

(B) more than ~~fifty-nine~~ **sixty** thousand ~~(59,000)~~ **(60,000)** but less than ~~fifty-nine~~ **sixty-five** thousand ~~seven hundred (59,700);~~ **(65,000);**

(2) in a county without a city or other public hospital;

(3) that admits persons for care and treatment without regard to race, color, or religious creed;

(4) the revenue of which derived from the care of persons able to pay and from all other sources is expended in the maintenance and operation of the hospital and for the care of persons who are unable to pay to the extent of the hospital's ability to do so;

(5) the revenue of which is insufficient to support and maintain the hospital and enable the hospital to supply the need and demand for hospital care and nursing in the city, either alone or in conjunction with other hospitals in the city; and

(6) in a city that has no city hospital under the city's control that is supported entirely by public money.

SECTION 138. IC 16-23-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a nonprofit hospital corporation that:

(1) is located in a township having a population of more than eight thousand (8,000) but less than ten thousand (10,000) located in a county having a population of more than ~~forty-five~~ **forty-seven** thousand ~~(45,000)~~ **(47,000)** but less than ~~forty-five~~ **forty-seven** thousand ~~nine~~ **five** hundred ~~(45,900);~~ **(47,500);**

(2) has a majority of members who are residents of the township;

(3) is managed by directors, a majority of whom are residents of the township and who serve without compensation;

(4) is free from political or sectarian influence and is required by the hospital's articles of incorporation to be so managed and

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maintained perpetually; and

(5) is unable to be maintained and supported and to perform the hospital service reasonably needed and required for the people of the township without assistance, as determined by the township trustee and township board.

SECTION 139. IC 16-24-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) The county executive of a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000)~~ **(270,000)** may use the county's tuberculosis hospitals to treat patients with tuberculosis and for other purposes necessary to qualify under the Medicare and Medicaid programs. At the discretion of the county executive, tuberculosis hospitals may become affiliated with a hospital in the community to enable the tuberculosis hospital to be fully utilized under all programs available.

(b) The superintendent of hospitals located in a county described under subsection (a) must be a qualified hospital administrator or an experienced physician selected by the governing board. The board shall delegate to the superintendent and all other personnel the duties of the board's respective positions.

SECTION 140. IC 16-24-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) This section applies to a county having a population of:

(1) more than three hundred thousand (300,000) but less than four hundred thousand (400,000); or

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

(b) The board of managers of the hospital consists of seven (7) members chosen by the county executive. The members must:

(1) be chosen without regard for political affiliation;

(2) be citizens of the county; and

(3) include at least two (2) licensed physicians.

(c) The term of office of each member of the board is four (4) years. The terms of not more than two (2) of the managers expire annually. The terms of the members of the board may not be altered. The initial appointments are for the respective terms of three (3) years, two (2) years, and one (1) year. Appointments of successors are for terms of four (4) years. Appointments to fill vacancies are for the unexpired term.

SECTION 141. IC 16-24-1-15 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15. (a) This section applies to a county having a population of any of the following:

(1) More than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000).~~ **(185,000).**

(2) More than one hundred ~~thirty~~ **twenty-five** thousand ~~(130,000)~~ **(125,000)** but less than one hundred ~~forty-five~~ **thirty-five** thousand ~~(145,000).~~ **(135,000).**

(3) More than one hundred ~~eighty-two~~ **eighty-five** thousand ~~seven hundred ninety (182,790)~~ **(185,000)** but less than two hundred **fifty** thousand ~~(200,000).~~ **(250,000).**

(4) More than one hundred ~~eighteen~~ **fifteen** thousand ~~(118,000)~~ **(115,000)** but less than one hundred ~~twenty~~ **twenty-five** thousand ~~(120,000).~~ **(125,000).**

(b) The board of managers of a hospital for the treatment of patients afflicted with tuberculosis or other diseases, including chronic diseases and those requiring convalescent care, that contracts with other counties for the treatment of the citizens of other counties, may provide not more than one-half (1/2) of the cost of a program of group life insurance and group health, accident, and hospitalization insurance for the hospital's employees. The members of the families and dependents of the employees may participate in a program of group health, accident, and hospitalization insurance at no cost to the hospital.

SECTION 142. IC 16-24-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 16. (a) The governing board shall appoint a business manager for a tuberculosis hospital located in the following counties:

(1) Having a consolidated city.

(2) Having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(3) Having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000).~~ **(270,000).**

(b) The business manager is directly responsible to and serves at the pleasure of the governing board. The governing board shall prescribe the duties of the business manager.

SECTION 143. IC 16-24-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. **(a) As used in this section, "county" refers to any of the following:**

(1) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

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(2) A county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000).

(3) A county having a population of more than one hundred seventy-five thousand (175,000) but less than one hundred eighty-five thousand (185,000).

(4) A county having a population of more than one hundred twenty-five thousand (125,000) but less than one hundred thirty-five thousand (135,000).

(b) This chapter applies to a county, ~~that~~ **if the county** meets the following conditions:

~~(1) Has a population of:~~

~~(A) more than three hundred thousand (300,000) but less than four hundred thousand (400,000);~~

~~(B) more than two hundred thousand (200,000) but less than three hundred thousand (300,000);~~

~~(C) more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000); or~~

~~(D) more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000).~~

~~(2)~~ **(1) The county** owns a hospital for the treatment of patients with tuberculosis or other diseases, including chronic diseases and diseases requiring convalescent care.

~~(3)~~ **(2) The county** contracts with other counties for the treatment of the citizens of those other counties.

SECTION 144. IC 16-41-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) The state department shall adopt rules under IC 4-22-2 that provide for a reasonable period not exceeding forty-five (45) days in which a plan review and permit for residential septic systems must be approved or disapproved.

(b) This subsection applies to a county with a population of more than ~~seventy-four~~ **seventy-seven** thousand ~~(74,000)~~ **(77,000)** but less than eighty thousand (80,000). As used in this subsection, "fill soil" means soil transported and deposited by humans or soil recently transported and deposited by natural erosion forces. A rule that the state department adopts concerning the installation of residential septic systems in fill soil may not prohibit the installation of a residential septic system in fill soil on a plat if:

(1) before the effective date of the rule, the plat of the affected lot was recorded;

(2) there is not an available sewer line within seven hundred fifty

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(750) feet of the property line of the affected lot; and

(3) the local health department determines that the soil, although fill soil, is suitable for the installation of a residential septic system.

SECTION 145. IC 20-23-4-44, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 44. (a) This section applies only to a school corporation with territory in a county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000).~~ **(175,000).**

(b) This section applies if there is a:

(1) tie vote in an election for a member of the governing body of a school corporation; or

(2) vacancy on the governing body of a school corporation.

(c) Notwithstanding any other law, if a tie vote occurs among any of the candidates for the governing body or a vacancy occurs on the governing body, the remaining members of the governing body, even if the remaining members do not constitute a majority of the governing body, shall by a majority vote of the remaining members:

(1) select one (1) of the candidates who shall be declared and certified elected; or

(2) fill the vacancy by appointing an individual to fill the vacancy.

(d) An individual appointed to fill a vacancy under subsection (c)(2):

(1) must satisfy all the qualifications required of a member of the governing body; and

(2) shall fill the remainder of the unexpired term of the vacating member.

(e) If a tie vote occurs among the remaining members of the governing body or the governing body fails to act within thirty (30) days after the election or the vacancy occurs, the fiscal body (as defined in IC 3-5-2-25) of the township in which the greatest percentage of population of the school district resides shall break the tie or make the appointment. A member of the fiscal body who was a candidate and is involved in a tie vote may not cast a vote under this subsection.

(f) If the fiscal body of a township is required to act under this section and a vote in the fiscal body results in a tie, the deciding vote to break the tie vote shall be cast by the executive.

SECTION 146. IC 20-23-8-7, AS AMENDED BY P.L.179-2011, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) A plan or proposed plan must contain the

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following items:

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

(A) three (3);

(B) five (5); or

(C) seven (7);

members.

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

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

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

(5) If the governing board will have members who are elected and members who are appointed, the following information:

(A) The number of appointed members.

(B) When and by whom each of the appointed members are appointed.

(C) A general description of the manner of appointment that conforms with the requirements of IC 20-23-4-28.

(D) The number of elected members.

(E) A general description of the manner of election that conforms with the requirements of IC 20-23-4-27.

(6) The limitations on:

(A) residence;

(B) term of office; and

(C) other qualifications;

required by members of the governing body.

(7) The time the plan takes effect.

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

(b) Except as provided in subsection (a)(1), in a city having a population of more than ~~fifty-nine~~ **fifty-five** thousand ~~seven hundred (59,700)~~ **(55,000)** but less than ~~sixty-five~~ **sixty** thousand ~~(65,000),~~ **(60,000),** the governing body described in a plan may have up to nine (9) members.

SECTION 147. IC 20-23-8-13, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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APRIL 1, 2012]: Sec. 13. (a) This section applies to a school corporation located in a city having a population of more than ~~ninety~~ **eighty** thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty** thousand ~~(105,000).~~ **four hundred (80,400).**

(b) The city legislative body may adopt an ordinance to increase the membership of the governing body of a school corporation to seven (7) members.

(c) The ordinance must provide the following:

(1) The additional members of the governing body are to be appointed by the city executive.

(2) If the plan is subsequently changed to provide for the election of governing body members:

(A) the membership of the governing body may not be less than seven (7); and

(B) the members of the governing body are to be elected.

(3) The initial terms of the members appointed under this section.

(4) The effective date of the ordinance.

(d) An ordinance adopted under this section:

(1) supersedes a part of the plan that conflicts with the ordinance;

(2) must be filed with the state superintendent under section 22 of this chapter; and

(3) may only be amended or repealed by the city legislative body.

SECTION 148. IC 20-23-12-2, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter, "school corporation" means a school corporation that is located in a city having a population of more than ~~ninety~~ **eighty** thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty** thousand ~~(105,000).~~ **four hundred (80,400).**

SECTION 149. IC 20-23-13-1, AS AMENDED BY P.L.179-2011, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) In a community school corporation established under IC 20-23-4, that

~~(1)~~ has a population of more than ~~seventy-five~~ **eighty** thousand ~~(75,000)~~ **five hundred (80,500)** but less than ~~ninety~~ **one hundred** thousand ~~(90,000);~~ ~~and~~ **(100,000),**

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

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

(b) The governing body members shall be elected at the times provided and shall succeed the retiring members in the order and manner as set forth in this chapter.

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SECTION 150. IC 20-23-14-2, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter, "school corporation" means a school corporation that is located in a city having a population of more than ~~thirteen~~ **twelve** thousand ~~nine~~ **five** hundred ~~(13,900)~~ **(12,500)** but less than ~~fourteen~~ **twelve** thousand ~~two~~ **seven** hundred ~~(14,200).~~ **(12,700).**

SECTION 151. IC 20-23-15-2, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter, "school corporation" means a school corporation that:

(1) is located in a county having a population of:

(A) more than three hundred thousand (300,000) but less than four hundred thousand (400,000); or

(B) more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000);~~ **(270,000);** and

(2) has at least twenty thousand (20,000) students.

SECTION 152. IC 20-23-16-11, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. (a) In a county having a population of more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000),~~ **(185,000),** if, after April 17, 1963:

(1) proceedings have been undertaken in good faith to form a community school corporation by the consolidation of two (2) or more prior established school corporations;

(2) the community school corporation is held, by a final order and decision of a court, to be invalidly formed and nonexistent; and

(3) the order and decision are not subject to further judicial review;

any bonds issued (before the final order and decision of the court) in the name of the community school corporation to provide funds to be applied on the cost of construction and equipment of a school building are not invalid by reason of the final order and decision of the court but constitute the valid and binding obligation of the prior established school corporation in the territory where the school building was or is being constructed, the same as if the bonds had been validly issued in the name of the prior established school corporation.

(b) This section applies only if the bonds at the time of their issuance would have been within the limitation of indebtedness imposed by the Constitution of the State of Indiana on the prior

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established school corporation.

SECTION 153. IC 20-23-17-1, AS ADDED BY P.L.179-2011, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a school corporation:

(1) located in a city that has a population of more than ~~forty-six~~ **forty-seven** thousand ~~five hundred (46,500)~~ **(47,000)** but less than ~~fifty~~ **forty-nine** thousand ~~eight hundred (50,800);~~ **(49,000);** and

(2) for which a referendum has been held:

(A) as required by statute; and

(B) in which a majority of the votes cast approves choosing the members of the governing body as provided in this chapter.

SECTION 154. IC 20-23-17.2-1, AS ADDED BY P.L.179-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a school corporation located in a city that has a population of more than ~~thirty-two~~ **twenty-nine** thousand ~~(32,000)~~ **six hundred (29,600)** but less than ~~thirty-two~~ **twenty-nine** thousand ~~eight~~ **nine** hundred ~~(32,800).~~ **(29,900).**

SECTION 155. IC 20-26-8-13, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 13. (a) In a school township located in a county having a population of:

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

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

the township trustee, in administering the recreation program under this chapter, may supplement the funds by making a reasonable charge for admission to any outdoor swimming pool located on the school township property and owned by the school township.

(b) With the approval of the township board, the township trustee shall establish the admission fee or a schedule of admission fees to be collected for the use of the swimming pool. Fees collected shall be deposited in a recreation fund established under this chapter. Disbursements for personal services, operation, maintenance, and repairs of the swimming pool shall be paid from the recreation fund.

SECTION 156. IC 20-33-2-34, AS AMENDED BY P.L.2-2006, SECTION 154, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 34. (a) This section applies to a county having a population of:

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(1) more than ~~twenty-seven~~ **twenty-five** thousand ~~(27,000)~~ **eight hundred (25,800)** but less than ~~twenty-seven~~ **twenty-six** thousand ~~two hundred (27,200);~~ **(26,000);** or

(2) more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000).~~ **(170,000).**

(b) Notwithstanding sections 32 and 33 of this chapter, in a county that has not been completely reorganized under IC 20-23-4, the governing body of each school corporation constituting a separate attendance district under section 30 of this chapter shall appoint an attendance officer. One (1) additional attendance officer may be appointed for every seven thousand five hundred (7,500) students in ADA in the school corporation. The governing body of each school corporation that does not individually constitute a separate attendance district may appoint an attendance officer.

(c) If the governing body of the school corporation makes an appointment under this section, it shall appoint an individual who is nominated by the superintendent of the school corporation. However, the governing body may decline to appoint a nominee and may require another nomination to be made by the superintendent. If the governing body has discretion in whether to appoint an attendance officer under subsection (b) and declines to make an appointment, the superintendent of the school corporation involved shall serve as ex officio attendance officer under section 35 of this chapter.

(d) The salary, including fringe benefits, of each attendance officer appointed under this section shall be fixed by the governing body of the school corporation and shall be paid by the treasurer of the school corporation.

(e) Each attendance officer appointed under this section is entitled to receive reimbursement from the school corporation for the actual and necessary expenses incurred by the attendance officer in the proper performance of the attendance officer's duties.

SECTION 157. IC 22-11-3.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) A contractor doing work, other than work for a political subdivision, in a county having a population of:

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

(2) more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000);~~ **(170,000);**

must obtain a unified license bond as provided in this chapter. This

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unified license bond is in lieu of any other bond for this type of work required by the county or a city or town within that county, and the bond must be in an amount equal to five thousand dollars ($5,000).

(b) The unified license bond shall be held for compliance with the ordinances and regulations governing business in the county, or a city or town within that county. The unified license bond required by this chapter shall be filed with the county recorder.

SECTION 158. IC 25-37-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15. A county having a population of more than seventeen thousand ~~(17,000)~~ **two hundred fifty (17,250)** but less than seventeen thousand ~~five~~ **three** hundred ~~(17,500)~~ **fifty (17,350)** may require that the holder of a registered retail merchant's certificate under IC 6-2.5-8 obtain a transient merchant license.

SECTION 159. IC 27-2-15-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4.5. (a) As used in this section, "city" refers to ~~a city having a population of more than thirty-five thousand (35,000) that is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~ **either of the following:**

(1) A city having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400).

(2) A city having a population of more than eighty thousand five hundred (80,500) but less than one hundred thousand (100,000).

(b) An insurer that issued an insurance policy covering a building or other structure that is:

(1) located in a city; and

(2) damaged by a fire or explosion;

shall notify the enforcement authority of the city about the existence of the policy. However, an insurer is not required to notify the enforcement authority under this section if the policy issued by the insurer is not in effect at the time of the fire or explosion that damages the building or structure.

(c) The insurer shall provide the notice required under this section if the enforcement authority makes a request for the notice within twenty (20) days after the damage occurs.

(d) The notice required by this section must:

(1) be in writing;

(2) identify the insurer and state the insurer's address;

(3) identify the building or structure and state the location of the building or structure; and

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(4) disclose the nature and extent of the coverage of the building or structure provided by the policy.

(e) An insurer shall provide notice to the enforcement authority under this section within ten (10) days after the insurer is notified under subsection (c) of the damaging of the building or structure by fire or explosion.

(f) The commissioner may take action under IC 27-1-3-10 and IC 27-1-3-19 against an insurer that violates this section.

SECTION 160. IC 31-31-8-4, AS AMENDED BY P.L.146-2008, SECTION 573, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) This section applies to a county having a population of more than one hundred ~~ten~~ **eleven** thousand ~~(110,000)~~ **(111,000)** but less than one hundred fifteen thousand (115,000).

(b) Notwithstanding section 3 of this chapter, the juvenile court shall operate a juvenile detention facility or juvenile shelter care facility established in the county. However, the county legislative body shall determine the budget for the juvenile detention facility or juvenile shelter care facility. The expenses for the juvenile detention facility shall be paid from the county general fund.

SECTION 161. IC 32-25-4-3.5, AS ADDED BY P.L.181-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3.5. (a) This section applies only to a condominium located on the shore of a lake located in a township with a population of more than three thousand ~~one hundred~~ ~~(3,100)~~ **(3,000)** but less than three thousand ~~eight~~ **one** hundred ~~(3,800)~~ **(3,100)** located in a county having a population of more than ~~forty-five~~ **forty-seven** thousand ~~(45,000)~~ **(47,000)** but less than ~~forty-five~~ **forty-seven** thousand ~~nine~~ **five** hundred ~~(45,900).~~ **(47,500).**

(b) Except as otherwise provided in a statement described in:

(1) IC 32-25-7-1(a)(10) and included in:

(A) the declaration; or

(B) an amendment to the declaration, if the amendment is approved by at least ninety-five percent (95%) of co-owners; or

(2) IC 32-25-8-2(12) and included in:

(A) the bylaws; or

(B) an amendment to the bylaws, if the amendment is approved by the percentage of votes set forth in the bylaws under IC 32-25-8-2(11);

part or all of the common areas and facilities of a condominium may be conveyed or subjected to a security interest by the association of

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co-owners if at least ninety-five percent (95%) of the co-owners, including at least ninety-five percent (95%) of the co-owners of condominium units not owned by the declarant, agree to the action. However, if the common areas and facilities proposed to be conveyed or encumbered under this section include any limited common areas and facilities, all the owners of the limited common areas and facilities to be conveyed or encumbered must agree to the conveyance or encumbrance.

