

### **IC 1-1-3.5**

Chapter 3.5. Political Subdivisions Classified by Population;  
Effective Date of Decennial Census

#### **IC 1-1-3.5-1**

##### **Repealed**

*(Repealed by P.L.1-1988, SEC.10.)*

#### **IC 1-1-3.5-1.5**

##### **"Corrected population count"**

Sec. 1.5. As used in this chapter, "corrected population count" means a certification of census population count for a political subdivision that:

- (1) is issued by the Bureau of the Census after the tabulation of population of Indiana in the federal decennial census has been reported to the governor by the United States Secretary of Commerce under 13 U.S.C. 141(c);
- (2) is issued:
  - (A) to correct an error in the enumeration of persons residing in the political subdivision on the date of the federal decennial census or federal special census; or
  - (B) to provide a population count for a municipality incorporated following the most recent federal decennial census; and
- (3) supersedes any previous tabulation of population reported for the political subdivision in the federal decennial census or federal special census.

The term does not include a statistical adjustment made in the tabulation of population by the Bureau of the Census to compensate for a predicted undercount or overcount in a federal decennial census or federal special census.

*As added by P.L.1-1988, SEC.1.*

#### **IC 1-1-3.5-2**

##### **Definitions**

Sec. 2. (a) As used in this chapter, "federal decennial census" means a United States decennial census of population conducted under 13 U.S.C. 141.

(b) As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13. The term does not include congressional districts, state legislative districts, local office election districts, or school board office election districts.

*As added by Acts 1981, P.L.1, SEC.1. Amended by P.L.1-1988, SEC.2.*

#### **IC 1-1-3.5-2.5**

##### **Special tabulation**

Sec. 2.5. As used in this chapter, "special tabulation" means a certification of the census population count for a political subdivision that:

- (1) is issued by the Bureau of the Census:
  - (A) at the request of a political subdivision; and
  - (B) after the tabulation of population of Indiana in the federal decennial census has been reported to the governor by the United States Secretary of Commerce under 13 U.S.C. 141(c); and
- (2) indicates the census count population for the political subdivision that would have been reported under subdivision (1) if individuals residing in territory:
  - (A) not located within the political subdivision according to the Boundary and Annexation Survey used as the basis for the tabulation of population reported under subdivision (1); and
  - (B) located within the political subdivision after the tabulation of population reported under subdivision (1);had been included in the tabulation of population of the political subdivision reported to the governor by the United States Secretary of Commerce.

*As added by P.L.2-1990, SEC.1.*

### **IC 1-1-3.5-3**

#### **Use of census data in Indiana statutes**

Sec. 3. (a) For purposes of the statutes described in section 5(c) of this chapter, a reference to population is a reference to population as determined by the most recent of the following:

- (1) Federal decennial census.
- (2) Federal special census.
- (3) Special tabulation.
- (4) Corrected population count.

(b) For purposes of statutes relating to drawing boundaries of county executive districts, county fiscal body districts, municipal legislative body districts, or the districts of any other political subdivision, a reference to population is a reference to population as determined by the most recent of the following:

- (1) Federal decennial census.
- (2) Federal special census.
- (3) Special tabulation.
- (4) Corrected population count.

(c) For purposes of a noncode statute, a reference to population is the population determined by the most recent federal decennial census in effect before the passage of the statute, unless the population description in the statute is changed by subsequent legislation.

(d) For purposes of statutes not described in subsection (a), (b), or (c), a reference to population is the population determined by the most recent federal decennial census in effect, unless the statute specifically provides otherwise.

(e) This subsection applies to a political subdivision located in more than one (1) county. If a political subdivision is described in a statute by reference to the county in which the political subdivision

is located, the reference is to the county that contains a majority of the population of the political subdivision.

(f) The effective date of each:

- (1) federal decennial census;
- (2) federal special census;
- (3) special tabulation; or
- (4) corrected population count;

is April 1 of the calendar year following the year in which the tabulation of population or corrected population count is delivered to the state by the United States Secretary of Commerce under 13 U.S.C. 141 and received by the governor.

(g) Promptly upon receiving the tabulation of population or corrected population count, the governor shall issue an executive order:

- (1) evidencing the date of receipt; and
- (2) noting that the effective date of the tabulation of population or corrected population count for purposes of any statute described in this section is April 1 of the following year.

*As added by Acts 1981, P.L.1, SEC.1. Amended by P.L.1-1988, SEC.3; P.L.2-1990, SEC.2; P.L.170-2002, SEC.1; P.L.66-2003, SEC.1.*

#### **IC 1-1-3.5-4**

##### **Repealed**

*(Repealed by P.L.3-1987, SEC.570.)*

#### **IC 1-1-3.5-5**

##### **Notification of effective date of tabulation of population**

Sec. 5. (a) The governor shall forward a copy of the executive order issued under section 3 of this chapter to:

- (1) the director of the Indiana state library;
- (2) the election division; and
- (3) the Indiana Register.

(b) The director of the Indiana state library, or an employee of the Indiana state library designated by the director to supervise a state data center established under IC 4-23-7.1, shall notify each state agency using population counts as a basis for the distribution of funds or services of the effective date of the tabulation of population or corrected population count.

(c) The agencies that the director of the Indiana state library must notify under subsection (b) include the following:

- (1) The auditor of state, for distribution of money from the following:
  - (A) The cigarette tax fund in accordance with IC 6-7-1-30.1.
  - (B) Excise tax revenue allocated under IC 7.1-4-7-8.
  - (C) The local road and street account in accordance with IC 8-14-2-4.
- (2) The board of trustees of Ivy Tech Community College for the board's division of Indiana into service regions under IC 21-22-6-1.

(3) The division of disability and rehabilitative services, for establishing priorities for community residential facilities under IC 12-11-1.1 and IC 12-28-4-12.

(4) The department of state revenue, for distribution of money from the motor vehicle highway account fund under IC 8-14-1-3.

(5) The Indiana economic development corporation, for the evaluation of enterprise zone applications under IC 5-28-15.

(6) The alcohol and tobacco commission, for the issuance of permits under IC 7.1.

(7) The Indiana library and historical board, for distribution of money to eligible public library districts under IC 4-23-7.1-29.

(8) The state board of accounts, for calculating the state share of salaries paid under IC 33-38-5, IC 33-39-6, and IC 33-41-2.

*As added by P.L.2-1990, SEC.3. Amended by P.L.2-1992, SEC.25; P.L.2-1993, SEC.30; P.L.4-1993, SEC.1; P.L.5-1993, SEC.1; P.L.5-1995, SEC.1; P.L.6-1995, SEC.1; P.L.3-1997, SEC.1; P.L.272-1999, SEC.1; P.L.204-2001, SEC.1; P.L.98-2004, SEC.24; P.L.4-2005, SEC.1; P.L.127-2005, SEC.1; P.L.141-2006, SEC.1; P.L.2-2007, SEC.1; P.L.1-2009, SEC.1.*

#### **IC 1-1-3.5-6**

##### **Repealed**

*(Repealed by P.L.170-2002, SEC.178.)*