(c) An agreement to convey or encumber common areas and facilities under this section must be evidenced by an agreement:

(1) executed in the same manner as a deed or any other instrument recognized by the state for the conveyance or transfer of interests in title; and

(2) signed by:

(A) at least ninety-five percent (95%) of the co-owners, as required by this section; or

(B) another percentage of the co-owners specified in a statement described in subsection (b)(1) or (b)(2).

An agreement under this subsection is effective upon being recorded.

(d) Proceeds from the conveyance or encumbrance of common areas and facilities under this section shall be distributed to co-owners as common profits under IC 32-25-8-6. However, if the common areas and facilities conveyed or encumbered under this section include limited common areas and facilities, proceeds from the conveyance or encumbrance of the limited common areas and facilities shall be distributed to the owners of the limited common areas and facilities according to the percentage of the owners' undivided interest in the limited common areas and facilities.

(e) A conveyance or encumbrance of common areas and facilities not made in accordance with:

(1) this section; or

(2) a statement described in subsection (b)(1) or (b)(2);

is void.

SECTION 162. IC 32-25-7-1, AS AMENDED BY P.L.181-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) The owner of the land on which a condominium is declared shall record with the recorder of the county in which the land is situated a declaration. Except as provided in section 2 or 3 of this chapter, the declaration must include the following:

(1) A description of the land on which the building and improvements are or are to be located.

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(2) A description of the building, stating:
(A) the number of stories and basements; and
(B) the number of condominium units.
(3) A description of the common areas and facilities.
(4) A description of the limited common areas and facilities, if any, stating to which condominium units their use is reserved.
(5) The percentage of undivided interest in the common areas and facilities appertaining to each condominium unit and its owner for all purposes, including voting.
(6) A statement of the percentage of votes by the condominium unit owners required to determine whether to:
(A) rebuild;
(B) repair;
(C) restore; or
(D) sell;
the property if all or part of the property is damaged or destroyed.
(7) Any covenants and restrictions in regard to the use of:
(A) the condominium units; and
(B) common areas and facilities.
(8) Any further details in connection with the property that:
(A) the person executing the declaration considers desirable; and
(B) are consistent with this article.
(9) The method by which the declaration may be amended in a manner consistent with this chapter.
(10) This subdivision applies only to a condominium located on the shore of a lake located in a township with a population of more than three thousand ~~one hundred (3,100)~~ **(3,000)** but less than three thousand ~~eight~~ **one** hundred ~~(3,800)~~ **(3,100)** located in a county having a population of more than ~~forty-five~~ **forty-seven** thousand ~~(45,000)~~ **(47,000)** but less than ~~forty-five~~ **forty-seven** thousand ~~nine~~ **five** hundred ~~(45,900).~~ **(47,500).** A statement of the percentage of votes by the condominium unit owners required to convey or encumber part or all of the common areas and facilities. A statement under this subdivision may not allow less than ninety-five percent (95%) of the condominium unit owners, or less than ninety-five percent (95%) of the owners of condominium units not owned by the declarant, to convey or encumber part or all of the common areas and facilities. If the declaration does not include a statement under this subdivision, IC 32-25-4-3.5 applies.
(b) A true copy of the bylaws shall be annexed to and made a part

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of the declaration.

(c) The record of the declaration shall contain a reference to the:

(1) book;

(2) page; and

(3) date of record;

of the floor plans of the building affected by the declaration.

SECTION 163. IC 32-25-8-2, AS AMENDED BY P.L.181-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. The bylaws must provide for the following:

(1) With respect to the board of directors:

(A) the election of the board from among the co-owners;

(B) the number of persons constituting the board;

(C) the expiration of the terms of at least one-third (1/3) of the directors annually;

(D) the powers and duties of the board, including whether the board may engage the services of a manager or managing agent;

(E) the compensation, if any, of the directors; and

(F) the method of removal from office of directors.

(2) The method of calling meetings of the co-owners and the percentage, if other than a majority of co-owners, that constitutes a quorum.

(3) The election from among the board of directors of a president, who shall preside over the meetings of:

(A) the board of directors; and

(B) the association of co-owners.

(4) The election of a secretary, who shall keep the minute book in which resolutions shall be recorded.

(5) The election of a treasurer, who shall keep the financial records and books of account.

(6) The maintenance, repair, and replacement of the common areas and facilities and payments for that maintenance, repair, and replacement, including the method of approving payment vouchers.

(7) The manner of collecting from each condominium owner the owner's share of the common expenses.

(8) The designation and removal of personnel necessary for the maintenance, repair, and replacement of the common areas and facilities.

(9) The method of adopting and of amending administrative rules governing the details of the operation and use of the common areas and facilities.

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(10) The restrictions on and requirements respecting the use and maintenance of the condominium units and the use of the common areas and facilities that are:

(A) not set forth in the declaration; and

(B) designed to prevent unreasonable interference with the use of their respective units and of the common areas and facilities by the several co-owners.

(11) The percentage of votes required to amend the bylaws.

(12) This subdivision applies only to a condominium located on the shore of a lake located in a township with a population of more than three thousand ~~one hundred (3,100)~~ **(3,000)** but less than three thousand ~~eight~~ **one** hundred ~~(3,800)~~ **(3,100)** located in a county having a population of more than ~~forty-five~~ **forty-seven** thousand ~~(45,000)~~ **(47,000)** but less than ~~forty-five~~ **forty-seven** thousand ~~nine~~ **five** hundred ~~(45,900).~~ **(47,500).** A statement of the percentage of votes by the condominium unit owners required to convey or encumber part or all of the common areas and facilities. A statement under this subdivision may not allow less than ninety-five percent (95%) of the condominium unit owners, or less than ninety-five percent (95%) of the owners of condominium units not owned by the declarant, to convey or encumber part or all of the common areas and facilities. If the bylaws do not include a statement under this subdivision, IC 32-25-4-3.5 applies.

(13) Other provisions consistent with this article considered necessary for the administration of the property.

SECTION 164. IC 33-39-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. The prosecuting attorney of each judicial circuit of the second class within a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000)~~ **(270,000)** shall devote the prosecuting attorney's full professional time to the duties of the prosecuting attorney's office. The prosecuting attorney may not engage in the private practice of law for the term for which the prosecuting attorney was elected or appointed, and the prosecuting attorney is entitled to a minimum annual salary that is not less than the salary of the judge of the circuit court of the same judicial circuit.

SECTION 165. IC 33-41-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) To facilitate and expedite the trial of causes, the judge of each circuit, superior, probate, and juvenile court of each county shall appoint an official reporter.

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(b) The official reporter shall, when required by the recorder's appointing judge, do the following:

(1) Be promptly present in the appointing judge's court.

(2) Record the oral evidence given in all causes by any approved method, including both questions and answers.

(3) Note all rulings of the judge concerning the admission and rejection of evidence and the objections and exceptions to the admission and rejection of evidence.

(4) Write out the instructions of the court in jury trials.

(c) In counties in which the circuit or probate court sits as a juvenile court, the official reporter of the circuit court or probate court, as the case may be:

(1) shall report the proceedings of the juvenile court as part of the reporter's duties as reporter of the circuit or probate court; and

(2) except as provided in subsection (d), may not receive additional compensation for the reporter's services for reporting the proceedings of the juvenile court.

(d) In counties in which a circuit court has juvenile jurisdiction and where there is a juvenile referee and the circuit judge is the judge of the juvenile court, the salary of the juvenile court reporter is one hundred twenty-five dollars ($125) per month in addition to any compensation the reporter receives as reporter of the circuit court.

(e) The official reporters of juvenile courts shall:

(1) be paid the same amount for their services and in the same manner;

(2) have the same duties; and

(3) be subject to the same restrictions;

as is provided for by law for the official reporters of the other courts. However, in a county having a population of more than ~~two~~ **six** hundred ~~fifty~~ thousand ~~(250,000),~~ **(600,000),** the judge of the juvenile court may appoint court reporters as necessary for compliance with the law in regard to the reporting of cases and facilitating and expediting the trial of causes, each of whom is entitled to receive a salary of at least three hundred dollars ($300) per month.

SECTION 166. IC 35-38-2-1, AS AMENDED BY P.L.1-2006, SECTION 529, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) Whenever it places a person on probation, the court shall:

(1) specify in the record the conditions of the probation; and

(2) advise the person that if the person violates a condition of probation during the probationary period, a petition to revoke probation may be filed before the earlier of the following:

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(A) One (1) year after the termination of probation.

(B) Forty-five (45) days after the state receives notice of the violation.

(b) In addition, if the person was convicted of a felony and is placed on probation, the court shall order the person to pay to the probation department the user's fee prescribed under subsection (d). If the person was convicted of a misdemeanor, the court may order the person to pay the user's fee prescribed under subsection (e). The court may:

(1) modify the conditions (except a fee payment may only be modified as provided in section 1.7(b) of this chapter); or

(2) terminate the probation;

at any time. If the person commits an additional crime, the court may revoke the probation.

(c) If a clerk of a court collects a probation user's fee, the clerk:

(1) may keep not more than three percent (3%) of the fee to defray the administrative costs of collecting the fee and shall deposit any fee kept under this subsection in the clerk's record perpetuation fund established under IC 33-37-5-2; and

(2) if requested to do so by the county auditor, city fiscal officer, or town fiscal officer under clause (A), (B), or (C), **may** transfer not more than three percent (3%) of the fee to the:

(A) county auditor, who shall deposit the money transferred under this subdivision into the county general fund;

(B) city general fund when requested by the city fiscal officer; or

(C) town general fund when requested by the town fiscal officer.

(d) In addition to any other conditions of probation, the court shall order each person convicted of a felony to pay:

(1) not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) as an initial probation user's fee;

(2) a monthly probation user's fee of not less than fifteen dollars ($15) nor more than thirty dollars ($30) for each month that the person remains on probation;

(3) the costs of the laboratory test or series of tests to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV) if such tests are required by the court under section 2.3 of this chapter;

(4) an alcohol abuse deterrent fee and a medical fee set by the court under IC 9-30-9-8, if the court has referred the defendant to an alcohol abuse deterrent program; and

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(5) an administrative fee of one hundred dollars ($100);

to either the probation department or the clerk.

(e) In addition to any other conditions of probation, the court may order each person convicted of a misdemeanor to pay:

(1) not more than a fifty dollar ($50) initial probation user's fee;

(2) a monthly probation user's fee of not less than ten dollars ($10) nor more than twenty dollars ($20) for each month that the person remains on probation;

(3) the costs of the laboratory test or series of tests to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV) if such tests are required by the court under section 2.3 of this chapter; and

(4) an administrative fee of fifty dollars ($50);

to either the probation department or the clerk.

(f) The probation department or clerk shall collect the administrative fees under subsections (d)(5) and (e)(4) before collecting any other fee under subsection (d) or (e). All money collected by the probation department or the clerk under this section shall be transferred to the county treasurer, who shall deposit the money into the county supplemental adult probation services fund. The fiscal body of the county shall appropriate money from the county supplemental adult probation services fund:

(1) to the county, superior, circuit, or municipal court of the county that provides probation services to adults to supplement adult probation services; and

(2) to supplement the salaries of probation officers in accordance with the schedule adopted by the county fiscal body under IC 36-2-16.5.

(g) The probation department or clerk shall collect the administrative fee under subsection (e)(4) before collecting any other fee under subsection (e). All money collected by the probation department or the clerk of a city or town court under this section shall be transferred to the fiscal officer of the city or town for deposit into the local supplemental adult probation services fund. The fiscal body of the city or town shall appropriate money from the local supplemental adult probation services fund to the city or town court of the city or town for the court's use in providing probation services to adults or for the court's use for other purposes as may be appropriated by the fiscal body. Money may be appropriated under this subsection only to those city or town courts that have an adult probation services program. If a city or town court does not have such a program, the money collected

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by the probation department must be transferred and appropriated as provided under subsection (f).

(h) Except as provided in subsection (j), the county or local supplemental adult probation services fund may be used only to supplement probation services and to supplement salaries for probation officers. A supplemental probation services fund may not be used to replace other funding of probation services. Any money remaining in the fund at the end of the year does not revert to any other fund but continues in the county or local supplemental adult probation services fund.

(i) A person placed on probation for more than one (1) crime:

(1) may be required to pay more than one (1) initial probation user's fee; and

(2) may not be required to pay more than one (1) monthly probation user's fee per month;

to the probation department or the clerk.

(j) This subsection applies to a city or town located in a county having a population of more than one hundred ~~eighty-two~~ **eighty-five** thousand ~~seven hundred ninety (182,790)~~ **(185,000)** but less than two hundred **fifty** thousand ~~(200,000).~~ **(250,000).** Any money remaining in the local supplemental adult probation services fund at the end of the local fiscal year may be appropriated by the city or town fiscal body to the city or town court for use by the court for purposes determined by the fiscal body.

(k) In addition to other methods of payment allowed by law, a probation department may accept payment of fees required under this section and section 1.5 of this chapter by credit card (as defined in IC 14-11-1-7). The liability for payment is not discharged until the probation department receives payment or credit from the institution responsible for making the payment or credit.

(l) The probation department may contract with a bank or credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the probation department or charged directly to the probation department's account, the probation department may collect a credit card service fee from the person using the bank or credit card. The fee collected under this subsection is a permitted additional charge to the money the probation department is required to collect under subsection (d) or (e).

(m) The probation department shall forward the credit card service fees collected under subsection (l) to the county treasurer or city or town fiscal officer in accordance with subsection (f) or (g). These funds may be used without appropriation to pay the transaction charge or

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discount fee charged by the bank or credit card vendor.

SECTION 167. IC 35-47-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) This section applies only to firearms which are not required to be registered in the National Firearms Registration and Transfer Record.

(b) Firearms shall be returned to the rightful owner at once following final disposition of the cause if a return has not already occurred under the terms of IC 35-33-5. If the rightful ownership is not known the law enforcement agency holding the firearm shall make a reasonable attempt to ascertain the rightful ownership and cause the return of the firearm. However, nothing in this chapter shall be construed as requiring the return of firearms to rightful owners who have been convicted for the misuse of firearms. In such cases, the court may provide for the return of the firearm in question or order that the firearm be at once delivered:

(1) except as provided in subdivision (2), to the sheriff's department of the county in which the offense occurred; or

(2) to the city or town police force that confiscated the firearm, if:

(A) a member of the city or town police force confiscated the firearm; and

(B) the city or town has a population of more than two thousand five hundred (2,500) and less than ~~two~~ **six** hundred ~~fifty~~ thousand ~~(250,000).~~ **(600,000).**

(c) The receiving law enforcement agency shall dispose of firearms under subsection (b), at the discretion of the law enforcement agency, not more than one hundred twenty (120) days following receipt by use of any of the following procedures:

(1) Public sale of the firearms to the general public as follows:

(A) Notice of the sale shall be:

(i) posted for ten (10) days in the county courthouse in a place readily accessible to the general public; and

(ii) advertised in the principal newspaper of the county for two (2) days in an advertisement that appears in the newspaper at least five (5) days prior to the sale.

(B) Disposition of the firearm shall be by public auction in a place convenient to the general public, with disposition going to the highest bidder. However, no firearm shall be transferred to any bidder if that bidder is not lawfully eligible to receive and possess firearms according to the laws of the United States and Indiana.

(C) All handguns transferred under this subdivision shall also be transferred according to the transfer procedures set forth in

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this article.

(D) Money collected pursuant to the sales shall first be used to defray the necessary costs of administering this subdivision with any surplus to be:

(i) deposited into the receiving law enforcement agency's firearms training fund, if the law enforcement agency is a county law enforcement agency, or into a continuing education fund established under IC 5-2-8-2, if the law enforcement agency is a city or town law enforcement agency; and

(ii) used by the agency exclusively for the purpose of training law enforcement officers in the proper use of firearms or other law enforcement duties, if the law enforcement agency is a county law enforcement agency, or for law enforcement purposes, if the law enforcement agency is a city or town law enforcement agency.

(2) Sale of the firearms to a licensed firearms dealer as follows:

(A) Notice of the sale must be:

(i) posted for ten (10) days in the county courthouse in a place readily accessible to the general public; and

(ii) advertised in the principal newspaper of the county for two (2) days in an advertisement that appears in the newspaper at least five (5) days before the sale.

(B) Disposition of the firearm shall be by auction with disposition going to the highest bidder who is a licensed firearms dealer.

(C) Money collected from the sales shall first be used to defray the necessary costs of administering this subdivision and any surplus shall be:

(i) deposited into the receiving law enforcement agency's firearms training fund or other appropriate training activities fund; and

(ii) used by the agency exclusively for the purpose of training law enforcement officers in the proper use of firearms or other law enforcement duties.

(3) Sale or transfer of the firearms to another law enforcement agency.

(4) Release to the state police department laboratory or other forensic laboratory administered by the state or a political subdivision (as defined in IC 36-1-2-13) for the purposes of research, training, and comparison in conjunction with the forensic examination of firearms evidence.

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(5) Destruction of the firearms.

(d) Notwithstanding the requirement of this section mandating disposal of firearms not more than one hundred twenty (120) days following receipt, the receiving law enforcement agency may at its discretion hold firearms it may receive until a sufficient number has accumulated to defray the costs of administering this section if a delay does not exceed one hundred eighty (180) days from the date of receipt of the first firearm in the sale lot. In any event, all confiscated firearms shall be disposed of as promptly as possible.

(e) When a firearm is delivered to the state police department laboratory or other forensic laboratory under subsection (c)(4) and the state police department laboratory or other forensic laboratory determines the laboratory has no further need for the firearm in question, the laboratory shall return the firearm to the law enforcement agency for disposal under subsection (c).

SECTION 168. IC 35-47-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) This section applies to firearms that are required to be registered in the National Firearms Registration and Transfer Record.

(b) Firearms shall be returned to the rightful owner at once following final disposition of the cause, if such return has not already occurred under the terms of IC 35-33-5, and if such owner remains lawfully entitled to possess such firearms according to applicable United States and Indiana statutes. If rightful ownership is not known, the law enforcement agency holding the firearm shall make a reasonable and diligent effort to ascertain the rightful ownership and cause the return of the firearm being held, providing the owner remains lawfully entitled to possess such firearms.

(c) Firearms that are not returnable under this section shall be at once delivered to:

(1) the sheriff's department of the county in which the offense occurred, unless subdivision (2) applies; or

(2) the city or town police force that confiscated the firearm if:

(A) a member of the city or town police force confiscated the firearm; and

(B) the city or town has a population of more than two thousand five hundred (2,500) and less than ~~two~~ **six** hundred ~~fifty~~ thousand ~~(250,000);~~ **(600,000);**

following final disposition of the cause.

(d) When firearms are sent to a law enforcement agency under subsection (c), the law enforcement agency may upon request release the firearms to the state police department laboratory or other forensic

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laboratory administered by the state or a political subdivision (as defined in IC 36-1-2-13) for the purposes of research, training, and comparison in conjunction with the forensic examination of firearms evidence.

(e) The receiving law enforcement agency or laboratory shall cause the registry of such firearms in the United States National Firearms Registration and Transfer Record within thirty (30) days following receipt from the court.

(f) The court may order such firearms as are not returnable destroyed, specifying the exact manner of destruction and requiring the receiving law enforcement agency or laboratory to make due return to the ordering court the time, date, method of destruction, and disposition of the remains of the destroyed firearm.

(g) No portion of this section shall be construed as requiring the receiving law enforcement agency or laboratory to retain firearms which are inoperable or unserviceable, or which the receiving law enforcement agency or laboratory may choose to transfer as public property in the ordinary course of lawful commerce and exchange.

SECTION 169. IC 36-1-3.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) This section applies to cities in ~~a county having a population of:~~ **the following counties:**

(1) ~~more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or~~ **Lake County.**

(2) ~~more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~ **St. Joseph County.**

(b) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of statutory concern, is transferred to the legislative body of ~~each~~ **the** city ~~having a population of more than one hundred thousand (100,000) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):~~ **of Gary:**

(1) Board of tenant concerns (formerly governed by IC 18-7-11.5).

(2) Regulation of sewers and drains (formerly governed by IC 19-2-11).

(3) Department of waterworks (formerly governed by IC 19-3-27).

(4) Benefits for certain municipal utility employees (formerly governed by IC 19-3-29).

(c) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of

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statutory concern, is transferred to the legislative body of ~~each~~ **the** city ~~having a population of more than thirty-five thousand (35,000) but less than one hundred fifteen thousand (115,000):~~ **of Gary, the city of Hammond, the city of South Bend, and the city of Mishawaka:**

(1) Regulation of sewers and drains (formerly governed by IC 19-2-11).

(2) Department of waterworks (formerly governed by IC 19-3-27).

(3) Benefits for certain municipal utility employees (formerly governed by IC 19-3-29).

SECTION 170. IC 36-1-3.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) This section applies to cities in ~~a county having neither:~~ **counties other than the following counties:**

(1) **A county having** a consolidated city. ~~nor~~

(2) ~~a population of:~~

~~(A) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or~~ **Lake County.**

~~(B) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~

(3) St. Joseph County.

(b) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of statutory concern, is transferred to the legislative body of each city having a population of more than fifty thousand (50,000):

(1) Regulation of sewers and drains (formerly governed by IC 19-2-11).

(2) Benefits for certain municipal utility employees (formerly governed by IC 19-3-29).

(c) Jurisdiction over the following local matter, which before the 1981 regular session of the general assembly has been the subject of statutory concern, is transferred to the legislative body of each city having a population of more than thirty-five thousand (35,000), but less than fifty thousand (50,000):

Regulation of sewers and drains (formerly governed by IC 19-2-11).

SECTION 171. IC 36-1-3.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) This section applies to ~~each~~ **Lake** County. ~~having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

(b) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of

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statutory concern, is transferred to the legislative body of the county:

(1) Frequency of salary payments (formerly governed by IC 17-3-73-2).

(2) Mileage allowances for deputy county auditors (formerly governed by IC 17-3-29-1).

(3) County purchasing agency (formerly governed by IC 17-2-77).

(4) County data processing agency (formerly governed by IC 17-2-74).

SECTION 172. IC 36-1-3.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. (a) This section applies to ~~a~~ **Allen** County. ~~having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).~~

(b) Jurisdiction over the following local matters, which before the 1982 regular session of the general assembly have been subjects of statutory concern, is transferred to the executive of the county:

(1) Motor vehicles for the county surveyor (formerly governed by IC 17-3-69-1).

(2) County purchasing agency (formerly governed by IC 17-2-77).

(3) County data processing agency (formerly governed by IC 17-2-73 or IC 17-2-74).

(4) Natural beauty roads (formerly governed by IC 19-7-17.5).

(5) Building and minimum housing department of the county (formerly governed by IC 17-2-72.3).

SECTION 173. IC 36-1-3.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) This section applies to ~~a~~ **St. Joseph** County. ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~

(b) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of statutory concern, is transferred to the legislative body of the county:

(1) County purchasing agency (formerly governed by IC 17-2-77).

(2) County data processing agency (formerly governed by IC 17-2-74).

SECTION 174. IC 36-1-3.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. (a) This section applies to ~~a~~ **Vanderburgh** County. ~~having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).~~

(b) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of

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statutory concern, is transferred to the executive of the county:

(1) County purchasing agency (formerly governed by IC 17-2-77).

(2) County data processing agency (formerly governed by IC 17-2-74).

(3) Control of county parks (formerly governed by IC 17-2-76).

SECTION 175. IC 36-1-3.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) This section applies to ~~a county having a population of:~~ **the following counties:**

(1) ~~more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000);~~ **Elkhart County.**

(2) ~~more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000);~~ **Madison County.**

(3) ~~more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000);~~ **Tippecanoe County.**

(4) ~~more than one hundred eighteen thousand (118,000) but less than one hundred twenty thousand (120,000);~~ **Delaware County.**

(5) ~~more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000); or~~ **LaPorte County.**

(6) ~~more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000).~~ **Vigo County.**

(b) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of statutory concern, is transferred to the executive of the county:

(1) County purchasing agency (formerly governed by IC 17-2-77).

(2) County data processing agency (formerly governed by IC 17-2-74).

SECTION 176. IC 36-1-3.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) This section applies to ~~a~~ **Porter** County. ~~having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000).~~

(b) Jurisdiction over the following local matter, which before the 1981 regular session of the general assembly has been the subject of statutory concern, is transferred to the executive of the county:

County purchasing agency (formerly governed by IC 17-2-77).

SECTION 177. IC 36-1-11-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3.2. (a) This section applies to a city having a population of:

(1) more than ~~ninety~~ **eighty** thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty** thousand ~~(105,000);~~ **four hundred**

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(80,400);

(2) more than ~~thirty-two~~ **twenty-nine** thousand ~~(32,000)~~ **six hundred (29,600)** but less than ~~thirty-two~~ **twenty-nine** thousand ~~eight~~ **nine** hundred ~~(32,800);~~ **(29,900);** or

(3) more than ~~seventy-five~~ **eighty** thousand ~~(75,000)~~ **five hundred (80,500)** but less than ~~ninety~~ **one hundred** thousand ~~(90,000).~~ **(100,000).**

(b) Notwithstanding section 3(c) of this chapter, the fiscal body of a city must approve:

(1) every sale of real property having an appraised value of ten thousand dollars ($10,000) or more;

(2) every lease of real property for which the total annual rental payments will be five thousand dollars ($5,000) or more; and

(3) every transfer of real property under section 14 or 15 of this chapter.

SECTION 178. IC 36-1-11-5.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5.6. Notwithstanding IC 5-22-22 and sections 4, 4.1, 4.2, and 5 of this chapter, a disposing agent of a county having a population of more than ~~fifty-five~~ **seventy** thousand ~~(55,000)~~ **(70,000)** but less than ~~sixty-five~~ **seventy** thousand ~~(65,000)~~ **fifty (70,050)** may sell or transfer:

(1) real property; or

(2) tangible or intangible personal property, licenses, or any interest in the tangible or intangible personal property;

for no compensation or a nominal fee to a nonprofit corporation created for agricultural, educational, or recreational purposes.

SECTION 179. IC 36-2-2-4, AS AMENDED BY P.L.230-2005, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) This subsection does not apply to a county having a population of:

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

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

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

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

(1) the members of the Indiana election commission;

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

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

The legislative members of the commission have no vote and may act only in an advisory capacity. A majority vote of the voting members is required for the commission to take action. The commission may meet as frequently as necessary to perform its duty under this subsection. The commission's members serve without additional compensation above that provided for them as members of the Indiana election commission, the senate, or the house of representatives.

(c) This subsection applies to a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000).~~ **(270,000).** The executive shall divide the county into three (3) single-member districts that comply with subsection (d).

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

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

(2) contain, as nearly as is possible, equal population; and

(3) not cross precinct lines.

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

(1) during the first year after a year in which a federal decennial census is conducted; and

(2) when the county adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

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

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

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

(1) the county as provided in Article 6, Section 6 of the

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Constitution of the State of Indiana; and

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

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

(d) In a county having a population of:

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

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

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

SECTION 181. IC 36-2-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) The seven (7) member county council elected under this chapter is the county fiscal body. The fiscal body shall act in the name of "The _____ County Council".

(b) Notwithstanding subsection (a), in a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000),~~ **(270,000),** the county council has nine (9) members.

SECTION 182. IC 36-2-3-4, AS AMENDED BY P.L.230-2005, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) This subsection does not apply to a county having a population of:

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

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

The county executive shall, by ordinance, divide the county into four (4) contiguous, single-member districts that comply with subsection (d). If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts. One (1) member of the fiscal body shall be elected by the voters of each of the four (4) districts. Three (3) at-large members of the fiscal body shall be elected by the voters of the whole county.

(b) This subsection applies to a county having a population of more

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than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The county redistricting commission established under IC 36-2-2-4 shall divide the county into seven (7) single-member districts that comply with subsection (d). One (1) member of the fiscal body shall be elected by the voters of each of these seven (7) single-member districts.

(c) This subsection applies to a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000).~~ **(270,000).** The fiscal body shall divide the county into nine (9) single-member districts that comply with subsection (d). Three (3) of these districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c). One (1) member of the fiscal body shall be elected by the voters of each of these nine (9) single-member districts.

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

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

(2) not cross precinct boundary lines;

(3) contain, as nearly as possible, equal population; and

(4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

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

(1) during the first year after a year in which a federal decennial census is conducted; and

(2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

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

SECTION 183. IC 36-2-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to:

(1) a county having a population of:

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

(B) more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000);~~ **(270,000);** and

(2) any other county not having a consolidated city, if both the county executive and the county fiscal body adopt identical ordinances providing for the county to be governed by this

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chapter beginning on a specified effective date.

SECTION 184. IC 36-4-1-1, AS AMENDED BY P.L.64-2004, SECTION 34*,* AND AS AMENDED BY P.L.81-2004, SECTION 46, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) Municipalities are classified according to their status and population as follows:

STATUS AND POPULATION	CLASS
Cities of *600,000* ~~500,000~~ or more	First class cities
Cities of 35,000 to *599,999* ~~499,999~~	Second class cities
Cities of less than 35,000	Third class cities
Other municipalities of any population	Towns

(b) Except as provided in subsection (c), a city that attains a population of thirty-five thousand (35,000) remains a second class city even though its population decreases to less than thirty-five thousand (35,000) at the next federal decennial census.

(c) The legislative body of a city to which subsection (b) applies may, by ordinance, adopt third class city status.

SECTION 185. IC 36-4-3-4, AS AMENDED BY P.L.182-2009(ss), SECTION 402, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) The legislative body of a municipality may, by ordinance, annex any of the following:

(1) Territory that is contiguous to the municipality.

(2) Territory that is not contiguous to the municipality and is occupied by a municipally owned or operated airport or landing field.

(3) Territory that is not contiguous to the municipality but is found by the legislative body to be occupied by a municipally owned or regulated sanitary landfill, golf course, or hospital. However, if territory annexed under this subsection ceases to be used as a municipally owned or regulated sanitary landfill, golf course, or hospital for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices required to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation.

(b) This subsection applies to municipalities in a county having a

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population of:

(1) more than ~~seventy-three~~ **seventy** thousand ~~(73,000)~~ **fifty (70,050)** but less than ~~seventy-four~~ **seventy-one** thousand ~~(74,000);~~ **(71,000);**

(2) more than ~~seventy-one~~ **seventy-five** thousand ~~four hundred (71,400)~~ **(75,000)** but less than ~~seventy-three~~ **seventy-seven** thousand ~~(73,000);~~ **(77,000);**

(3) more than ~~seventy~~ **seventy-one** thousand ~~(70,000)~~ **(71,000)** but less than ~~seventy-one~~ **seventy-five** thousand ~~(71,000);~~ **(75,000);**

(4) more than ~~forty-five~~ **forty-seven** thousand ~~(45,000)~~ **(47,000)** but less than ~~forty-five~~ **forty-seven** thousand ~~nine~~ **five** hundred ~~(45,900);~~ **(47,500);**

(5) more than ~~forty~~ **thirty-eight** thousand ~~nine~~ **five** hundred ~~(40,900)~~ **(38,500)** but less than ~~forty-one~~ **thirty-nine** thousand ~~(41,000);~~ **(39,000);**

(6) more than ~~thirty-eight~~ **thirty-seven** thousand ~~(38,000)~~ **(37,000)** but less than ~~thirty-nine~~ **thirty-seven** thousand ~~(39,000);~~ **one hundred twenty-five (37,125);**

(7) more than ~~thirty~~ **thirty-three** thousand ~~(30,000)~~ **three hundred (33,300)** but less than ~~thirty~~ **thirty-three** thousand ~~seven~~ **five** hundred ~~(30,700);~~ **(33,500);**

(8) more than twenty-three thousand ~~five~~ **three** hundred ~~(23,500)~~ **(23,300)** but less than twenty-four thousand (24,000);

(9) more than one hundred ~~eighty-two~~ **eighty-five** thousand ~~seven hundred ninety (182,790)~~ **(185,000)** but less than ~~three~~ **two** hundred **fifty** thousand ~~(300,000); or~~ **(250,000);**

(10) more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000); or

~~(10)~~ **(11)** more than ~~thirty-four~~ **thirty-two** thousand ~~nine~~ **five** hundred ~~fifty (34,950)~~ **(32,500)** but less than ~~thirty-six~~ **thirty-three** thousand ~~(36,000).~~ **(33,000).**

Except as provided in subsection (c), the legislative body of a municipality to which this subsection applies may, by ordinance, annex territory that is not contiguous to the municipality, has its entire area not more than two (2) miles from the municipality's boundary, is to be used for an industrial park containing one (1) or more businesses, and is either owned by the municipality or by a property owner who consents to the annexation. However, if territory annexed under this subsection is not used as an industrial park within five (5) years after the date of passage of the annexation ordinance, or if the territory ceases to be used as an industrial park for at least one (1) year, the

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territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices entitled to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation.

(c) A city in a county with a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000)~~ **(270,000)** may not annex territory as prescribed in subsection (b) until the territory is zoned by the county for industrial purposes.

(d) Notwithstanding any other law, territory that is annexed under subsection (b) or (h) is not considered a part of the municipality for the purposes of:

(1) annexing additional territory:

(A) in a county that is not described by clause (B); or

(B) in a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000),~~ **(270,000),** unless the boundaries of the noncontiguous territory become contiguous to the city, as allowed by Indiana law;

(2) expanding the municipality's extraterritorial jurisdictional area; or

(3) changing an assigned service area under IC 8-1-2.3-6(1).

(e) As used in this section, "airport" and "landing field" have the meanings prescribed by IC 8-22-1.

(f) As used in this section, "hospital" has the meaning prescribed by IC 16-18-2-179(b).

(g) An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

(h) This subsection applies to a city having a population of more than ~~thirty-one~~ **twenty-nine** thousand ~~(31,000)~~ **nine hundred (29,900)** but less than ~~thirty-two~~ **thirty-one** thousand ~~(32,000).~~ **(31,000).** The **city** legislative body ~~of a city~~ may, by ordinance, annex territory that:

(1) is not contiguous to the city;

(2) has its entire area not more than eight (8) miles from the city's boundary;

(3) does not extend more than:

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(A) one and one-half (1 1/2) miles to the west;
(B) three-fourths (3/4) mile to the east;
(C) one-half (1/2) mile to the north; or
(D) one-half (1/2) mile to the south;

of an interchange of an interstate highway (as designated by the federal highway authorities) and a state highway (as designated by the state highway authorities); and

(4) is owned by the city or by a property owner that consents to the annexation.

SECTION 186. IC 36-4-3-4.1, AS AMENDED BY P.L.71-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4.1. (a) The legislative body of a municipality may, by ordinance, annex territory that:

(1) is contiguous to the municipality;

(2) ~~in the case of~~ **is in** a town having a population of more than:

(A) ~~fifteen~~ **twenty-five** thousand ~~(15,000);~~ **(25,000);** or

(B) ~~five~~ **ten** thousand ~~(5,000)~~ **(10,000)** but less than ~~six~~ **twenty** thousand ~~three hundred (6,300);~~ **(20,000);**

located in a county having a population of more than one hundred **forty** thousand ~~(100,000)~~ **(140,000)** but less than one hundred ~~five~~ **fifty** thousand ~~(105,000),~~ **(150,000), if the town** has its entire area within the township within which the town is primarily located; and

(3) is owned by a property owner who consents to the annexation.

(b) Territory annexed under this section is exempt from all property tax liability under IC 6-1.1 for municipal purposes for all portions of the annexed territory that are classified for zoning purposes as agricultural and remain exempt from the property tax liability while the property's zoning classification remains agricultural. However, if the annexation ordinance annexing the territory is adopted after June 30, 2006, the property tax liability under IC 6-1.1 for municipal purposes may be exempted for a period of not more than ten (10) years.

(c) There may not be a change in the zoning classification of territory annexed under this section without the consent of the owner of the annexed territory.

(d) Territory annexed under this section may not be considered a part of the municipality for purposes of annexing additional territory under section 3 or 4 of this chapter. However, territory annexed under this section shall be considered a part of the municipality for purposes of annexing additional territory under section 5 or 5.1 of this chapter.

SECTION 187. IC 36-4-3-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8.5. (a) A municipality

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may, in an ordinance adopted under section 3 or 4 of this chapter, abate a portion of the property tax liability under IC 6-1.1 for municipal purposes for all property owners in the annexed territory.

(b) An ordinance adopted under subsection (a) must provide the following:

(1) A tax abatement program that is in effect for not more than three (3) taxable years after an annexation occurs.

(2) Except single family residential property described by subdivision (3), a tax abatement for all classes of property that does not exceed:

(A) seventy-five percent (75%) of a taxpayer's liability in the first year of the abatement program;

(B) fifty percent (50%) of a taxpayer's liability in the second year of the abatement program; and

(C) twenty-five percent (25%) of a taxpayer's liability in the third year of the abatement program.

(3) For a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000),~~ **(270,000),** a tax abatement for single family residential property that does not exceed:

(A) ninety percent (90%) of a taxpayer's liability in the first year of the abatement program;

(B) eighty percent (80%) of a taxpayer's liability in the second year of the abatement program;

(C) sixty percent (60%) of a taxpayer's liability in the third year of the abatement program;

(D) forty percent (40%) of a taxpayer's liability in the fourth year of the abatement program; and

(E) twenty percent (20%) of a taxpayer's liability in the fifth year of the abatement program.

(4) The procedure by which an eligible property owner receives a tax abatement under this section.

SECTION 188. IC 36-4-3-13, AS AMENDED BY P.L.111-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 13. (a) Except as provided in subsections (e) and (g), at the hearing under section 12 of this chapter, the court shall order a proposed annexation to take place if the following requirements are met:

(1) The requirements of either subsection (b) or (c).

(2) The requirements of subsection (d).

(b) The requirements of this subsection are met if the evidence establishes the following:

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(1) That the territory sought to be annexed is contiguous to the municipality.

(2) One (1) of the following:

(A) The resident population density of the territory sought to be annexed is at least three (3) persons per acre.

(B) Sixty percent (60%) of the territory is subdivided.

(C) The territory is zoned for commercial, business, or industrial uses.

(c) The requirements of this subsection are met if the evidence establishes the following:

(1) That the territory sought to be annexed is contiguous to the municipality as required by section 1.5 of this chapter, except that at least one-fourth (1/4), instead of one-eighth (1/8), of the aggregate external boundaries of the territory sought to be annexed must coincide with the boundaries of the municipality.

(2) That the territory sought to be annexed is needed and can be used by the municipality for its development in the reasonably near future.

(d) The requirements of this subsection are met if the evidence establishes that the municipality has developed and adopted a written fiscal plan and has established a definite policy, by resolution of the legislative body as set forth in section 3.1 of this chapter. The fiscal plan must show the following:

(1) The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency.

(2) The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants, and other funding to be used.

(3) The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin.

(4) That planned services of a noncapital nature, including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries, will be provided to the annexed territory within one (1) year after the effective date of annexation and that they will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density.

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(5) That services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria.

(e) At the hearing under section 12 of this chapter, the court shall do the following:

(1) Consider evidence on the conditions listed in subdivision (2).

(2) Order a proposed annexation not to take place if the court finds that all of the conditions set forth in clauses (A) through (D) and, if applicable, clause (E) exist in the territory proposed to be annexed:

(A) The following services are adequately furnished by a provider other than the municipality seeking the annexation:

(i) Police and fire protection.

(ii) Street and road maintenance.

(B) The annexation will have a significant financial impact on the residents or owners of land.

(C) The annexation is not in the best interests of the owners of land in the territory proposed to be annexed as set forth in subsection (f).

(D) One (1) of the following opposes the annexation:

(i) At least sixty-five percent (65%) of the owners of land in the territory proposed to be annexed.

(ii) The owners of more than seventy-five percent (75%) in assessed valuation of the land in the territory proposed to be annexed.

Evidence of opposition may be expressed by any owner of land in the territory proposed to be annexed.

(E) This clause applies only to an annexation in which eighty percent (80%) of the boundary of the territory proposed to be annexed is contiguous to the municipality and the territory consists of not more than one hundred (100) parcels. At least seventy-five percent (75%) of the owners of land in the territory proposed to be annexed oppose the annexation as determined under section 11(b) of this chapter.

(f) The municipality under subsection (e)(2)(C) bears the burden of proving that the annexation is in the best interests of the owners of land

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in the territory proposed to be annexed. In determining this issue, the court may consider whether the municipality has extended sewer or water services to the entire territory to be annexed:

(1) within the three (3) years preceding the date of the introduction of the annexation ordinance; or

(2) under a contract in lieu of annexation entered into under IC 36-4-3-21.

The court may not consider the provision of water services as a result of an order by the Indiana utility regulatory commission to constitute the provision of water services to the territory to be annexed.

(g) This subsection applies only to cities located in a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000).~~ **(270,000).** However, this subsection does not apply if on April 1, 1993, the entire boundary of the territory that is proposed to be annexed was contiguous to territory that was within the boundaries of one (1) or more municipalities. At the hearing under section 12 of this chapter, the court shall do the following:

(1) Consider evidence on the conditions listed in subdivision (2).

(2) Order a proposed annexation not to take place if the court finds that all of the following conditions exist in the territory proposed to be annexed:

(A) The following services are adequately furnished by a provider other than the municipality seeking the annexation:

(i) Police and fire protection.

(ii) Street and road maintenance.

(B) The annexation will have a significant financial impact on the residents or owners of land.

(C) One (1) of the following opposes the annexation:

(i) A majority of the owners of land in the territory proposed to be annexed.

(ii) The owners of more than seventy-five percent (75%) in assessed valuation of the land in the territory proposed to be annexed.

Evidence of opposition may be expressed by any owner of land in the territory proposed to be annexed.

(h) The most recent:

(1) federal decennial census;

(2) federal special census;

(3) special tabulation; or

(4) corrected population count;

shall be used as evidence of resident population density for purposes

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of subsection (b)(2)(A), but this evidence may be rebutted by other evidence of population density.

SECTION 189. IC 36-4-3-24, AS ADDED BY P.L.220-2011, SECTION 651, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 24. (a) This section applies to a second class city located in ~~a~~ **Tippecanoe** County. ~~having a population of more than one hundred twenty thousand (120,000) and less than one hundred twenty-seven thousand (127,000) as reported by the 1980 federal decennial census.~~

(b) Notwithstanding any other law, if a city annexed territory before March 1, 1990, and the annexation proceedings included a technical failure to describe a public way that separates the annexed territory from the city, the annexation is legalized and declared valid.

(c) Notwithstanding any other law, if the redevelopment commission of a city adopted a declaratory resolution under IC 36-7-14-15 before March 1, 1990, for any of the annexed territory described in subsection (b), the declaratory resolution is legalized and declared valid. If the declaratory resolution designated any of the annexed territory as an allocation area under IC 36-7-14-39, the assessment date for purposes of determining the base assessed value of the economic development area for purposes of IC 36-7-14-39 is March 1, 1989.

SECTION 190. IC 36-4-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. (a) In a second class city, the corporation counsel is the head of the department of law. ~~His~~ **The corporation counsel's** first deputy is the city attorney, and ~~his~~ **the corporation counsel's** second deputy is the assistant city attorney.

(b) In a third class city, the city attorney is the head of the department of law.

(c) To be eligible to be appointed as the head of the department of law, a person must meet the following requirements:

(1) Be admitted to the practice of law in Indiana.

(2) Except as provided in subdivision (3), be a resident of the county in which the city is located.

(3) For a third class city located in a county having a population of less than ~~six~~ **seven** thousand ~~(6,000),~~ **(7,000),** be a resident of Indiana.

SECTION 191. IC 36-5-1-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7.1. The executive of a county having a population of more than ~~fifty-five~~ **seventy** thousand ~~(55,000)~~ **(70,000)** but less than ~~sixty-five~~ **seventy** thousand ~~(65,000)~~ **fifty (70,050)** is exempt from:

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(1) the requirements of section 7(a) of this chapter; and

(2) the requirements of section 7(b) of this chapter if the second or third class city is within a county containing a consolidated city.

SECTION 192. IC 36-5-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 13. (a) Except as provided in subsection (c), this subsection applies to a town with a population of five hundred (500) or less. Notwithstanding the provisions of any other statute, a town may transfer money from any town fund to another town fund after the passage of an ordinance or a resolution by the town legislative body specifying the:

(1) amount of the transfer;

(2) funds involved;

(3) date of the transfer; and

(4) general purpose of the transfer.

(b) Except as provided in subsection (c), this subsection applies to a town having a population of more than five hundred (500) but less than two thousand (2,000). Notwithstanding IC 8-14-1 and IC 8-14-2, a town may transfer money distributed to the town from:

(1) the motor vehicle highway account under IC 8-14-1;

(2) the local road and street account under IC 8-14-2; or

(3) the:

(A) motor vehicle highway account under IC 8-14-1; and

(B) local road and street account under IC 8-14-2;

to any other town fund after the passage of an ordinance or a resolution by the town legislative body that specifies the amount of the transfer, the funds involved, the date of the transfer, and the general purpose of the transfer. However, the total amount of all money transferred by a town under this subsection may not exceed forty thousand dollars ($40,000).

(c) A:

(1) municipality located in a county having a population of more than ~~fourteen~~ **fifteen** thousand ~~nine hundred (14,900)~~ **(15,000)** but less than ~~sixteen~~ **fifteen** thousand ~~(16,000);~~ **five hundred (15,500);** and

(2) town:

(A) located in a county having a population of more than ~~thirty-four~~ **thirty-seven** thousand ~~nine~~ **one** hundred ~~(34,900)~~ **twenty-five (37,125)** but less than ~~thirty-four~~ **thirty-seven** thousand ~~nine~~ **five** hundred ~~fifty (34,950);~~ **(37,500);** and

(B) having a population of less than one thousand (1,000);

may not transfer money under this section to or from a food and

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beverage tax receipts fund established under IC 6-9.

SECTION 193. IC 36-7-4-202 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 202. (a) ADVISORY. The legislative body of a county or municipality may establish by ordinance an advisory plan commission. In addition, in a county having a population of:

(1) more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000);~~ **(185,000);** or

(2) more than one hundred ~~eighteen~~ **fifteen** thousand ~~(118,000)~~ **(115,000)** but less than one hundred ~~twenty~~ **twenty-five** thousand ~~(120,000);~~ **(125,000);**

the legislative bodies of that county and of the city having the largest population in that county may establish by identical ordinances a metropolitan plan commission as a department of county government. These ordinances must specify the legal name of the commission for purposes of section 404(a) of this chapter.

(b) AREA. There may be established in each county an area planning department in the county government, having:

(1) an area plan commission;

(2) an area board of zoning appeals;

(3) an executive director; and

(4) such staff as the area plan commission considers necessary.

Each municipality and each county desiring to participate in the establishment of a planning department may adopt an ordinance adopting the area planning law, fix a date for the establishment of the planning department, and provide for the appointment of its representatives to the commission. When a municipality or a county adopts such an ordinance, it shall certify a copy of ~~it~~ **the ordinance** to each legislative body within the county. When a county and at least one (1) municipality within the county each adopt an ordinance adopting the area planning law and fix a date for the establishment of the department, the legislative body of the county shall establish the planning department.

(c) METRO. A metropolitan development commission is established in the department of metropolitan development of the consolidated city. The legislative body of the consolidated city may adopt ordinances to regulate the following:

(1) The time that the commission holds its meetings.

(2) The voting procedures of the commission.

SECTION 194. IC 36-7-4-918.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 918.6. (a) This section

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applies to a county having a population of:

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

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

(b) ADVISORY–AREA. Notwithstanding sections 918.2, 918.4, and 918.5 of this chapter, a zoning or subdivision control ordinance shall require that the board of zoning appeals submit any of the following petitions to the legislative body for approval or disapproval:

(1) Special exceptions.

(2) Special uses.

(3) Use variances.

(c) ADVISORY–AREA. The board of zoning appeals shall file a petition under this section with the clerk of the legislative body with:

(1) a favorable recommendation;

(2) an unfavorable recommendation; or

(3) no recommendation.

(d) ADVISORY–AREA. The legislative body shall give notice under IC 5-14-1.5-5 of its intention to consider the petition at its first regular meeting after the board of zoning appeals files its recommendation.

(e) ADVISORY–AREA. A petition is granted or denied when the legislative body votes on the petition as follows:

(1) In a county described in subsection (a)(1), the legislative body shall vote on the petition within ninety (90) days after the board of zoning appeals makes its recommendation. If the legislative body does not vote to deny the petition within ninety (90) days, the petition is considered approved.

(2) In a county described in subsection (a)(2), the legislative body shall vote on the petition within sixty (60) days after the board of zoning appeals makes its recommendations. If the legislative body does not vote to deny the petition within sixty (60) days, the petition is approved.

(f) ADVISORY–AREA. If the legislative body approves a petition, it must make the determination in writing as required under section 918.2, 918.4, or 918.5 of this chapter or as required by the zoning ordinance.

SECTION 195. IC 36-7-4-1103 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1103. (a) This section does not apply to a plan commission exercising jurisdiction in a county having a population of more than twenty thousand ~~three~~ **nine** hundred

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~~(20,300)~~ **(20,900)** but less than ~~twenty~~ **twenty-one** thousand ~~five hundred (20,500).~~ **(21,000).**

(b) ADVISORY—AREA. For purposes of this section, urban areas include all lands and lots within the corporate boundaries of a municipality, any other lands or lots used for residential purposes where there are at least eight (8) residences within any quarter mile square area, and other lands or lots that have been or are planned for residential areas contiguous to the municipality.

(c) ADVISORY—AREA. This chapter does not authorize an ordinance or action of a plan commission that would prevent, outside of urban areas, the complete use and alienation of any mineral resources or forests by the owner or alienee of them.

SECTION 196. IC 36-7-4-1210.5, AS AMENDED BY P.L.39-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1210.5. (a) ADVISORY. As used in this section, "municipality" refers to the most populous municipality in the jurisdiction of the plan commission.

(b) ADVISORY. This section applies to a plan commission operating under a joinder agreement **in a county:**

(1) ~~in a county~~ having a population of more than ~~one~~ **two** hundred ~~eighty~~ **seventy** thousand ~~(180,000)~~ **(270,000)** but less than ~~one~~ **three** hundred ~~eighty-two~~ thousand ~~seven hundred ninety (182,790);~~ **(300,000);** and

(2) containing:

(A) a township having a population of more than ~~eighteen~~ **thirty-two** thousand ~~(18,000)~~ **(32,000)** but less than ~~twenty-five~~ **fifty** thousand ~~(25,000);~~ **(50,000);** or

(B) a township having a population of more than nine thousand (9,000) but less than fifteen thousand (15,000).

(c) ADVISORY. Notwithstanding section 1210 of this chapter, a plan commission described in subsection (b) shall have nine (9) members as follows:

(1) Four (4) members who are residents of the municipality, to be appointed for four (4) year terms by the executive of the municipality.

(2) Three (3) members who are residents of the municipality, to be appointed for four (4) year terms by the legislative body of the municipality.

(3) Two (2) members who are residents of the township, to be appointed for four (4) year terms by the township executive with the approval of the township legislative body.

(d) The joinder agreement expires if the municipality annexes the

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entire area of a township described in subsection (b)(2).

(e) A joinder agreement under this section may be terminated if:

(1) the municipality adopts an ordinance terminating the joinder agreement;

(2) before adopting the ordinance under subdivision (1), the municipality conducts a public hearing on the issue of terminating the joinder agreement; and

(3) the executive of the municipality provides written notice to the township executive of the township subject to the joinder agreement that states the reason for the municipality's termination of the joinder agreement.

SECTION 197. IC 36-7-5.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. (a) Each member of the commission must have:

(1) knowledge and experience regarding affairs in the joint district;

(2) awareness of the social, economic, agricultural, and industrial conditions of the joint district; and

(3) an interest in the development of the joint district.

(b) A challenge to the appointment of a member based on the qualifications described in subsection (a) must be filed within thirty (30) days after the appointment. The challenge may be filed in the circuit court of any county that contains the entire joint district or any part of the joint district.

(c) Except as provided in subsection (d), a member must be a resident of a county where a part of the joint district is located or reside within ten (10) miles of the borders of the district.

(d) In a joint district that contains all or part of a county having a population of more than ~~seventy-one~~ **seventy-five** thousand **(75,000)** ~~four hundred (71,400)~~ but less than ~~seventy-three~~ **seventy-seven** thousand ~~(73,000),~~ **(77,000),** two (2) of the members appointed by the legislative body of that county under section 9(1) of this chapter must, in addition to the requirements of subsections (a) and (b), be residents of any township that is entirely or partially located within the joint district.

SECTION 198. IC 36-7-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having the following population:

(1) More than ~~thirty-nine~~ **forty** thousand ~~six hundred (39,600)~~ **(40,000)** but less than ~~forty~~ **forty-two** thousand ~~(40,000);~~ **(42,000).**

(2) More than nineteen thousand ~~three~~ **five** hundred ~~(19,300)~~

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(19,500) but less than twenty thousand (20,000). ~~or~~

(3) More than ten thousand seven hundred (10,700) but less than twelve thousand (12,000).

SECTION 199. IC 36-7-7.6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to the area consisting of the following counties:

(1) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(2) A county having a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000).~~ **(170,000).**

(3) A county having a population of more than one hundred ~~ten~~ **eleven** thousand ~~(110,000)~~ **(111,000)** but less than one hundred fifteen thousand (115,000).

SECTION 200. IC 36-7-11-4, AS AMENDED BY P.L.126-2011, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) A unit may establish, by ordinance, a historic preservation commission with an official name designated in the ordinance. The commission must have not less than three (3) nor more than nine (9) voting members, as designated by the ordinance. The voting members shall be appointed by the executive of the unit, subject to the approval of the legislative body. Voting members shall each serve for a term of three (3) years. However, the terms of the original voting members may be for one (1) year, two (2) years, or three (3) years in order for the terms to be staggered, as provided by the ordinance. A vacancy shall be filled for the duration of the term. In the case of a commission with jurisdiction in a city having a population of more than one hundred ~~five~~ thousand ~~(105,000)~~ **(100,000)** but less than one hundred ~~twenty~~ **ten** thousand ~~(120,000),~~ **(110,000),** the commission must after June 30, 2001, include as a voting member the superintendent of the largest school corporation in the city.

(b) The ordinance may provide qualifications for members of the commission, but members must be residents of the unit who are interested in the preservation and development of historic areas. The members of the commission should include professionals in the disciplines of architectural history, planning, and other disciplines related to historic preservation, to the extent that those professionals are available in the community. The ordinance may also provide for the appointment of advisory members that the legislative body considers appropriate.

(c) The ordinance may:

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(1) designate an officer or employee of the unit to act as administrator;

(2) permit the commission to appoint an administrator who shall serve without compensation except reasonable expenses incurred in the performance of the administrator's duties; or

(3) provide that the commission act without the services of an administrator.

(d) Members of the commission shall serve without compensation except for reasonable expenses incurred in the performance of their duties.

(e) The commission shall elect from its membership a chairman and vice chairman, who shall serve for one (1) year and may be reelected.

(f) The commission shall adopt rules consistent with this chapter for the transaction of its business. The rules must include the time and place of regular meetings and a procedure for the calling of special meetings. All meetings of the commission must be open to the public, and a public record of the commission's resolutions, proceedings, and actions must be kept. If the commission has an administrator, the administrator shall act as the commission's secretary, otherwise, the commission shall elect a secretary from its membership.

(g) The commission shall hold regular meetings, at least monthly, except when it has no business pending.

(h) A final decision of the commission is subject to judicial review under IC 36-7-4 as if it were a final decision of a board of zoning appeals.

SECTION 201. IC 36-7-11-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8.5. (a) When submitting a map to the legislative body under section 7 or 8 of this chapter, the commission may declare one (1) or more buildings or structures that are classified and designated as historic on the map to be under interim protection.

(b) Not more than two (2) working days after declaring a building or structure to be under interim protection under this section, the commission shall, by personal delivery or first class mail, provide the owner or occupant of the building or structure with a written notice of the declaration. The written notice must:

(1) cite the authority of the commission to put the building or structure under interim protection under this section;

(2) explain the effect of putting the building or structure under interim protection; and

(3) indicate that the interim protection is temporary.

(c) A building or structure put under interim protection under

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subsection (a) remains under interim protection until:

(1) in a county other than a county described in subdivision (2), the map is:

(A) submitted to; and

(B) approved in an ordinance or rejected by;

the legislative body of the unit; or

(2) in a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000),~~ **(270,000),** the earlier of:

(A) thirty (30) days after the building or structure is declared to be under interim protection; or

(B) the date the map is:

(i) submitted to; and

(ii) approved in an ordinance or rejected by;

the legislative body of the unit.

(d) While a building or structure is under interim protection under this section:

(1) the building or structure may not be demolished or moved; and

(2) the exterior appearance of the building or structure may not be conspicuously changed by:

(A) addition;

(B) reconstruction; or

(C) alteration.

SECTION 202. IC 36-7-11-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 22. (a) This section applies only to a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000).~~ **(270,000).**

(b) Notwithstanding any other provision, in the case of a building or structure owned by a political subdivision that is classified by a commission as historic and for which the classification is approved by the legislative body of the unit that established the commission, the commission may remove the historic classification of the building or structure without the adoption of an ordinance by the legislative body of the unit if the commission determines that removal of the classification is in the best interest of the unit and the political subdivision.

SECTION 203. IC 36-7-13-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) After approval by ordinance or resolution of the legislative body of a municipality located in a county having a population of:

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(1) more than one hundred ~~twenty~~ **thirty-five** thousand ~~(120,000)~~ **(135,000)** but less than one hundred ~~thirty~~ **thirty-eight** thousand ~~(130,000);~~ **(138,000);**

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

(3) more than three hundred thousand (300,000) but less than four hundred thousand (400,000);

the executive of the municipality may submit an application to an advisory commission on industrial development requesting that an area within the municipality be designated as a district.

(b) After approval by ordinance or resolution of the legislative body of a county, the executive of the county may submit an application to an advisory commission on industrial development requesting that an area within the county, but not within a municipality, be designated as a district. However, in a county having a population of more than one hundred ~~eighteen~~ **fifteen** thousand ~~(118,000)~~ **(115,000)** but less than one hundred ~~twenty~~ **twenty-five** thousand ~~(120,000),~~ **(125,000),** the legislative body of the county may request that an area within the county be designated as a district even if the area is within a municipality.

SECTION 204. IC 36-7-13-10.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10.7. (a) This section applies to a district designated under section 10.5 of this chapter and approved by the budget agency before January 1, 2002, in a city having a population of more than ~~thirty-one~~ **twenty-nine** thousand ~~(31,000)~~ **nine hundred (29,900)** but less than ~~thirty-two~~ **thirty-one** thousand ~~(32,000).~~ **(31,000).**

(b) An area is added to and becomes part of a district described in subsection (a) if the area consists of property that:

(1) is located in a city having a population of more than ~~thirty-one~~ **twenty-nine** thousand ~~(31,000)~~ **nine hundred (29,900)** but less than ~~thirty-two~~ **thirty-one** thousand ~~(32,000);~~ **(31,000);** and

(2) experienced a loss of at least three hundred (300) jobs during the calendar year ending December 31, 2001.

(c) After the addition of property to a district described in subsection (a) under this section, the gross retail base period amount determined under section 2.4 of this chapter for the district before the addition of the property to the district under this section shall be increased by an amount equal to:

(1) the aggregate amount of state gross retail and use taxes remitted:

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(A) under IC 6-2.5 by the businesses operating in the area added to the district under subsection (b); and

(B) during the period beginning after December 31, 2001, and ending before February 1, 2002; multiplied by

(2) twelve (12).

(d) After the addition of property to a district described in subsection (a) under this section, the income tax base period amount determined under section 3.2 of this chapter for the district before the addition of the property to the district under this section shall be increased by an amount equal to:

(1) the aggregate amount of state and local income taxes paid:

(A) by employees employed in the area added to the district under subsection (b) with respect to wages and salary earned for work in the area added; and

(B) during the period beginning after December 31, 2001, and ending before February 1, 2002; multiplied by

(2) twelve (12).

(e) The addition of property to a district under this section does not require adoption of an ordinance, review by the budget committee, or approval of the budget agency under section 10.5 of this chapter.

SECTION 205. IC 36-7-13-12, AS AMENDED BY P.L.113-2010, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12. (a) If a municipal or county executive has submitted an application to an advisory commission on industrial development requesting that an area be designated as a district under this chapter and the advisory commission has compiled and prepared the information required under section 11 of this chapter concerning the area, the advisory commission may adopt a resolution designating the area as a district if it makes the findings described in subsection (b), (c), (d), or (e). In a county described in subsection (c), an advisory commission may designate more than one (1) district under subsection (c).

(b) For an area located in a county having a population of more than one hundred ~~twenty~~ **thirty-five** thousand ~~(120,000)~~ **(135,000)** but less than one hundred ~~thirty~~ **thirty-eight** thousand ~~(130,000),~~ **(138,000),** an advisory commission may adopt a resolution designating a particular area as a district only after finding all of the following:

(1) The area contains a building or buildings:

(A) with at least one million (1,000,000) square feet of usable interior floor space; and

(B) that is or are vacant or will become vacant due to the relocation of an employer.

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(2) At least one thousand (1,000) fewer persons are employed in the area than were employed in the area during the year that is ten (10) years previous to the current year.

(3) There are significant obstacles to redevelopment of the area due to any of the following problems:

(A) Obsolete or inefficient buildings.

(B) Aging infrastructure or inefficient utility services.

(C) Utility relocation requirements.

(D) Transportation or access problems.

(E) Topographical obstacles to redevelopment.

(F) Environmental contamination.

(4) The unit has expended, appropriated, pooled, set aside, or pledged at least one hundred thousand dollars ($100,000) for purposes of addressing the redevelopment obstacles described in subdivision (3).

(5) The area is located in a county having a population of more than one hundred ~~twenty~~ **thirty-five** thousand ~~(120,000)~~ **(135,000)** but less than one hundred ~~thirty~~ **thirty-eight** thousand ~~(130,000).~~ **(138,000).**

(c) For a county having a population of more than one hundred ~~eighteen~~ **fifteen** thousand ~~(118,000)~~ **(115,000)** but less than one hundred ~~twenty~~ **twenty-five** thousand ~~(120,000),~~ **(125,000),** an advisory commission may adopt a resolution designating not more than three (3) areas as districts. An advisory commission may designate an area as a district only after finding the following:

(1) The area meets at least one (1) of the following conditions:

(A) The area meets the following conditions:

(i) The area contains a building with at least seven hundred ninety thousand (790,000) square feet.

(ii) At least eight hundred (800) fewer people are employed in the area than were employed in the area during the year that is fifteen (15) years previous to the current year.

(iii) The area is located in or is adjacent to an industrial park.

(B) The area meets the following conditions:

(i) The area contains a building with at least three hundred eighty-six thousand (386,000) square feet.

(ii) At least four hundred (400) fewer people are employed in the area than were employed in the area during the year that is fifteen (15) years previous to the current year.

(iii) The area is located in or is adjacent to an industrial park.

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(C) The area meets the following conditions:

(i) The area contains a building with at least one million (1,000,000) square feet.

(ii) At least seven hundred (700) fewer people are employed in the area than were employed in the area on January 1, 2008.

(2) There are significant obstacles to redevelopment of the area due to any of the following problems:

(A) Obsolete or inefficient buildings.

(B) Aging infrastructure or inefficient utility services.

(C) Utility relocation requirements.

(D) Transportation or access problems.

(E) Topographical obstacles to redevelopment.

(F) Environmental contamination.

(3) The area is located in a county having a population of more than one hundred ~~eighteen~~ **fifteen** thousand ~~(118,000)~~ **(115,000)** but less than one hundred ~~twenty~~ **twenty-five** thousand ~~(120,000).~~ **(125,000).**

(d) For an area located in a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000),~~ **(270,000),** an advisory commission may adopt a resolution designating a particular area as a district only after finding all of the following:

(1) The area contains a building or buildings:

(A) with at least one million five hundred thousand (1,500,000) square feet of usable interior floor space; and

(B) that is or are vacant or will become vacant.

(2) At least eighteen thousand (18,000) fewer persons are employed in the area at the time of application than were employed in the area before the time of application.

(3) There are significant obstacles to redevelopment of the area due to any of the following problems:

(A) Obsolete or inefficient buildings.

(B) Aging infrastructure or inefficient utility services.

(C) Utility relocation requirements.

(D) Transportation or access problems.

(E) Topographical obstacles to redevelopment.

(F) Environmental contamination.

(4) The unit has expended, appropriated, pooled, set aside, or pledged at least one hundred thousand dollars ($100,000) for purposes of addressing the redevelopment obstacles described in subdivision (3).

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(5) The area is located in a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000).~~ **(270,000).**

(e) For an area located in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000), an advisory commission may adopt a resolution designating a particular area as a district only after finding all of the following:

(1) The area contains a building or buildings:

(A) with at least eight hundred thousand (800,000) gross square feet; and

(B) having leasable floor space, at least fifty percent (50%) of which is or will become vacant.

(2) There are significant obstacles to redevelopment of the area due to any of the following problems:

(A) Obsolete or inefficient buildings as evidenced by a decline of at least seventy-five percent (75%) in their assessed valuation during the preceding ten (10) years.

(B) Transportation or access problems.

(C) Environmental contamination.

(3) At least four hundred (400) fewer persons are employed in the area than were employed in the area during the year that is fifteen (15) years previous to the current year.

(4) The area has been designated as an economic development target area under IC 6-1.1-12.1-7.

(5) The unit has appropriated, pooled, set aside, or pledged at least two hundred fifty thousand dollars ($250,000) for purposes of addressing the redevelopment obstacles described in subdivision (2).

(6) The area is located in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(f) The advisory commission, or the county or municipal legislative body, in the case of a district designated under section 10.5 of this chapter, shall designate the duration of the district. However, a district must terminate not later than fifteen (15) years after the income tax incremental amount or gross retail incremental amount is first allocated to the district.

(g) Upon adoption of a resolution designating a district, the advisory commission shall:

(1) publish notice of the adoption and substance of the resolution in accordance with IC 5-3-1; and

(2) file the following information with each taxing unit in the

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county where the district is located:

(A) A copy of the notice required by subdivision (1).

(B) A statement disclosing the impact of the district, including the following:

(i) The estimated economic benefits and costs incurred by the district, as measured by increased employment and anticipated growth of property assessed values.

(ii) The anticipated impact on tax revenues of each taxing unit.

The notice must state the general boundaries of the district.

(h) Upon completion of the actions required by subsection (g), the advisory commission shall submit the resolution to the budget committee for review and recommendation to the budget agency. If the budget agency fails to take action on a resolution designating a district within one hundred twenty (120) days after the date that the resolution is submitted to the budget committee, the designation of the district by the resolution is considered approved.

(i) When considering a resolution, the budget committee and the budget agency must make the following findings:

(1) The area to be designated as a district meets the conditions necessary for designation as a district.

(2) The designation of the district will benefit the people of Indiana by protecting or increasing state and local tax bases and tax revenues for at least the duration of the district.

(j) The income tax incremental amount and the gross retail incremental amount may not be allocated to the district until the resolution is approved under this section.

SECTION 206. IC 36-7-14-15.5, AS AMENDED BY P.L.203-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15.5. (a) This section applies to a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000).~~ **(270,000).**

(b) In adopting a declaratory resolution under section 15 of this chapter, a redevelopment commission may include a provision stating that the redevelopment project area is considered to include one (1) or more additional areas outside the boundaries of the redevelopment project area if the redevelopment commission makes the following findings and the requirements of subsection (c) are met:

(1) One (1) or more taxpayers presently located within the boundaries of the redevelopment project area are expected within one (1) year to relocate all or part of their operations outside the

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boundaries of the redevelopment project area and have expressed an interest in relocating all or part of their operations within the boundaries of an additional area.

(2) The relocation described in subdivision (1) will contribute to the continuation of the conditions described in IC 36-7-1-3 in the redevelopment project area.

(3) For purposes of this section, it will be of public utility and benefit to include the additional areas as part of the redevelopment project area.

(c) Each additional area must be designated by the redevelopment commission as a redevelopment project area or an economic development area under this chapter.

(d) Notwithstanding section 3 of this chapter, the additional areas shall be considered to be a part of the redevelopment special taxing district under the jurisdiction of the redevelopment commission. Any excess property taxes that the commission has determined may be paid to taxing units under section 39(b)(4) of this chapter shall be paid to the taxing units from which the excess property taxes were derived. All powers of the redevelopment commission authorized under this chapter may be exercised by the redevelopment commission in additional areas under its jurisdiction.

(e) The declaratory resolution must include a statement of the general boundaries of each additional area. However, it is sufficient to describe those boundaries by location in relation to public ways, streams, or otherwise, as determined by the commissioners.

(f) The declaratory resolution may include a provision with respect to the allocation and distribution of property taxes with respect to one (1) or more of the additional areas in the manner provided in section 39 of this chapter. If the redevelopment commission includes such a provision in the resolution, allocation areas in the redevelopment project area and in the additional areas considered to be part of the redevelopment project area shall be considered a single allocation area for purposes of this chapter.

(g) The additional areas must be located within the same county as the redevelopment project area but are not otherwise required to be within the jurisdiction of the redevelopment commission, if the redevelopment commission obtains the consent by ordinance of:

(1) the county legislative body, for each additional area located within the unincorporated part of the county; or

(2) the legislative body of the city or town affected, for each additional area located within a city or town.

In granting its consent, the legislative body shall approve the plan of

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development or redevelopment relating to the additional area.

(h) A declaratory resolution previously adopted may be amended to include a provision to include additional areas as set forth in this section and an allocation provision under section 39 of this chapter with respect to one (1) or more of the additional areas in accordance with sections 15, 16, and 17 of this chapter.

(i) The redevelopment commission may amend the allocation provision of a declaratory resolution in accordance with sections 15, 16, and 17 of this chapter to change the assessment date that determines the base assessed value of property in the allocation area to any assessment date following the effective date of the allocation provision of the declaratory resolution. Such a change may relate to the assessment date that determines the base assessed value of that portion of the allocation area that is located in the redevelopment project area alone, that portion of the allocation area that is located in an additional area alone, or the entire allocation area.

SECTION 207. IC 36-7-14-39.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 39.2. (a) This section applies to a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000).~~ **(270,000).**

(b) As used in this section, "designated taxpayer" means any taxpayer designated by the commission in a declaratory resolution adopted or amended under section 15 or 17.5 of this chapter and with respect to which the commission finds that taxes to be derived from the taxpayer's depreciable personal property in the allocation area, in excess of the taxes attributable to the base assessed value of that personal property, are reasonably expected to exceed in one (1) or more future years the taxes to be derived from the taxpayer's real property in the allocation area in excess of the taxes attributable to the base assessed value of that real property.

(c) The allocation provision of a declaratory resolution may modify the definition of "property taxes" under section 39(a) of this chapter to include taxes imposed under IC 6-1.1 on the depreciable personal property of designated taxpayers, in accordance with the procedures and limitations set forth in this section and section 39 of this chapter. If such a modification is included in the resolution for purposes of section 39 of this chapter, the term "base assessed value" with respect to the depreciable personal property of designated taxpayers means the net assessed value of all the depreciable personal property as finally determined for the assessment date immediately preceding:

(1) the effective date of the modification, for modifications

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adopted before July 1, 1995; and

(2) the adoption date of the modification for modifications adopted after June 30, 1995;

as adjusted under section 39(h) of this chapter.

SECTION 208. IC 36-7-26-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to the following:

(1) A city having a population of more than ~~seventy-five~~ **eighty** thousand ~~(75,000)~~ **five hundred (80,500)** but less than ~~ninety~~ **one hundred** thousand ~~(90,000).~~ **(100,000).**

(2) A city having a population of more than one hundred ~~five~~ thousand ~~(105,000)~~ **(100,000)** but less than one hundred ~~twenty~~ **ten** thousand ~~(120,000).~~ **(110,000).**

(3) A city having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000).

(4) A city having a population of more than one hundred ~~twenty~~ **ten** thousand ~~(120,000)~~ **(110,000)** but less than one hundred fifty thousand (150,000).

SECTION 209. IC 36-7-29-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to the following units:

(1) A city having a population of more than ~~seven~~ **eight** thousand ~~(7,000)~~ **seven hundred (8,700)** but less than ~~seven~~ **nine** thousand ~~three hundred (7,300).~~ **(9,000).**

(2) A county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000).~~ **(175,000).**

SECTION 210. IC 36-7-31.3-8, AS AMENDED BY P.L.182-2009(ss), SECTION 510, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. (a) A designating body may designate as part of a professional sports and convention development area any facility that is:

(1) owned by the city, the county, a school corporation, or a board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11, and used by a professional sports franchise for practice or competitive sporting events;

(2) owned by the city, the county, or a board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11, and used as one (1) of the following:

(A) A facility used principally for convention or tourism related events serving national or regional markets.

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(B) An airport.
(C) A museum.
(D) A zoo.
(E) A facility used for public attractions of national significance.
(F) A performing arts venue.
(G) A county courthouse registered on the National Register of Historic Places; or

(3) a hotel.

Notwithstanding section 9 of this chapter or any other law, a designating body may by resolution approve the expansion of a professional sports and convention development area after June 30, 2009, to include a hotel designated by the designating body. A resolution for such an expansion must be reviewed by the budget committee and approved by the budget agency in the same manner as a resolution establishing a professional sports and convention development area is reviewed and approved. A facility may not include a private golf course or related improvements. The tax area may include only facilities described in this section and any parcel of land on which a facility is located. An area may contain noncontiguous tracts of land within the city, county, or school corporation.

(b) Except for a tax area that is located in a city having a population of:

(1) more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000); or
(2) more than ~~ninety~~ **eighty** thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty** thousand ~~(105,000);~~ **four hundred (80,400);**

a tax area must include at least one (1) facility described in subsection (a)(1).

(c) A tax area may contain other facilities not owned by the designating body if:

(1) the facility is owned by a city, the county, a school corporation, or a board established under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11; and
(2) an agreement exists between the designating body and the owner of the facility specifying the distribution and uses of the covered taxes to be allocated under this chapter.

(d) This subsection applies to all tax areas located in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000). The facilities located at an Indiana University-Purdue University regional campus are added to the

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tax area designated by the county. The maximum amount of covered taxes that may be captured in all tax areas located in the county is three million dollars ($3,000,000) per year, regardless of the designating body that established the tax area. The county option income taxes imposed under IC 6-3.5 that are captured must be counted first toward this maximum.

SECTION 211. IC 36-7-31.3-9, AS AMENDED BY P.L.172-2011, SECTION 157, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) A tax area must be initially established by resolution:

(1) except as provided in subdivision (2) before July 1, 1999; or

(2) before January 1, 2013, in the case of:

(A) a second class city;

(B) the city of Marion; or

(C) the city of Westfield;

according to the procedures set forth for the establishment of an economic development area under IC 36-7-14. Before May 15, 2005, a tax area established before January 1, 2005, may be changed or the terms governing the tax area revised in the same manner as the establishment of the initial tax area. After May 14, 2005, a tax area established before January 1, 2005, may not be changed and the terms governing a tax area may not be revised. Only one (1) tax area may be created in each county.

(b) In establishing the tax area, the designating body must make the following findings instead of the findings required for the establishment of economic development areas:

(1) Except for a tax area in a city having a population of:

(A) more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000); or

(B) more than ~~ninety~~ **eighty** thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty** thousand ~~(105,000);~~ **four hundred (80,400);**

there is a capital improvement that will be undertaken or has been undertaken in the tax area for a facility that is used by a professional sports franchise for practice or competitive sporting events. A tax area to which this subdivision applies may also include a capital improvement that will be undertaken or has been undertaken in the tax area for a facility that is used for any purpose specified in section 8(a)(2) of this chapter.

(2) For a tax area in a city having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000), there is a capital improvement that will be

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undertaken or has been undertaken in the tax area for a facility that is used for any purpose specified in section 8(a) of this chapter.

(3) For a tax area in a city having a population of more than ~~ninety~~ **eighty** thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty** thousand ~~(105,000),~~ **four hundred (80,400),** there is a capital improvement that will be undertaken or has been undertaken in the tax area for a facility that is used for any purpose specified in section 8(a)(2) of this chapter.

(4) The capital improvement that will be undertaken or that has been undertaken in the tax area will benefit the public health and welfare and will be of public utility and benefit.

(5) The capital improvement that will be undertaken or that has been undertaken in the tax area will protect or increase state and local tax bases and tax revenues.

(c) The tax area established under this chapter is a special taxing district authorized by the general assembly to enable the designating body to provide special benefits to taxpayers in the tax area by promoting economic development that is of public use and benefit.

SECTION 212. IC 36-7-31.3-10, AS AMENDED BY P.L.182-2009(ss), SECTION 511, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) A tax area must be established by resolution. A resolution establishing a tax area must provide for the allocation of covered taxes attributable to a taxable event or covered taxes earned in the tax area to the professional sports and convention development area fund established for the city or county. The allocation provision must apply to the entire tax area. However, for all tax areas located in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000), the allocation each year must be as follows:

(1) The first two million six hundred thousand dollars ($2,600,000) shall be transferred to the county treasurer for deposit in the supplemental coliseum improvement fund.

(2) The remaining amount shall be transferred to the treasurer of the joint county-city capital improvement board in the county.

The resolution must provide the tax area terminates not later than December 31, 2027.

(b) In addition to subsection (a), all of the salary, wages, bonuses, and other compensation that are:

(1) paid during a taxable year to a professional athlete for professional athletic services;

(2) taxable in Indiana; and

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(3) earned in the tax area;

shall be allocated to the tax area if the professional athlete is a member of a team that plays the majority of the professional athletic events that the team plays in Indiana in the tax area.

(c) For a tax area that is:

(1) not located in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000); and

(2) not located in a city having a population of more than one hundred ~~five~~ thousand ~~(105,000) and~~ **(100,000) but** less than one hundred ~~twenty~~ **ten** thousand ~~(120,000);~~ **(110,000);**

the total amount of state revenue captured by the tax area may not exceed five dollars ($5) per resident of the city or county per year for twenty (20) consecutive years.

(d) For a tax area that is located in a city having a population of more than one hundred ~~five~~ thousand ~~(105,000) and~~ **(100,000) but** less than one hundred ~~twenty~~ **ten** thousand ~~(120,000),~~ **(110,000),** the total amount of state revenue captured by the tax area may not exceed six dollars and fifty cents ($6.50) per resident of the city per year for twenty (20) consecutive years.

(e) The resolution establishing the tax area must designate the facility or proposed facility and the facility site for which the tax area is established.

(f) The department may adopt rules under IC 4-22-2 and guidelines to govern the allocation of covered taxes to a tax area.

SECTION 213. IC 36-7-31.3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 19. The resolution establishing the tax area must designate the use of the funds. The funds are to be used only for the following:

(1) Except in a tax area in a city having a population of:

(A) more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000); or

(B) more than ~~ninety~~ **eighty** thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty** thousand ~~(105,000);~~ **four hundred (80,400);**

a capital improvement that will construct or equip a facility owned by the city, the county, a school corporation, or a board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11 and used by a professional sports franchise for practice or competitive sporting events. In a tax area to which this subdivision applies, funds may also be used for a capital improvement that will construct or equip a facility owned by the city, the county, or a

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board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11 and used for any purpose specified in section 8(a)(2) of this chapter.

(2) In a city having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000), a capital improvement that will construct or equip a facility owned by the city, the county, a school corporation, or a board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11 and used for any purpose specified in section 8(a) of this chapter.

(3) In a city having a population of more than ~~ninety~~ **eighty** thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty** thousand ~~(105,000),~~ **four hundred (80,400),** a capital improvement that will construct or equip a facility owned by the city, the county, or a board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11 and used for any purpose specified in section 8(a)(1) or 8(a)(2) of this chapter.

(4) The financing or refinancing of a capital improvement described in subdivision (1), (2), or (3) or the payment of lease payments for a capital improvement described in subdivision (1), (2), or (3).

SECTION 214. IC 36-7.5-1-4, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. "Airport development authority" refers to an airport development authority established under IC 8-22-3.7 in a city having a population of more than ~~ninety~~ **eighty** thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty** thousand ~~(105,000).~~ **four hundred (80,400).**

SECTION 215. IC 36-7.5-1-11, AS AMENDED BY P.L.47-2006, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. "Eligible county" refers to the following counties:

(1) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(2) A county having a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000).~~ **(170,000).**

(3) A county having a population of more than one hundred ~~ten~~ **eleven** thousand ~~(110,000)~~ **(111,000)** but less than one hundred fifteen thousand (115,000), if:

(A) the fiscal body of the county has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the

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development authority; and

(B) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority.

SECTION 216. IC 36-7.5-2-3, AS AMENDED BY P.L.182-2009(ss), SECTION 423, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) The development authority is governed by the development board appointed under this section.

(b) Except as provided in subsections (e), (f), and (h), the development board is composed of the following seven (7) members:

(1) Two (2) members appointed by the governor. One (1) of the members appointed by the governor under this subdivision must be an individual nominated under subsection (d). The members appointed by the governor under this subdivision serve at the pleasure of the governor.

(2) The following members from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) One (1) member appointed by the mayor of the largest city in the county in which a riverboat is located.

(B) One (1) member appointed by the mayor of the second largest city in the county in which a riverboat is located.

(C) One (1) member appointed by the mayor of the third largest city in the county in which a riverboat is located.

(D) One (1) member appointed jointly by the county executive and the county fiscal body. A member appointed under this clause may not reside in a city described in clause (A), (B), or (C).

(3) One (1) member appointed jointly by the county executive and county fiscal body of a county having a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000).~~ **(170,000).**

(c) A member appointed to the development board must have knowledge and at least five (5) years professional work experience in at least one (1) of the following:

(1) Rail transportation or air transportation.

(2) Regional economic development.

(3) Business or finance.

(d) The mayor of the largest city in a county having a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)**

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but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** shall nominate three (3) residents of the county for appointment to the development board. One (1) of the governor's initial appointments under subsection (b)(1) must be an individual nominated by the mayor. At the expiration of the member's term, the mayor of the second largest city in the county shall nominate three (3) residents of the county for appointment to the development board. One (1) of the governor's appointments under subsection (b)(1) must be an individual nominated by the mayor. Thereafter, the authority to nominate the three (3) individuals from among whom the governor shall make an appointment under subsection (b)(1) shall alternate between the mayors of the largest and the second largest city in the county at the expiration of a member's term.

(e) A county having a population of more than one hundred ~~ten~~ **eleven** thousand ~~(110,000)~~ **(111,000)** but less than one hundred fifteen thousand (115,000) shall be an eligible county participating in the development authority if the fiscal body of the county adopts an ordinance before September 15, 2006, providing that the county is joining the development authority and the fiscal body of a city that is located in the county and that has a population of more than ~~thirty-two~~ **thirty-one** thousand ~~eight hundred~~ ~~(32,800)~~ **(31,000)** but less than ~~thirty-three~~ **thirty-one** thousand ~~(33,000)~~ **five hundred (31,500)** adopts an ordinance before September 15, 2006, providing that the city is joining the development authority. Notwithstanding subsection (b), if ordinances are adopted under this subsection and the county becomes an eligible county participating in the development authority:

(1) the development board shall be composed of nine (9) members rather than seven (7) members; and

(2) the additional two (2) members shall be appointed in the following manner:

(A) One (1) additional member shall be appointed by the governor and shall serve at the pleasure of the governor. The member appointed under this clause must be an individual nominated under subsection (f).

(B) One (1) additional member shall be appointed jointly by the county executive and county fiscal body.

(f) This subsection applies only if the county described in subsection (e) is an eligible county participating in the development authority. The mayor of the largest city in the county described in subsection (e) shall nominate three (3) residents of the county for appointment to the development board. The governor's initial appointment under subsection (e)(2)(A) must be an individual nominated by the mayor. At

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the expiration of the member's term, the mayor of the second largest city in the county described in subsection (e) shall nominate three (3) residents of the county for appointment to the development board. The governor's second appointment under subsection (e)(2)(A) must be an individual nominated by the mayor. Thereafter, the authority to nominate the three (3) individuals from among whom the governor shall make an appointment under subsection (e)(2)(A) shall alternate between the mayors of the largest and the second largest city in the county at the expiration of a member's term.

(g) An individual or entity required to make an appointment under subsection (b) or nominations under subsection (d) must make the initial appointment before September 1, 2005, or the initial nomination before August 15, 2005. If an individual or entity does not make an initial appointment under subsection (b) before September 1, 2005, or the initial nominations required under subsection (d) before September 1, 2005, the governor shall instead make the initial appointment.

(h) Subsection (i) applies only to municipalities located in a county that:

(1) has a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000);~~ **(170,000);** and

(2) was a member of the development authority on January 1, 2009, and subsequently ceases to be a member of the development authority.

(i) If the fiscal bodies of at least two (2) municipalities subject to this subsection adopt ordinances to become members of the development authority, those municipalities shall become members of the development authority. If two (2) or more municipalities become members of the development authority under this subsection, the fiscal bodies of the municipalities that become members of the development authority shall jointly appoint one (1) member of the development board who shall serve in place of the member described in subsection (b)(3). A municipality that becomes a member of the development authority under this subsection is considered an eligible municipality for purposes of this article.

SECTION 217. IC 36-7.5-4-2, AS AMENDED BY P.L.182-2009(ss), SECTION 426, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) Except as provided in subsection (b), beginning in 2006 the fiscal officer of each city and county described in IC 36-7.5-2-3(b) shall each transfer three million five hundred thousand dollars ($3,500,000) each year to the development authority for deposit in the development authority fund

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established under section 1 of this chapter. However, if a county having a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** ceases to be a member of the development authority and two (2) or more municipalities in the county have become members of the development authority as authorized by IC 36-7.5-2-3(i), the transfer of county economic development income tax transferred under IC 6-3.5-7-13.1(b)(4) is the contribution of the municipalities in the county that have become members of the development authority.

(b) This subsection applies only if:

(1) the fiscal body of the county described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the development authority;

(2) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority; and

(3) the county described in IC 36-7.5-2-3(e) is an eligible county participating in the development authority.

Beginning in 2007, the fiscal officer of the county described in IC 36-7.5-2-3(e) shall transfer two million six hundred twenty-five thousand dollars ($2,625,000) each year to the development authority for deposit in the development authority fund established under section 1 of this chapter. Beginning in 2007, the fiscal officer of the city described in IC 36-7.5-2-3(e) shall transfer eight hundred seventy-five thousand dollars ($875,000) each year to the development authority for deposit in the development authority fund established under section 1 of this chapter.

(c) The following apply to the transfers required by subsections (a) and (b):

(1) Except for transfers of money described in subdivision (4)(D), the transfers shall be made without appropriation by the city or county fiscal body or approval by any other entity.

(2) Except as provided in subdivision (3), after December 31, 2005, each fiscal officer shall transfer eight hundred seventy-five thousand dollars ($875,000) to the development authority fund before the last business day of January, April, July, and October of each year. Food and beverage tax revenue deposited in the fund under IC 6-9-36-8 is in addition to the transfers required by this section.

(3) After December 31, 2006, the fiscal officer of the county described in IC 36-7.5-2-3(e) shall transfer six hundred fifty-six

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thousand two hundred fifty dollars ($656,250) to the development authority fund before the last business day of January, April, July, and October of each year. The county is not required to make any payments or transfers to the development authority covering any time before January 1, 2007. The fiscal officer of a city described in IC 36-7.5-2-3(e) shall transfer two hundred eighteen thousand seven hundred fifty dollars ($218,750) to the development authority fund before the last business day of January, April, July, and October of each year. The city is not required to make any payments or transfers to the development authority covering any time before January 1, 2007.

(4) The transfers shall be made from one (1) or more of the following:

(A) Riverboat admissions tax revenue received by the city or county, riverboat wagering tax revenue received by the city or county, or riverboat incentive payments received from a riverboat licensee by the city or county.

(B) Any county economic development income tax revenue received under IC 6-3.5-7 by the city or county.

(C) Any other local revenue other than property tax revenue received by the city or county.

(D) In the case of a county described in IC 36-7.5-2-3(e) or a city described in IC 36-7.5-2-3(e), any money from the major moves construction fund that is distributed to the county or city under IC 8-14-16.

SECTION 218. IC 36-8-8-1, AS AMENDED BY P.L.227-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to:

(1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);

(2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);

(3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;

(4) a park ranger who:

(A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement

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academy or the law enforcement academy in another state;

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

(C) is employed by the parks department of a city having a population of more than one hundred ~~twenty~~ **ten** thousand ~~(120,000)~~ **(110,000)** but less than one hundred fifty thousand (150,000);

(5) a full-time fully paid firefighter who is covered by this chapter before the effective date of consolidation and becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1, provided that the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;

(6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; and

(8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1;

except as provided by section 7 of this chapter.

SECTION 219. IC 36-8-8-7, AS AMENDED BY SEA 127-2012, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

(1) a police officer; or

(2) a firefighter;

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

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or

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firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the system board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

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

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

(1) was hired before May 1, 1977;

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

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

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

(1) was hired before May 1, 1977;

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

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

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

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

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

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

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

(4) is made, by the fiscal body of the other unit after December

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31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

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

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

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

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

(3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and

(4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

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

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

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

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

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

(j) A park ranger who:

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

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

(3) is employed by the parks department of a city having a population of more than one hundred ~~twenty~~ **ten** thousand

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~~(120,000)~~ **110,000** but less than one hundred fifty thousand (150,000);

is a member of the fund.

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

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

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

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

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

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

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

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

(3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l) may not be:

(1) retired for purposes of section 10 of this chapter; or

(2) disabled for purposes of section 12 of this chapter;

solely because of a change in employer under the consolidation.

SECTION 220. IC 36-8-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) The state examiner of the state board of accounts shall fix the exact amount per meal that the sheriff of each county receives for feeding the prisoners in the sheriff's custody. Subject to the maximum meal allowance provided in this section, the state examiner shall increase the amount per meal that a sheriff receives as follows:

(1) Increase the amount per meal by a percentage that does not exceed the percent of increase in the United States Department of

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Labor Consumer Price Index during the year preceding the year in which an increase is established.

(2) Increase the amount per meal above the amount determined under subdivision (1) if the sheriff furnishes to the state examiner sufficient documentation to prove that the sheriff cannot provide meals at the amount per meal that is determined under subdivision (1).

The amount must be fixed by April 15 each year and takes effect immediately upon approval. The allowance may not exceed two dollars ($2) per person per meal. The allowance shall be paid out of the general fund of the county after the sheriff submits to the county executive an itemized statement, under oath, showing the names of the prisoners, the date that each was imprisoned in the county jail, and the number of meals served to each prisoner.

(b) Notwithstanding subsection (a), IC 36-2-13-2.5(b)(4) through IC 36-2-13-2.5(b)(5), and IC 36-2-13-2.8(b), this subsection applies to a county having a population of:

(1) more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000);~~ **(185,000);** or

(2) more than three hundred thousand (300,000).

A county shall feed the county prisoners through an appropriation in the usual manner by the county fiscal body. The appropriation shall be expended by the sheriff under the direction of the county executive. If a county has a population of less than four hundred thousand (400,000), an accounting of the expenditures must be filed monthly with the county auditor by the fifth day of the month following the expenditure. If a county has a population of four hundred thousand (400,000) or more, an accounting of the expenditures must be filed with the county auditor on the first Monday of January and the first Monday of July of each year. Neither the sheriff nor the sheriff's officers, deputies, and employees may make a profit as a result of the appropriation.

SECTION 221. IC 36-8-15-1, AS AMENDED BY P.L.195-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~a county that has:~~ **the following counties:**

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

(2) **A county having** a population of more than one hundred ~~eighty-two~~ **eighty-five** thousand ~~seven hundred ninety (182,790)~~ **(185,000)** but less than two hundred **fifty** thousand ~~(200,000); or~~ **(250,000).**

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(3) ~~adopted~~ **A county that adopts** an ordinance providing for the county to be governed by this chapter.

However, sections 9.5, 15, 16, 17, and 18 of this chapter apply only to a county having a consolidated city.

SECTION 222. IC 36-8-15-19, AS AMENDED BY P.L.182-2009(ss), SECTION 440, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 19. (a) This subsection applies to a county that has a population of more than one hundred ~~eighty-two~~ **eighty-five** thousand ~~seven hundred ninety (182,790)~~ **(185,000)** but less than two hundred **fifty** thousand ~~(200,000).~~ **(250,000).** For the purpose of raising money to fund the operation of the district, the county fiscal body may impose, for property taxes first due and payable during each year after the adoption of an ordinance establishing the district, an ad valorem property tax levy on property within the district. The property tax rate for that levy may not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation.

(b) This subsection applies to a county having a consolidated city. The county fiscal body may elect to fund the operation of the district from part of the certified distribution, if any, that the county is to receive during a particular calendar year under IC 6-3.5-6-17. To make such an election, the county fiscal body must adopt an ordinance before September 1 of the immediately preceding calendar year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to fund the operation of the district. If the county fiscal body adopts such an ordinance, it shall immediately send a copy of the ordinance to the county auditor.

(c) Subject to subsections (d), (e), and (f), if an ordinance or resolution is adopted changing the territory covered by the district or the number of public agencies served by the district, the department of local government finance shall, for property taxes first due and payable during the year after the adoption of the ordinance, adjust the maximum permissible ad valorem property tax levy limits of the district and the units participating in the district.

(d) If a unit by ordinance or resolution joins the district or elects to have its public safety agencies served by the district, the department of local government finance shall reduce the maximum permissible ad valorem property tax levy of the unit for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amount budgeted by the unit for public safety communication services in the year in which the ordinance was adopted. If such an ordinance or resolution is adopted,

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the district shall refer its proposed budget, ad valorem property tax levy, and property tax rate for the following year to the department of local government finance, which shall review and set the budget, levy, and rate as though the district were covered by IC 6-1.1-18.5-7.

(e) If a unit by ordinance or resolution withdraws from the district or rescinds its election to have its public safety agencies served by the district, the department of local government finance shall reduce the maximum permissible ad valorem property tax levy of the district for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amounts being levied by the district within that unit. If such an ordinance or resolution is adopted, the unit shall refer its proposed budget, ad valorem property tax levy, and property tax rate for public safety communication services to the department of local government finance, which shall review and set the budget, levy, and rate as though the unit were covered by IC 6-1.1-18.5-7.

(f) The adjustments provided for in subsections (c), (d), and (e) do not apply to a district or unit located in a particular county if the county fiscal body of that county does not impose an ad valorem property tax levy under subsection (a) to fund the operation of the district.

(g) A county that has adopted an ordinance under section 1(3) of this chapter may not impose an ad valorem property tax levy on property within the district to fund the operation or implementation of the district.

SECTION 223. IC 36-9-2-1, AS AMENDED BY P.L.182-2009(ss), SECTION 444, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to all units except townships. However, with respect to a public transportation system, this chapter does not apply after December 31, 2009, to a county that is a member of the northern Indiana regional transportation district established under IC 8-24 and that has a population of:

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

(2) more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000);~~ **(170,000);**

or a unit located in such a county.

SECTION 224. IC 36-9-3-2, AS AMENDED BY P.L.182-2009(ss), SECTION 445, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) Except as provided in subsection (d), a fiscal body of a county or municipality may, by ordinance, establish a regional transportation authority (referred to as

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"the authority" in this chapter) for the purpose of acquiring, improving, operating, maintaining, financing, and generally supporting a public transportation system that operates within the boundaries of an area designated as a transportation planning district by the Indiana department of transportation. However, only one (1) public transportation authority may be established within an area designated as a transportation planning district by the Indiana department of transportation.

(b) The ordinance establishing the authority must include an effective date and a name for the authority. Except as provided in subsection (c), the words "regional transportation authority" must be included in the name of the authority.

(c) After December 31, 2009, this subsection applies if a county is not a member of the northern Indiana regional transportation district established under IC 8-24. The words "regional bus authority" must be included in the name of an authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(d) After December 31, 2009, this subsection applies if a county is a member of the northern Indiana regional transportation district established under IC 8-24 and has a population of:

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

(2) more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000).~~ **(170,000).**

In such a county the regional bus authority or regional transportation authority, whichever applies, is abolished effective January 1, 2010. After December 31, 2009, a regional transportation authority may not be established by a fiscal body of such a county or a municipality in such a county.

SECTION 225. IC 36-9-3-3.5, AS ADDED BY P.L.70-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3.5. (a) This section applies to a county with a population of more than one hundred ~~ten~~ **eleven** thousand ~~(110,000)~~ **(111,000)** but less than one hundred fifteen thousand (115,000) and any second class city located in the county.

(b) A county or city described in subsection (a) shall become a member of an authority described in section 5(c) of this chapter if the fiscal body of the county or city adopts a resolution authorizing the county or city to become a member of the authority and the board of the authority approves the membership of the county or city.

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SECTION 226. IC 36-9-3-5, AS AMENDED BY P.L.182-2009(ss), SECTION 446, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) An authority is under the control of a board (referred to as "the board" in this chapter) that, except as provided in subsections (b) and (c), consists of:

(1) two (2) members appointed by the executive of each county in the authority;

(2) one (1) member appointed by the executive of the largest municipality in each county in the authority;

(3) one (1) member appointed by the executive of each second class city in a county in the authority; and

(4) one (1) member from any other political subdivision that has public transportation responsibilities in a county in the authority.

(b) An authority that includes a consolidated city is under the control of a board consisting of the following:

(1) Two (2) members appointed by the executive of the county having the consolidated city.

(2) One (1) member appointed by the board of commissioners of the county having the consolidated city.

(3) One (1) member appointed by the executive of each other county in the authority.

(4) Two (2) members appointed by the governor from a list of at least five (5) names provided by the Indianapolis regional transportation council.

(5) One (1) member representing the four (4) largest municipalities in the authority located in a county other than a county containing a consolidated city. The member shall be appointed by the executives of the municipalities acting jointly.

(6) One (1) member representing the excluded cities located in a county containing a consolidated city that are members of the authority. The member shall be appointed by the executives of the excluded cities acting jointly.

(7) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member.

(c) After December 31, 2009, this subsection applies if both a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) and a county having a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** are not members of the northern Indiana

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regional transportation district established under IC 8-24. An authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) is under the control of a board consisting of the following twenty-one (21) members:

(1) Three (3) members appointed by the executive of a city with a population of more than ~~ninety~~ **eighty** thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty** thousand ~~(105,000).~~ **four hundred (80,400).**

(2) Two (2) members appointed by the executive of a city with a population of more than ~~seventy-five~~ **eighty** thousand ~~(75,000)~~ **five hundred (80,500)** but less than ~~ninety~~ **one hundred** thousand ~~(90,000).~~ **(100,000).**

(3) One (1) member jointly appointed by the executives of the following municipalities located within a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A city with a population of more than ~~five~~ **four** thousand ~~one~~ **nine** hundred ~~thirty-five (5,135)~~ **fifty (4,950)** but less than five thousand ~~two hundred (5,200).~~ **(5,000).**

(B) A city with a population of more than ~~thirty-two~~ **twenty-nine** thousand ~~(32,000)~~ **six hundred (29,600)** but less than ~~thirty-two~~ **twenty-nine** thousand ~~eight~~ **nine** hundred ~~(32,800).~~ **(29,900).**

(4) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A town with a population of more than ~~fifteen~~ **sixteen** thousand ~~(15,000)~~ **five hundred (16,500)** but less than twenty thousand (20,000).

(B) A town with a population of more than twenty-three thousand ~~(23,000)~~ **seven hundred (23,700)** but less than twenty-four thousand (24,000).

(C) A town with a population of more than twenty thousand (20,000) but less than twenty-three thousand ~~(23,000).~~ **seven hundred (23,700).**

(5) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A town with a population of more than ~~eight~~ **fourteen**

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thousand ~~(8,000)~~ **(14,000)** but less than ~~nine~~ **sixteen** thousand ~~(9,000).~~ **(16,000).**

(B) A town with a population of more than twenty-four thousand (24,000) but less than thirty thousand (30,000).

(C) A town with a population of more than ~~twelve~~ **sixteen** thousand ~~five hundred (12,500)~~ **(16,000)** but less than ~~fifteen~~ **sixteen** thousand ~~(15,000).~~ **five hundred (16,500).**

(6) One (1) member who is jointly appointed by the following authorities of municipalities located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a city with a population of more than ~~nineteen~~ **twenty-five** thousand ~~eight hundred (19,800)~~ **(25,000)** but less than ~~twenty-one~~ **twenty-nine** thousand ~~(21,000).~~ **(29,000).**

(B) The fiscal body of a town with a population of more than ~~nine~~ **ten** thousand ~~(9,000)~~ **(10,000)** but less than ~~twelve~~ **fourteen** thousand ~~five hundred (12,500).~~ **(14,000).**

(C) The fiscal body of a town with a population of more than five thousand (5,000) but less than ~~eight~~ **ten** thousand ~~(8,000).~~ **(10,000).**

(D) The fiscal body of a town with a population of less than one thousand five hundred (1,500).

(E) The fiscal body of a town with a population of more than two thousand two hundred (2,200) but less than five thousand (5,000).

(7) One (1) member appointed by the fiscal body of a town with a population of more than thirty thousand (30,000) located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(8) One (1) member who is jointly appointed by the following authorities of municipalities that are located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a city having a population of more than ~~twenty-five~~ **twenty-nine** thousand ~~(25,000)~~ **(29,000)** but less than ~~twenty-seven~~ **twenty-nine** thousand ~~(27,000).~~ **five hundred (29,500).**

(B) The executive of a city having a population of more than ~~thirteen~~ **twelve** thousand ~~nine~~ **five** hundred ~~(13,900)~~ **(12,500)** but less than ~~fourteen~~ **twelve** thousand ~~two~~ **seven** hundred ~~(14,200).~~ **(12,700).**

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(C) The fiscal body of a town having a population of more than one thousand five hundred (1,500) but less than two thousand two hundred (2,200).

(9) Three (3) members appointed by the fiscal body of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(10) One (1) member appointed by the county executive of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(11) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member. If more than one (1) labor organization represents the employees of the authority, each organization shall submit one (1) name to the governor, and the governor shall appoint the member from the list of names submitted by the organizations.

(12) The executive of a city with a population of more than ~~twenty-seven~~ **thirty-one** thousand ~~four~~ **seven** hundred ~~(27,400)~~ **twenty-five (31,725)** but less than ~~twenty-eight~~ **thirty-five** thousand ~~(28,000), located within a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000),~~ **(35,000),** or the executive's designee.

(13) The executive of a city with a population of more than ~~thirty-three~~ **thirty-six** thousand ~~(33,000)~~ **eight hundred twenty-five (36,825)** but less than ~~thirty-six~~ **forty** thousand ~~(36,000), located within a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000),~~ **(40,000),** or the executive's designee.

(14) One (1) member of the board of commissioners of a county, with a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000),~~ **(170,000),** appointed by the board of commissioners, or the member's designee.

(15) One (1) member appointed jointly by the township executive of the township containing the following towns:

(A) Chesterton.

(B) Porter.

(C) Burns Harbor.

(D) Dune Acres.

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The member appointed under this subdivision must be a resident of a town listed in this subdivision.

(16) One (1) member appointed jointly by the township executives of the following townships located in Porter County:

(A) Washington Township.
(B) Morgan Township.
(C) Pleasant Township.
(D) Boone Township.
(E) Union Township.
(F) Porter Township.
(G) Jackson Township.
(H) Liberty Township.
(I) Pine Township.

The member appointed under this subdivision must be a resident of a township listed in this subdivision.

If a county or city becomes a member of the authority under section 3.5 of this chapter, the executive of the county or city shall appoint one (1) member to serve on the board.

SECTION 227. IC 36-9-4-1, AS AMENDED BY P.L.182-2009(ss), SECTION 451, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to all municipalities. However, after December 31, 2009, this chapter does not apply to a municipality if it is located in a county that is a member of the northern Indiana regional transportation district established under IC 8-24 and has a population of:

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

(2) more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000).~~ **(170,000).**

SECTION 228. IC 36-9-4-13.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 13.5. (a) This section applies to a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000).~~ **(270,000).**

(b) The taxing district of a public transportation corporation under this section includes all the territory inside the corporate boundaries of the two (2) cities in the county having the largest populations and such suburban territory as provided in section 13 of this chapter.

(c) This section applies upon the adoption of substantially identical ordinances approving subsection (b) by both:

(1) the public transportation corporation incorporating the

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additional territory; and

(2) the legislative body of the city being added to the taxing district of the public transportation corporation.

(d) Whenever the city in the county having the second largest population becomes a part of the public transportation corporation, then two (2) additional directors representing that city shall be appointed to the board of directors of the corporation. The directors must be residents of that city and are entitled to all of the rights, privileges, powers, and duties of directors under this chapter. The executive and the legislative body of that city shall each appoint one (1) director. These two (2) directors must not be of the same political party. The director appointed by the legislative body shall serve for a term of one (1) year, and the director appointed by the executive shall serve for a term of two (2) years. Upon the expiration of the respective terms, successors shall be appointed in accordance with section 18 of this chapter.

(e) If the city in the county having the second largest population appropriates money to support the public transportation corporation in a particular year, and if the territory of that city subsequently becomes a part of the taxing district of the public transportation corporation in that year and is subject to a separate property tax levy for transportation services, the maximum permissible levy of that city for the year following the particular year used to compute the property tax levy limit under IC 6-1.1-18.5 is decreased, and the maximum permissible levy of the public transportation corporation for the particular year used to compute the property tax levy limit under IC 6-1.1-18.5 is increased, by an amount equivalent to the current contract amount to be paid by that city to the public transportation corporation for transportation services provided to that city in the particular year.

(f) The public transportation corporation shall establish a single property tax rate applicable to the taxing district of the public transportation corporation, including the territory of the city in the county having the second largest population that is included in the public transportation corporation under this section. The initial permissible levy to be raised by this rate equals the sum of the amount raised by the levy of the public transportation corporation in the previous taxable year plus an amount equivalent to the current contract amount to be paid in the calendar year 1982 by the city in the county having the second largest population to the public transportation corporation. The permissible levy for the subsequent years shall be computed in accordance with IC 6-1.1-18.5.

(g) If the city in the county having the second largest population is

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excluded from the public transportation corporation in a subsequent year, and that city is no longer subject to a separate property tax levy for transportation services, the maximum permissible levy of the public transportation corporation for that subsequent year used to compute the property tax levy limit under IC 6-1.1-18.5 is decreased, and the maximum permissible levy of that city for that subsequent year used to compute the property tax levy limit under IC 6-1.1-18.5 is increased, by the amount of the product of the public transportation property tax rate for that subsequent year multiplied by the assessed value in that subsequent year of all taxable property in that city that is excluded from the public transportation corporation.

SECTION 229. IC 36-9-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) A cumulative building fund to provide money for the construction, remodeling, and repair of courthouses may be established by the county legislative body under IC 6-1.1-41.

(b) As used in this section, "courthouse" includes a historical complex consisting of a former county courthouse, jail, and sheriff's residence which is open to the general public for educational or community purposes in a county having a population of more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000).~~ **(185,000).**

SECTION 230. IC 36-9-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter applies to the following:

(1) A second class city located in a county having a population of more than one hundred ~~ten~~ **eleven** thousand ~~(110,000)~~ **(111,000)** but less than one hundred fifteen thousand (115,000).

(2) Each municipality in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) in which the legislative body has adopted this chapter by ordinance.

(b) This chapter also applies to each second class city not in such a county in which the legislative body has adopted this chapter by ordinance.

(c) In addition, in a consolidated city, sections 9 through 38 of this chapter apply to the department of public works and the board of public works, subject to IC 36-3-4-23.

SECTION 231. IC 36-9-25-3, AS AMENDED BY P.L.17-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) A department of public sanitation is established as an executive department of the municipality. However,

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in the case of a district described in subsection (b)(2), the department is established as an executive department of each municipality in the district.

(b) The department is under the control of a board of sanitary commissioners, which is composed as follows:

(1) If the department is established under section 1(a) of this chapter, the board consists of not less than three (3) but not more than five (5) commissioners. All of the commissioners shall be appointed by the municipal executive, unless one (1) commissioner is the municipal engineer. Not more than two (2) of the commissioners may be of the same political party, unless the board consists of five (5) commissioners, in which case not more than three (3) may be of the same political party.

(2) Notwithstanding subdivision (1), if the department is established under section 1(a) of this chapter and the district contains at least one (1) city having a population of less than one hundred thousand (100,000) and at least one (1) town, the board consists of one (1) commissioner from each municipality in the district. The executive of each of those municipalities shall appoint one (1) commissioner. If after all appointments are made the board has fewer than five (5) commissioners, the executive of the municipality with the largest population shall appoint the number of additional commissioners needed to bring the total to five (5). Not more than three (3) of the commissioners may be of the same political party.

(3) If the department is established under section 1(b) of this chapter, the board consists of not less than three (3) commissioners but not more than five (5) commissioners. One (1) commissioner is the city civil engineer. All other commissioners shall be appointed by the city executive. Not more than two (2) of the commissioners may be of the same political party, unless the board consists of five (5) commissioners, in which case not more than three (3) of the commissioners may be of the same political party. However, if the department is located in a county having a population of:

(A) more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000);

(B) more than one hundred ~~ten~~ **eleven** thousand ~~(110,000)~~ **(111,000)** but less than one hundred fifteen thousand (115,000);

(C) more than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** but less than one hundred ~~seventy~~

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seventy-five thousand ~~(170,000);~~ **(175,000);** or

(D) more than one hundred ~~thirty~~ **twenty-five** thousand ~~(130,000)~~ **(125,000)** but less than one hundred ~~forty-five~~ **thirty-five** thousand ~~(145,000);~~ **(135,000);**

and the city does not have a city civil engineer, one (1) of the commissioners must be a licensed engineer, appointed by the executive, with at least five (5) years experience in civil or sanitary engineering. In addition, in such a city the commissioners may not hold another public office. Not more than two (2) of the commissioners may be of the same political party, unless the board consists of five (5) commissioners, in which case not more than three (3) of the commissioners may be of the same political party.

(c) Before beginning the commissioner's duties, each commissioner shall take and subscribe the usual oath of office. The oath shall be endorsed upon the certificate of appointment and filed with the municipal clerk.

(d) Each commissioner shall also execute a bond in the penal sum of five thousand dollars ($5,000) payable to the state and conditioned upon the faithful performance of the commissioner's duties and the faithful accounting for all money and property that comes under the commissioner's control. The bond must be approved by the municipal executive.

(e) The appointed commissioners are entitled to a salary of not less than three thousand six hundred dollars ($3,600) a year during actual construction and not less than six hundred dollars ($600) a year in other years.

(f) Notwithstanding IC 36-1-8-10, whenever this section requires that the membership of the board of sanitary commissioners not exceed a stated number of members from the same political party, at the time of appointment the appointee must:

(1) have voted in the two (2) most recent primary elections held by the party with which the appointee claims affiliation; or

(2) if the appointee did not vote in the two (2) most recent primary elections or only voted in one (1) of those elections, be certified as a member of the party with which the appointee claims affiliation by that party's county chairman for the county in which the appointee resides.

SECTION 232. IC 36-9-25-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. (a) This section applies to cities in a county having a population of more than one hundred ~~thirty~~ **twenty-five** thousand ~~(130,000)~~ **(125,000)** but less than

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one hundred ~~forty-five~~ **thirty-five** thousand ~~(145,000).~~ **(135,000).**

(b) The ordinance adopting this chapter must specify the purpose or purposes for which the district is established, which must be one (1) or more of the following:

(1) To provide for the collection, treatment, and disposal of sanitary sewage and other water-carried wastes of the district.

(2) To provide for the drainage of storm and surface water to relieve sanitary sewers of that water.

(3) To reduce the pollution of watercourses in the district.

(4) To provide for the collection and disposal of trash, garbage, and solid waste.

If not all of these purposes are listed in the ordinance, one (1) or more of the remaining purposes may, by subsequent ordinance, be added to the purposes of the district.

(c) After adoption of the ordinance, three (3) interim members of the board shall be appointed for terms until the January 1 following the adoption. On the January 1 following the adoption, members shall be appointed as provided in sections 3 and 4 of this chapter.

(d) Bonds of the district may not be sold without the prior approval of the city legislative body. In addition, the legislative body must approve all budgets and tax levies of the district.

SECTION 233. IC 36-9-25-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 39. (a) This section applies only to departments in a county having a population of:

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

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

(b) The board may secure temporary loans in anticipation of revenues of the district actually levied and in the course of collection for the fiscal year in which loans are made. The loans must be authorized by a resolution of the board, and the securities evidencing them shall be issued and sold in the same manner as tax anticipation warrants by second class cities in anticipation of property tax revenues as provided in IC 36-4-6-20. The temporary loans shall be evidenced by time warrants of the district in terms designating the nature of the consideration, the time or times payable, the funds and revenues in anticipation of which the warrants are issued and out of which they are payable, and the place where they are payable upon presentation on or after the date of maturity. The interest accruing on the warrants to date of maturity shall be included in their face value. The resolution

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authorizing the issue of the temporary loans must appropriate and pledge a sufficient amount of the current revenues in anticipation of which the warrants are issued for their payment.

SECTION 234. IC 36-9-30-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 21. (a) Except as provided in subsection (l), the fiscal body of the unit owning, operating, and maintaining facilities for the collection or disposal of solid waste may, by ordinance, establish and maintain just and equitable fees for the use of and the service rendered by the facilities.

(b) Except as provided in subsection (m), if the fiscal body of a unit has authorized the issuance of revenue bonds under this chapter, it shall, as long as the bonds are outstanding, establish and maintain fees with respect to the facilities for which the bonds are issued.

(c) The aggregate amount of the required fees must be sufficient to pay the cost of operation, repair, depreciation, and maintenance of the facilities, and to pay the sums required to be paid into the bond fund under this chapter.

(d) The ordinance may provide that the fees are payable:

(1) by either the users of the facilities, the owners of the property served by the facilities, or the unit; or

(2) by the users, owners, and the unit in the proportions fixed by the ordinance.

(e) Revenues collected under this section are considered revenues of the facilities.

(f) The fees may not be established until after a public hearing at which the users of the facilities, the owners of property served or to be served by the facilities, and other interested parties have an opportunity to be heard concerning the proposed fees and the provisions concerning payment of the fees.

(g) After introduction of the ordinance fixing the fees and providing for their payment, and before the ordinance is finally adopted, notice of the hearing, setting forth the proposed schedule of fees and the provisions concerning payment, shall be published in accordance with IC 5-3-1.

(h) After the hearing, which may be adjourned from time to time, the ordinance, as originally introduced or as amended, shall be passed and put into effect. A copy of the schedule of fees established shall be kept on file in the office of the board and in the office of the fiscal officer of the unit. The fee schedule is a public record.

(i) The fees or the provisions for their payment may be changed or readjusted in the manner by which they were originally established. However, if the change or readjustment is made substantially pro rata

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as to all classes of use or service, no hearing or notice is required.

(j) If:

(1) a user of the facilities; or

(2) an owner of property served by the facilities;

does not pay a fee within thirty (30) days after it is due, the amount of the fee, together with a penalty of ten percent (10%) and a reasonable attorney's fee, may be recovered by the unit in a civil action in the name of the unit.

(k) The unit is subject to the fees established under this chapter. The unit shall pay the fees when due. The payments are considered part of the revenues of the facilities.

(l) This subsection applies to a county having a population of more than ~~fifty~~ **fifty-seven** thousand ~~(50,000)~~ **(57,000)** but less than ~~fifty-five~~ **sixty** thousand ~~(55,000).~~ **(60,000).** The county executive owning, operating, and maintaining facilities for the collection or disposal of solid waste may, by ordinance, establish and maintain just and equitable fees for the use of and the service rendered by the facilities.

(m) If the fiscal body of a county that is subject to subsection (l) has authorized the issuance of revenue bonds under this chapter, the county executive shall, as long as the bonds are outstanding, establish and maintain fees with respect to the facilities for which the bonds are issued.

SECTION 235. IC 36-10-3-11.5, AS ADDED BY P.L.220-2011, SECTION 684, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11.5. (a) This section applies to ~~a~~ **the** city ~~having a population of more than thirty-five thousand (35,000) but less than thirty-seven thousand (37,000) in a county having a population of more than sixty-four thousand (64,000) but less than sixty-five thousand (65,000). Population references in this subsection are references to population as determined by the 1990 decennial census.~~ **of New Albany.**

(b) The operation of city owned buildings or grounds operated as a golf course by a nonprofit corporation before July 1, 1995, without a lease from the city, or under a lease that was not open to public bid to lease the buildings or grounds, is legalized and validated.

SECTION 236. IC 36-10-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. (a) This section applies whenever a district is extended under section 5 of this chapter and such district is not located in a county having a population of more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000).~~ **(185,000).**

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(b) After the district is extended under section 5 of this chapter, the board consists of five (5) commissioners. Two (2) commissioners shall be appointed by the city executive, two (2) commissioners shall be appointed by the county executive of the county in which the city is located, and one (1) commissioner shall be appointed by a majority vote of the presidents of the school boards of the school corporations in the county in which the city is located. The commissioners appointed by the county executive must be residents of the area of the district outside the corporate boundaries of the city. The commissioners appointed by the county executive may not be members of the same political party, and the commissioners appointed by the city executive may not be **members** of the same political party.

(c) A commissioner of an extended district may hold office for an unlimited number of terms.

(d) After the initial terms have expired, all of the commissioners after the extension of the district shall be appointed for terms of four (4) years, beginning on January 1. The terms of office of the three (3) commissioners in office at the time of the extension terminate January 1, and the terms of office of the new commissioners begin January 1. The city executive shall appoint one (1) commissioner for an initial term of two (2) years and one (1) for an initial term of four (4) years. The county executive shall appoint two (2) commissioners, one (1) commissioner for an initial term of two (2) years and the other commissioner for an initial term of four (4) years. The presidents of the school boards shall appoint one (1) commissioner for an initial term of four (4) years.

(e) A vacancy in the office of a commissioner shall be filled for the remainder of the term by the appointing authority.

SECTION 237. IC 36-10-4-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6.1. (a) This section applies whenever a district is extended under section 5 of this chapter and such district is located in a county having a population of more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000).~~ **(185,000).**

(b) After the district is extended under section 5 of this chapter, the board consists of five (5) commissioners. Three (3) commissioners shall be appointed by the city executive, and two (2) commissioners shall be appointed by the county executive of the county in which the city is located. The commissioners appointed by the county executive must be residents of the areas of the district outside the corporate boundaries of the city. No more than two (2) of the three (3)

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commissioners appointed by the city executive may be members of the same political party, and the commissioners appointed by the county executive may not be **members** of the same political party.

(c) A commissioner of an extended district may hold office for an unlimited number of terms.

(d) All commissioners after the extension of the district shall be appointed for terms of four (4) years, beginning on January 1. The three (3) commissioners whose terms of office have not expired continue in office and are considered appointees of the city executive until the expiration of the four (4) year terms for which they each were originally appointed. The county executive shall appoint two (2) commissioners, one for a term of two (2) years and the other for a term of four (4) years. As the term of each commissioner expires, a new commissioner shall be appointed for a term of four (4) years so that at all times the board consists of three (3) commissioners appointed by the city executive and two (2) commissioners appointed by the county executive.

(e) A vacancy in the office of a commissioner shall be filled for the remainder of the term by the appointing authority.

SECTION 238. IC 36-10-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) This section applies to: ~~municipalities having a population of less than thirty-five thousand (35,000),~~

(1) third class cities and towns, unless otherwise provided by law; **and**

(2) each second class city that:

(A) adopted second class city status by ordinance under IC 36-4-1-1.1, as a result of the 2010 federal decennial census; and

(B) has adopted all or part of this section by ordinance or resolution.

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

(1) the municipal legislative body; **or**

(2) ~~However,~~ **any of the following designated by** the legislative body ~~may designate the~~ **as the park authority:**

(A) The governing body of the school corporation.

(B) A recreation board.

(C) The municipal works board. ~~or~~

(D) Any other appropriate board or commission. ~~as the park authority.~~

(c) If a recreation board is established under subsection ~~(b),~~ **(b)(2)(B),** it must consist of five (5) resident freeholders appointed by

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

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

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

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

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

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

(g) The legislative body of the municipality may also levy a tax on all taxable property in the municipality to pay for park property and for its improvement. The legislative body may also borrow money and issue the bonds of the municipality at any rate of interest payable annually or semiannually and may sell them for at least par value. The money derived from the sale of bonds may be used only for the purchase or improvement of parks. The legislative body shall annually

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levy a tax sufficient to pay the interest on the debt on all taxable property in the municipality to create a sinking fund for the liquidation of the principal of the debt.

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

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

SECTION 239. IC 36-10-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) This section applies to a municipality that:

(1) has a population of more than twenty-five thousand (25,000); and

(2) is located in a county having a population of more than ~~one~~ **two** hundred ~~eighty~~ **seventy** thousand ~~(180,000)~~ **(270,000)** but less than ~~one~~ **three** hundred ~~eighty-two~~ thousand ~~seven hundred ninety (182,790).~~ **(300,000).**

(b) A municipal board consists of four (4) members appointed by the executive of the municipality. A member shall be appointed on the basis of the member's interest in and knowledge of parks and recreation. The members may include the executive of the municipality and one (1) or more members of the municipal fiscal body. The

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ordinance creating a municipal board governed by this section may provide for one (1) or two (2) ex officio members.

SECTION 240. IC 36-10-7-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) This section applies to the township having the largest population in a county having a population of:

(1) more than ~~seventy-three~~ **seventy** thousand ~~(73,000)~~ **fifty (70,050)** but less than ~~seventy-four~~ **seventy-one** thousand ~~(74,000);~~ **(71,000);** or

(2) more than ~~one~~ **two** hundred ~~eighty~~ **seventy** thousand ~~(180,000)~~ **(270,000)** but less than ~~one~~ **three** hundred ~~eighty-two~~ thousand ~~seven hundred ninety (182,790).~~ **(300,000).**

(b) Notwithstanding IC 36-10-7.5-5, the department of parks and recreation of a township described in subsection (a) consists of four (4) members appointed by the township executive on the basis of the members' interest in and knowledge of parks and recreation. The members of a board governed by this section may include any of the following:

(1) The township executive.

(2) One (1) or more members of the township board.

(3) Any other persons residing in the township.

SECTION 241. IC 36-10-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to the two (2) cities having the largest populations in a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000).~~ **(270,000).**

SECTION 242. IC 36-10-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a city having a population of more than ~~ninety~~ **eighty** thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty** thousand ~~(105,000).~~ **four hundred (80,400).**

SECTION 243. IC 36-10-13-4, AS ADDED BY P.L.1-2005, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) This section does not apply to a school corporation in a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000).~~ **(270,000).**

(b) The governing body of a school corporation may annually appropriate, from the school corporation's general fund, a sum of not more than five-tenths of one cent ($0.005) on each one hundred dollars ($100) of assessed valuation in the school corporation to be paid to a

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historical society, subject to section 6 of this chapter.

SECTION 244. IC 36-10-13-5, AS AMENDED BY P.L.146-2008, SECTION 798, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) This section applies only to a school corporation in a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000).~~ **(270,000).**

(b) To provide funding for a historical society under this section, the governing body of a school corporation may impose a tax of not more than five-tenths of one cent ($0.005) on each one hundred dollars ($100) of assessed valuation in the school corporation.

(c) The school corporation shall deposit the proceeds of the tax in a fund to be known as the historical society fund. The historical society fund is separate and distinct from the school corporation's general fund and may be used only to provide funds for a historical society under this section.

(d) Subject to section 6 of this chapter, the governing body of the school corporation may annually appropriate the money in the fund to be paid in semiannual installments to a historical society having facilities in the county.

SECTION 245. IC 36-10-13-7, AS AMENDED BY P.L.146-2008, SECTION 799, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) This section applies to school corporations in a county containing a city having a population of:

(1) more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000);

(2) more than one hundred ~~twenty~~ **ten** thousand ~~(120,000)~~ **(110,000)** but less than one hundred fifty thousand (150,000);

(3) more than ~~ninety~~ **eighty** thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty** thousand ~~(105,000);~~ **four hundred (80,400);**

(4) more than one hundred ~~five~~ thousand ~~(105,000)~~ **(100,000)** but less than one hundred ~~twenty~~ **ten** thousand ~~(120,000);~~ **(110,000);** or

(5) more than ~~seventy-five~~ **eighty** thousand ~~(75,000)~~ **five hundred (80,500)** but less than ~~ninety~~ **one hundred** thousand ~~(90,000).~~ **(100,000).**

(b) To provide funding for an art association under this section, the governing body of a school corporation may impose a tax of not more than five-tenths of one cent ($0.005) on each one hundred dollars ($100) of assessed valuation in the school corporation.

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(c) The school corporation shall deposit the proceeds of the tax imposed under subsection (b) in a fund to be known as the art association fund. The art association fund is separate and distinct from the school corporation's general fund and may be used only to provide funds for an art association under this section. The governing body of the school corporation may annually appropriate the money in the fund to be paid in semiannual installments to an art association having facilities in a city that is described in subsection (a), subject to subsection (d).

(d) Before an art association may receive payments under this section, the association's governing board must adopt a resolution that entitles:

(1) the governing body of the school corporation to appoint the school corporation's superintendent and director of art instruction as visitors who may attend all meetings of the association's governing board;

(2) the governing body of the school corporation to nominate individuals for membership on the association's governing board, with at least two (2) of the nominees to be elected;

(3) the school corporation to use the association's facilities and equipment for educational purposes consistent with the association's purposes;

(4) the students and teachers of the school corporation to tour the association's museum and galleries free of charge;

(5) the school corporation to borrow materials from the association for temporary exhibit in the schools;

(6) the teachers of the school corporation to receive normal instruction in the fine and applied arts at half the regular rates charged by the association; and

(7) the school corporation to expect exhibits in the association's museum that will supplement the work of the students and teachers of the corporation.

A copy of the resolution, certified by the president and secretary of the association, must be filed in the office of the school corporation before payments may be received.

(e) A resolution filed under subsection (d) is not required to be renewed annually. The resolution continues in effect until rescinded. An art association that complies with this section is entitled to continue to receive payments under this section as long as the art association complies with the resolution.

(f) If more than one (1) art association in a city that is described in subsection (a) qualifies to receive payments under this section, the

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governing body of the school corporation shall select the one (1) art association best qualified to perform the services described in subsection (d). A school corporation may select only one (1) art association to receive payments under this section.

SECTION 246. IC 36-11-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) Except as provided in subsection (b), the governing body may determine and impose rates and charges of the district based on the following:

(1) A flat charge for each system.

(2) Variable charges based on the capacity of a system.

(3) Other factors that the governing body determines are necessary to establish just and equitable rates and charges.

(b) In:

(1) a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and

(2) a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000);~~ **(270,000);**

rates and charges may be imposed or changed under this chapter only after approval by the county legislative body.

SECTION 247. IC 36-12-1-13, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 13. A township trustee of a township that is:

(1) located in a county having a population of more than ~~thirty-three~~ **thirty-four** thousand ~~six~~ **three** hundred ~~(33,600)~~ **(34,300)** but less than ~~thirty-three~~ **thirty-five** thousand ~~eight hundred (33,800);~~ **(35,000);** and

(2) not served by a public library;

may pay the cost of a library card at the nearest library for a resident of the township upon request of the resident.

SECTION 248. IC 36-12-2-11, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. (a) This section applies to the appointment of members to the library board of a public library serving a library district that is located in one (1) county and:

(1) has been established by a county or merged into a county public library;

(2) results from the merger of a public library into a county public library under IC 36-12-4;

(3) is located in part or all of two (2) or more townships and is not entirely located within the boundaries of one (1) municipality; or

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(4) is located in part or all of two (2) or more municipalities.

(b) Subject to subsection (c), in a public library described in subsection (a), the appointments under section 9(4) and 9(5) of this chapter shall be made as follows:

(1) One (1) member appointed by the executive of the county in which the library district is located.

(2) One (1) member appointed by the fiscal body of the county in which the library district is located.

(c) This subsection applies to a county containing only two (2) Class 1 public libraries and having a population of more than one hundred ~~thirty~~ **twenty-five** thousand ~~(130,000)~~ **(125,000)** but less than one hundred ~~forty-five~~ **thirty-five** thousand ~~(145,000),~~ **(135,000),** or more than one hundred ~~forty-eight~~ **fifty** thousand ~~(148,000)~~ **(150,000)** but less than one hundred seventy thousand (170,000). In a public library that is the result of a merger occurring after December 31, 1979, between a public library and a county contractual public library, the appointments under section 9(4) and 9(5) of this chapter shall be made as follows:

(1) One (1) member appointed by the executive of the municipality in which the principal administrative offices of the public library are located.

(2) One (1) member appointed by the legislative body of the municipality in which the principal administrative offices of the public library are located.

SECTION 249. IC 36-12-2-15, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15. (a) This section applies to the library board of a library district:

(1) located in a county having a population of more than ~~fifty-five~~ **seventy** thousand ~~(55,000)~~ **(70,000)** but less than ~~sixty-five~~ **seventy** thousand ~~(65,000);~~ **fifty (70,050);** and

(2) containing all or part of the territory of each school corporation in the county.

(b) Notwithstanding section 9 of this chapter, the library board has the following members:

(1) One (1) member appointed by the executive of the county in which the library district is located and who is not a member of the county executive.

(2) One (1) member appointed by the fiscal body of the county in which the library district is located and who is not a member of the county fiscal body.

(3) One (1) member appointed by the legislative body of the most

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populous city in the library district and who is not a member of the city legislative body.

(4) One (1) member appointed by the school board of each school corporation having territory in the library district and who is not a member of a governing body of a school corporation.

(c) An individual who is appointed under subsection (b) to serve as a member of a library board must, before March 1 of each year, report to the member's appointing authority concerning the work of the library board and finances of the library during the preceding calendar year, including the rate of taxation determined under IC 36-12-3-12.

SECTION 250. IC 36-12-3-8, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. (a) This section applies to municipal corporations located in a county having a population of more than ~~thirty-six~~ **thirty-five** thousand ~~seventy-five (36,075)~~ **(35,000)** but less than thirty-seven thousand (37,000).

(b) A municipal corporation receiving library service under section 7 of this chapter shall:

(1) levy a tax sufficient to meet the amount of compensation agreed on under the contract; or

(2) make the contract payments with revenue derived from a tax being imposed before the contract is approved by the municipal corporation, including the part of local income tax revenue that is not required to be dedicated to providing property tax relief.

(c) A library board providing service shall expend all funds received under a contract for library services chargeable to the contract.

SECTION 251. IC 36-12-7-8, AS AMENDED BY P.L.1-2010, SECTION 155, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. (a) As used in this section:

(1) "county fiscal body" means the fiscal body of a county in which a private donation library is located;

(2) "library board" means a library board established under IC 20-14 (before its repeal) or this article in a county in which a private donation library is located; and

(3) "private donation library" means a public library:

(A) established by private donation;

(B) located in a city having a population of more than one hundred ~~twenty~~ **ten** thousand ~~(120,000)~~ **(110,000)** but less than one hundred fifty thousand (150,000);

(C) that contains at least twenty-five thousand (25,000) volumes;

(D) that has real property valued at at least one hundred

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thousand dollars ($100,000); and

(E) that is open and free to the residents of the city.

(b) The library board shall:

(1) levy a tax under IC 6-1.1 in an amount not less than sixty-seven hundredths of one cent ($0.0067) and not more than one and sixty-seven hundredths cents ($0.0167) on each one hundred dollars ($100) of the assessed valuation of all the real and personal property in the county;

(2) keep the tax levied under subdivision (1) separate from all other funds of the library board; and

(3) use the tax levied under subdivision (1):

(A) if the membership of the trustees of the private donation library includes at least one (1) member or appointee of the library board and at least one (1) appointee of the county fiscal body, for distributions of the full amounts of the tax received to the trustees of the private donation library at the time the tax is received by the library board; or

(B) if the membership of the trustees of the private donation library does not include at least one (1) member or appointee of the library board and at least one (1) appointee of the county fiscal body, at the discretion of the library board for:

(i) library board purposes; or

(ii) quarterly distributions to the trustees of the private donation library.

(c) If requested by the trustees of the private donation library, the library board shall designate a member of the library board or appoint an individual to serve as a trustee of the private donation library. If requested by the trustees of the private donation library, the county fiscal body shall appoint an individual to serve as a trustee of the private donation library.

(d) The trustees of the private donation library shall annually submit a budget to the library board.

(e) The trustees of the private donation library shall expend amounts received under subsection (b)(3)(A) or (b)(3)(B)(ii) for the support, operation, and maintenance of the private donation library. The trustees shall:

(1) keep the money separate from all other funds;

(2) record:

(A) the amount of money received;

(B) to whom and when the money is paid out; and

(C) for what purpose the money is used;

in a book kept by the trustees; and

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(3) make an annual report of the matters referred to in subdivision (2) to the library board.

(f) For purposes of the property tax levy limits under IC 6-1.1-18.5, the tax levied by the library board under subsection (b)(1) is not included in the calculation of the maximum permissible property tax levy for the public library.

SECTION 252. **An emergency is declared for this act.**

Copy

President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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